Fitness to Practise (FtP) Procedure

1 Introduction

1.1 This is the procedure to be followed in regard to the professional programmes offered by The Open University where the regulatory bodies involved require the University to say that the student is not only academically qualified to practise, but also suitable or fit to practise in that profession. The procedure does not replace The Open University Code of Practice for Student Discipline, but is additional to it.

1.2 The purpose of this document is to set out how The Open University fulfils its responsibility with respect to students’ professional suitability or fitness to practise for training/education and registration with the respective regulatory body. It covers student support and management from the point at which initial concerns may arise, through the formal stages of risk assessment, to preparation for and conduct of a formal review meeting, and post-meeting actions and the student’s right of appeal.

1.3 It aims to be thorough and fair to service users/patients/clients/carers ¹, students and sponsoring agencies and employers, as well as meeting the UK Quality Code for Higher Education, published by the Quality Assurance Agency for Higher Education (QAA), Chapters B9 (Academic Appeals and Student Complaints), and B10 (managing education provision with others). Chapter B10 places the responsibility for determining suitability and fitness to practise at the end of academic study with the university.

2 Background

2.1 There are currently three programmes where professional registration is required in order for a person to practise; Social Work, Nursing and Non-Medical Prescribing. Please see the relevant annex at the end of this procedure for a list of the qualifications in each programme covered by this requirement. Previously, each programme had their own procedures for determining suitability or fitness to practise. All cases that are initiated after 1 October 2014 should use this procedure, and all Professional Conduct Panels that are convened after this date should use the procedure and timetables outlined in this procedure.

2.2 Roles in these professions are challenging and entail a high degree of responsibility as well as the ability to work safely with individuals and groups in vulnerable situations. The regulatory bodies have introduced codes of practice which set out the standards for professional conduct and practice, and all professional practitioners within the

¹ Different professional programmes use different terms, but this procedure is intended to be fair to all those that the student will come into contact with.

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respective discipline are required to uphold those standards absolutely. The relevant
codes of practice are detailed in the annexes at the end of this procedure.

2.3 The University is required to ensure that students on all three professional programmes
are fit to practise, but the mechanism by which this happens varies. For social work,
students in Wales and Scotland register as students with Social Care Wales and
Scottish Social Services Council respectively at the point they commence their studies;
in England they become eligible to be registered with the Health and Care Professions
Council at the point of qualification. For nursing, the University makes a judgement of
health and good character of applications prior to registration and signs a declaration of
the same, as well as uploading success data to the Nursing and Midwifery Council
(NMC) on successful completion of the programme. As a requirement for enrolment all
students on the Non-Medical Prescribing programme are registrants of the appropriate
professional regulator – General Pharmaceutical Council – GPhC, HCPC or NMC. In
applying for registration as a student with the University, the student agrees to abide by
the relevant code of practice, as detailed in Annexes A to E at the end of this
document. Failure to meet these standards or otherwise being found to be unsuitable in
terms of conduct, character and/or health can lead to either the relevant regulatory
body withdrawing registration as a student, or the University not recommending them
for registration.

2.4 Universities are responsible for making decisions about students’ suitability to enrol on
and remain on professional programmes as well as their suitability or fitness to practise
as a professional at the end of their programme. For this reason, it is essential that
students and their sponsors or employers (if applicable) share full and up-to-date
information about any conduct which causes concern. It is important to draw a
distinction between academic competence and suitability or fitness to practise; a
student may have excelled in their academic studies but may be deemed unsuitable or
unfit to practise if they are considered not to be professionally competent, or unsuitable
for health reasons, or their conduct is not compatible with the code of practice of the
regulatory body (see paragraph 4.2).

3 Initial relationships

3.1 It is a condition of acceptance on the Social Work, Nursing and Non-Medical
Prescribing programmes that the student is either supported by, or employed by, a
recognised employer, and the employer signs a Collaboration Agreement or
partnership agreement for each student or cohort of students they register. These
agreements should make it clear that employers and sponsors have agreed, without
prejudice to their right to deal with employment matters under their normal procedures,
that FtP issues arising in connection with work placements or other employment related
matters affecting their continuation on the programme, will be dealt with under these
procedures. They should also include an agreement that all parties will share
information about issues relating to the student’s conduct which might affect their
professional suitability or fitness to practise, and share the relevant evidence which
may be needed by the University for this Fitness to Practise procedure. Such an
agreement should negate any concerns about data protection issues, as the student
must also be made aware of this requirement.
3.2 Employers, sponsors and providers of practice learning opportunities should also be provided with a copy of this procedure, and agree to the University’s approach to suitability and fitness to practise. They should be made aware that if a cause of concern arises in the course of practice, they should inform the University immediately, as well as, or in parallel with, invoking their own procedures. It should be understood that this is not primarily intended as a punitive process, but as an approach to managing students and their behaviour in order for them to become competent and trusted members of their chosen profession and exemplary employees.

3.3 The student also agrees, as part of their Registration agreement for the programme, that information about them can be shared between the employer and the University, and that they have a personal responsibility to inform the programme about any conduct issue (see paragraph 4.2). This should be reinforced in the module material and/or Practice Learning Guide, so that they are fully aware of the expectations that the University and relevant regulatory bodies have of them.

4 Student support and management

4.1 In seeking to be fair to service users/patients/clients/carers, students, and sponsoring agencies and employers, it is important that any concerns about a student’s suitability or fitness to practise are raised promptly, and that they are investigated and assessed quickly, fairly and systematically. It should be emphasised that the first stage is to investigate whether there is a prima facie cause for concern, and if so, whether it is of such seriousness that the Fitness to Practise procedure should be invoked, or whether the concerns can be addressed by supporting and managing the student. It is expected that the cases that proceed to a full Fitness to Practise procedure will be in a minority, and the majority will be dealt with by student support and management. Overall consideration of FtP issues should take into account the level and experience of the student and the reasonable expectations of them at that point in their development. Consequently, a different approach may be taken towards an issue when a student has only recently commenced studies as against a student who is about to complete their studies.

4.2 Examples of behaviours which might give rise to concerns include the following (but are not exhaustive):

4.2.1. Character:

- a conviction or caution – fraud, theft, violence, sexual offence, drug dealing or drunkenness
- serious cases of accessing illegal material from the internet
- dishonesty, including falsifying study or practice records
- serious or repeated instances of plagiarism could be considered to have implications for professional practise if it is found to be indicative of dishonesty or lack of integrity
- serious inappropriate use of social media
4.2.2. Serious ill health:

- long-term, untreated or unacknowledged physical or mental health conditions that would impede practice
- long-term untreated alcohol or drug dependence
- unmanaged serious mental illness

4.2.3. Misconduct

- physical or verbal abuse of patients/service users/carers, colleagues or members of the public
- theft whilst working
- significant failure to deliver adequate care
- significant failure to keep proper records\(^2\)

4.2.4. Lack of competence

- lack of skill or knowledge
- poor judgement, including a failure to understand where their practice has fallen below expected standards
- inability to work as part of a team
- difficulty or failure to communicate with colleagues or people in their care

5 When concerns arise – investigation stage

5.1 Issues can be raised by employers or sponsors, the providers of a practice learning experience, tutors, another part of the University, the student themselves, a service user, or another external source. The issue might arise from concerns about the student’s health or behaviour, their competence, an incident or behaviour during practice or external to their studies or practice, or behaviour in a social context including on social media (internally or externally) or forums.

5.2 The concern must be noted on VOICE (the University’s customer relationship management system), with the details of the member of staff who has been designated by the faculty or programme to be responsible for investigating the concern. Who the designated member is will vary from programme to programme, but having undertaken the investigation they will not be able to be involved in later decision-making processes. In order to avoid prejudice to the student no other details should be logged on VOICE at this stage.

5.3 The designated member of staff should contact all appropriate parties and gather relevant information and carry out a formal risk assessment. (see Risk Assessment Form attached at Annex F). Please note: the purpose is to collect evidence in relation only to the concern raised and at no point should a wider exploration be undertaken. The student should be informed in writing that there is a concern, the reason for the concern, and be given the opportunity to respond to the concern. They should also be

\(^2\) The risk assessment will determine whether a failure is significant in the context of fitness to practise.
informed when they can expect to hear the outcome of the investigation. Should it become clear in the course of the investigation that longer than 10 working days is required to complete the investigation, the student should be informed when they can expect to receive a decision.

5.4 Suspension pending the outcome of proceedings

a. It may be necessary to suspend the student pending the outcome of this procedure. The Conditions of Registration, state “The Open University may impose conditions on your study or vary the terms on which you study and your access to services and facilities, notwithstanding anything in this agreement or the rules, regulations, policies and procedures if, in the opinion of the University, it is reasonably necessary to do so in order to comply with its duties to protect the health and safety of students, staff, contractors and members of the public, its duties with respect to the safeguarding of young persons or vulnerable adults, in order to comply with its obligations under the Equalities Act 2010 or in order to comply with any other statutory duty or obligation.”

b. An employer, sponsor or practice learning opportunity provider may suspend a student from practice only, in accordance with any rules or regulations applicable to that practice environment. The employer, sponsor or practice learning opportunity provider must inform the University of any such suspension as soon as practicable and the reasons for the suspension.

c. If a concern has arisen as the result of, or which involves, a criminal investigation by the police or other investigating authority this does not necessarily mean that a student should be suspended from practice or study. A decision has to be made as to whether the matter is serious enough to warrant suspension. In such a case, further action under this procedure may need to be deferred until any criminal proceedings have been completed. If the student has been suspended, this must be reviewed regularly, as cases may be referred to the Crown Prosecution Service or Procurator Fiscal, but a later decision made not to proceed.

d. A student may only be suspended from their studies, pending a fitness to practise investigation by an authorised executive authority of the University, which for these purposes would include an Associate Dean, a Programme Director or Head of the relevant programme, the Director of Academic Policy and Governance or the Director of Academic Services.

e. If a student is suspended from practice under paragraph (a), (b) or (c) above this does not necessarily mean that they should be suspended from continuing as a student of the University. While they may not be able to continue with practice-related elements of their study pending an investigation, they may be able to continue with other study. If it is decided to suspend the student from all study with the University, the grounds on which this decision is made must clearly state why the student cannot continue with their other studies.

f. If the student remains suspended from practice and/or study at the point at which a module would normally have been completed, and as a result of that suspension has not had a sufficient opportunity to demonstrate the learning outcomes of that module, it will be extended until the case is concluded. This may be achieved by pending the module result or by deferral, as appropriate.
5.5 Within 10 working days, the designated member of staff should meet with the Module Chair and at least one other member of senior academic staff \(^3\), who will form an Investigation Panel, to determine whether it has been established that there is a cause of concern, and if so, whether the concern is sufficiently material to warrant further action. If, at any point in the investigation, the designated member of staff decides that there is no substance to the referral, e.g. the allegation is trivial, it is a malicious allegation that is untrue, or is mistaken, then the Module Chair should be informed, and following his or her agreement, the matter will be dismissed, the student informed and no record will be kept. Any decision made about whether the concern is sufficiently material as to be significant will be responsibility of the Module Chair and other senior member of staff. It is an important matter of principle that the designated member of staff can only make a recommendation, which should be documented; they cannot be part of the decision-making process.

5.6 If the concern is not established or is not considered to be sufficiently material to warrant further action, the matter will be dismissed, the student will be informed and no record will be kept. If it is considered to be material and significant, then one of the actions detailed in paras 5.9 to 5.12 below will apply.

5.7 The sequence of consideration is as follows:

- The concern is established and is considered to be material.
- A decision is made as to whether or not it is considered to have a significant impact on the student’s ability to continue with their studies on the programme.
- If the impact is not considered to be significant, the student should be informed that either there will be no further action under this procedure, or there may be a recommendation of steps that they should take to improve their practice, for example study support sessions. This recommendation may involve the employer providing additional support.
- This should be recorded on VOICE, the student should be informed in writing, and the Service Record (SR) closed. If the concern has arisen in practice, then the provider of the practice learning experience, employer or sponsor, should be told of the decision.

5.8 Alternatively:

- The concern is established but is not considered to be sufficiently material to warrant a full review meeting.
- A decision is made that the student needs to undertake some further action in order to establish that they understand the implications of the concern that has been raised.
- This may include undertaking a reflective piece of work to demonstrate that the student understands that their actions were unacceptable, additional supervision, or repeating a practice learning experience.

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\(^3\) A suitable senior member of academic staff includes a senior lecturer from the programme concerned or another professional programme, Professional Lead or Associate Dean.
• This should be recorded on the Risk Assessment Form and on VOICE, the student should be informed in writing, and the SR closed.
• This must be shared and agreed with the sponsor/employer/practice learning experience provider. In certain cases, it may be necessary to arrange an alternative practice learning experience provider.

5.9 Where the concern has been established, is material and is sufficiently significant that it has a potential impact on the student’s ability to continue to study on the programme or to practise, then a number of options are available; the risk assessment may have revealed that concern is serious and immediate, and the student may need to be suspended from practice and/or study. Again, the process must follow the procedure laid down in paragraphs 5.5 and 5.6.

5.10 If, in the opinion of the Investigation Panel, the concern is a University disciplinary matter instead of or in addition to one of fitness to practise, the matter may be referred to the procedures detailed in the Code of Practice for Student Discipline, either after an FtP determination or, if it is more appropriate for factual matters to be determined through those procedures the FtP procedure will be suspended pending the outcome of the disciplinary process. If the Investigation Panel determines that the matter may be disciplinary but is not considered to affect fitness to practise then there should be a decision of no case to answer in the FtP process, as in paragraph 5.7, but the student must be informed that the matter is being passed to Central Disciplinary Committee for consideration. The evidence used by the Investigation Panel in coming to their determination should be passed to CDC.

5.11 The outcome of the investigation must be conveyed to the student in writing 4, recorded on VOICE and the Risk Assessment attached to VOICE. The letter should summarise the facts, how these facts do or don’t establish a fitness to practise concern, the outcome decisions, and, where appropriate, the monitoring conditions and review arrangements. If these are completed satisfactorily, this should be recorded in VOICE and the student informed in writing that no further action will be taken, unless there is a new cause for concern.

5.12 The student has the right of appeal as set out in section 9.

6 Preparing for a review meeting – first formal stage

6.1 If, as a result of the process of consideration in paragraphs 5.8 to 5.9, it has been determined that there is cause for serious concern, the case will proceed to the first formal stage. If the concern arises from an external event such as a conviction, the case will normally proceed directly to the formal stage. A person should be designated as a liaison for the case, who must not be someone with previous association with the investigation stage. They need not be a member of academic staff, but will be responsible for organising the meeting, ensuring all papers are distributed to panel members, that the correct timetable is adhered to, be the point of liaison for the

4 This should take the form of a formal letter, signed by the Module Chair, on University headed paper.
student, and act as secretary to the meeting. For the timeline, please see Annex G attached.

6.2 The Review Meeting will take the form of a formal panel meeting, which will consider the Risk Assessment and evidence gathered in the course of the investigation by the designated staff member. The composition of the panel will be determined in accordance with the appropriate annex at the end of this procedure. All panels must include one or more student representatives.

6.3 The student must be informed in writing of the decision to take the case to the formal stage, the matter(s) that has given rise to this concern, when the Review Meeting will be held and the person designated as liaison. The panel is able to consider the case in the absence of the student, or a response from the student, but all reasonable steps must be taken to ensure that the student has the opportunity to see the evidence being presented and to respond to it, either in writing or in person.

6.4 The student must be informed of the date on which the Review meeting will take place, who the members will be, and what they will consider and who the student should contact with any queries. The date should be as soon as reasonably practicable, but must allow sufficient time to enable the student to make arrangements to attend and/or to respond (see timeline at Annex G). The student must receive all the documents to be considered by the Panel at least 10 working days before the meeting date, and must be given the opportunity to respond to the material that they receive, and to provide their own response and/or evidence, either in advance or by attending the meeting, and this response must be amongst the evidence considered by the panel.

6.5 The student should be invited to attend the meeting to make their own submission, either in person or by a suitable electronic medium. If appropriate, the Review Meeting can be held in the OU office closest to the student, or if the meeting is to be held at Milton Keynes, the travel costs of the student and someone to accompany them should be offered. They may be accompanied by a friend or adviser, who may be a colleague, family member or friend, but not by a solicitor or barrister acting in that capacity – this is not a court of law.

6.6 The student must be given the opportunity to ask for a postponement of the Review Meeting if they are unable to attend on the first date suggested. The criteria which will be considered in deciding whether the request should be agreed are:

- a pre-existing medical appointment or event which cannot be changed
- being away on a pre-booked holiday
- or similarly difficult clash of dates.

6.7 The members of the panel should receive the papers for the meeting, not less than five working days in advance of the meeting, and should have the opportunity to ask for any further information if they feel it would assist in the determination of the case. However, any further material or evidence supplied must also be provided to the student at least five days before and the meeting adjourned if necessary, unless the student accepts shorter notice. All panel members should have read the material to be considered in advance of the meeting. The student should be advised that evidence not provided in advance of the meeting will only be considered at the Chair’s discretion.
6.8 Specific arrangements should be made for someone to be present to take notes; these should be detailed but not necessarily verbatim. The note-taker should be experienced, and impartial; they should not have been part of the earlier investigation.

6.9 Specific consideration should be given, and recorded, as to whether the student has declared a disability which requires any reasonable adjustment needs to be made to ensure fairness.

7 Conduct of the review meeting

7.1 If the student has asked to attend, they should be invited in to the meeting, and panel members should introduce themselves and their function/who they represent. If the student is accompanied, their companion should be told that they are there to support the student but should not intervene unless invited to do so by the Chair or the student. At the outset of the meeting, the Chair should outline the purpose of the meeting to the panel, and the possible outcomes. The student should be invited to make their representation, and panel members should be invited to ask the student questions. The student must also be given the opportunity to challenge the evidence against them. However, it should be made clear to them that this is not a court of law, and cross-examination and/or hostile questioning will not normally be appropriate.

7.2 Once the student has made their representation, they should be told when they will hear the outcome of the meeting, and be asked to leave. The panel should then consider the evidence presented and decide on the outcome. Only material presented to the student in advance can be considered; any material considered must have been shared with the student, and they must have had the opportunity to respond.

8 After the meeting

8.1 At the end of the meeting, the first task of the panel is to establish exactly what has happened – the findings of fact, and this must be recorded. Having established the facts, the panel then needs to determine whether, taking into account those facts, the applicable code of practice has been contravened and, if so, taking into account the stage of development of the student, it can or cannot be rectified. The note-taker will be present during these deliberations but does not take part in the process.

8.2 The panel must decide whether the breach is so serious that the student should be required to leave the programme immediately, or whether this is a matter which, if not satisfactorily addressed by the student, would mean that the university would not be confident in recommending them as fit to practise on completion of the programme, or that the student, having been given the opportunity to address a matter of concern, has failed to do so to a satisfactory standard, and as a consequence it is reasonable to terminate the programme.

8.3 In making this determination, the burden of proof is on the balance of the probabilities, and the benefit of doubt is with the student. Specific consideration must be given, and recorded, as to whether the student has declared a disability, and, if so, whether the matters under investigation arise wholly or partly from the disability, and whether they have arisen in spite of reasonable adjustments having been made to take account of the disability.
8.4 If it has been determined that there has been a breach of the relevant standards, then a decision can be made as to disposal, taking into account the decision as to whether the concern can be rectified, as outlined in paragraph 8.1. The powers available to the review panel include:

8.4.1 To give an informal warning

8.4.2 To give a formal warning, with or without the requirements below:

- to identify specific steps that must be taken to rectify the breach, by when, and how these will be monitored;
- requiring the student to repeat and pass a practice learning opportunity;
- requiring the student to repeat one or more modules.

8.4.3 Expulsion from the qualification or programme.

8.5 Other sanctions are available, which have a wider impact on the relationship between the student and the University. These can only be determined by Central Disciplinary Committee, and include:

- being prevented from studying on any work-based programme with the Open University;
- being permanently expelled from the University.

These should only be in question if there is a serious disciplinary offence in addition to the Fitness to Practise concern. In this case, the Review Panel should follow the same procedure that is detailed in paragraph 5.12.

8.6 In exercising their powers, mitigation and aggravation should be taken into account by the Review Panel. Mitigating circumstances might include the student demonstrating remorse or insight, illness which is now being treated, an absence of appropriate guidance on a practice learning opportunity. Aggravating circumstances might include the student denying or showing no insight into what has gone wrong, or having previously been through the informal stage but further concerns being raised.

8.7 Notes of the meeting should be prepared as soon as possible, agreed with the Chair of the panel and circulated to panel members for their information. The student would not normally receive a copy of the notes. If the provider of the practice learning experience, employer or sponsor has not been directly involved in the Review meeting, they should be told of the decision. If the employer/sponsor/ practise learning opportunity provider has suspended the student but the University does not uphold the case, then there will generally be a presumption of reinstatement as a student. If the student is also an employee, then the employer may wish to initiate their own disciplinary procedure, but this is a separate matter to the University’s FtP procedure. In any case, this matter will to be discussed between the programme and the employer/sponsor/ practise learning opportunity provider.

8.8 The student should be informed as soon as possible of the outcome of the meeting, in writing. The letter, signed by the Chair of the review panel, must clearly state the facts that have been established, the reasons why the panel has reached its decision, refer to the appropriate part of the professional code or guidance, what that decision is and how the panel has exercised its powers. The student should be informed of their right
of appeal, and that they have 28 days from the date of the decision in which they can appeal either the finding or the penalty, making it clear what the grounds of appeal are.

8.9 After the time allowed for appeal has elapsed and no further, or change in, the action to be taken has been decided then, in the case of any formal warning or expulsion, the appropriate regulator will be informed.

9 Right of Appeal

9.1 If a decision is made about a student’s fitness to practise which requires them to undertake additional tasks, as outlined in paragraph 8.3.2, or limits their ability to study with the University, or for a particular qualification, the decision letter must inform them of their right to appeal to the Senate Academic Appeals Review Panel under section 4F of the Student Complaints and Appeals Procedure.

10 Contact

The Student Casework Office

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MK7 6YJ

Phone: 01908 659535
Fax: 10908 659231
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Summary of changes

November 2018

- References to the Non-Medical Prescribing programme of study added throughout the document, to include a new Annex E specifically referring to this programme.
- References to the Paramedic Science programme of study removed throughout the document.
- Names of professional or statutory regulatory bodies updated throughout the document.
- Code of Practice information and links updated within the Annexes for each programme.
- Job titles for composition of review panel sections within the Annexes for each programme have been updated.
Annexes

- **A Social work in England**
- **B Social Work in Scotland**
- **C Social Work in Wales**
- **D Nursing**
- **E Non-Medical Prescribing**
- **F Suitability or Fitness to Practice – risk assessment form**
- **G Timeline for a review meeting**
Annex A: Social work in England

Programme:
Social Work (England)

Qualifications covered by this procedure:
BQ32: BA (Hons) Social Work (England)

Professional body for these programmes:
Health and Care Professions Council (regulator) NB Will be replaced by Social Work England in Spring 2019

Relevant Code of Practice for this programme and professional body:
HCPC (2012) Guidance on conduct and ethics for students

Specific requirements for this programme:
OU social work students must be employed in a social care agency; and be registered onto the course and supported by their employer.

Students must meet HCPC and the OU social work entry requirements, which include:

- Maths GCSE grade C or certified equivalent
- English GCSE grade C or certified equivalent
- 240 UCAS points (A Level grades CCC) or certified equivalent
- International English Language Testing Systems (IELTS) communicating and comprehension skills at Level 7 (if English is not the first language)
- Basic IT skills including word processing, internet browsing and use of email
- An Enhanced With Lists check from the Disclosure and Barring Service

In addition prior to interview, all candidates must complete an OU Application form which incorporates the personal statement; a Declaration of suitability; and provide a satisfactory health (fitness to practise) check.

Students must demonstrate the entry level capabilities set by the OU social work programme.

Composition of review panel:
- a chairperson: the Head of Social Work (England) or their nominee
- a representative from a sponsoring agency
- a member of social work academic staff, who should be a Staff Tutor (Social Work)
- a student representative (sourced via OUSA)
- a university note taker.

No member of the panel should be directly involved with the student subject to the enquiry.
Formal agreement with sponsors / employers:

All sponsoring agencies sign a formal Collaboration Agreement which clarifies the respective responsibilities of the OU and the sponsor. Sponsoring agencies agree to ensure that staff undergo a period of 20 days of readiness for practice; are provided with two contrasting practice learning opportunities with a suitable practice educator; and that study leave arrangements are agreed.

They also agree, without prejudice to their right to deal with employment matters under their normal procedures, that FtP issues arising in connection with work placements or other employment related matters affecting their continuation on the programme, will be dealt with under these procedures. They also include an agreement that all parties will share any information about any issues relating to the student’s conduct which might affect their professional suitability or fitness to practise, and also to share the relevant evidence which may be needed by the University for this Fitness to Practise procedure.

They should be made aware that if a cause of concern arises in the course of practice, they should inform the Head of Operations, Social Work immediately, as well as, or in parallel with, invoking their own procedures.
Annex B: Social work in Scotland

Programme:
Social Work (Scotland)

Qualifications covered by this procedure:
- Q41 BA (Hons) Social Work (Scotland)
- Q50 BA (Hons) Social Work (Scotland) graduate entry route

Professional body for these programmes:
Scottish Social Services Council

Relevant Code of Practice for this programme and professional body:
SSSC (2016) Codes of Practice for Social Service Workers and Employers

Specific requirements for this programme:
Students must meet the entry requirements set by the Scottish Social Services Council:
- have Standard Grade Two in English and Maths (or a recognised equivalent)
- provide evidence of ability to understand and communicate in written and spoken English
- demonstrate that you have appropriate personal and intellectual qualities to train as a social worker
- take part in an interview.

Successful candidates must register with the Scottish Social Services Council (SSSC) as a social work student – this includes a Disclosure Scotland check.

Candidates and sponsors are required to inform the Head of Social Work, Scotland of any convictions or alternatives to convictions at the point of application and to send a copy of the completed Disclosure Scotland when received back from the SSSC.

OU social work students must be employed in a social care agency in Scotland (with the exception of students accepted on the independent route).

Composition of review panel:
- a chairperson: the Head of Social Work (Scotland) or their nominee
- a representative a from a sponsoring agency
- a member of social work academic staff, who should be a Staff Tutor (Social Work)
- a student representative, sourced via OUSA
- a university note taker.

Members would normally be appointed from within the Scotland programme.
No member of the panel should be directly involved with the student subject to the enquiry.

**Formal agreement with sponsors / employers**

All sponsoring agencies sign a formal Collaboration Agreement which clarifies the respective responsibilities of the OU and the sponsor. Sponsoring agencies agree to ensure that staff undergo a period of 20 days of preparation for practice; are provided with two contrasting practice learning opportunities with a suitable practice educator/assessor; and that study leave arrangements are agreed.

They also agree without prejudice to their right to deal with employment matters under their normal procedures that FtP issues arising in connection with work placements or other employment related matters affecting their continuation on the programme, will be dealt with under these procedures. They also include an agreement that all parties will share any information about any issues relating to the student’s conduct which might affect their professional suitability or fitness to practise, and also to share the relevant evidence which may be needed by the University for this Fitness to Practise procedure.

They should be made aware that if a cause of concern arises in the course of practice, they should inform the Head of Operations, Social Work immediately, as well as, or in parallel with, invoking their own procedures.
Annex C: Social work in Wales

Programme:
Social Work (Wales)

Qualifications covered by this procedure:
Q42 BA (Hons) Social Work (Wales)

Professional body for these programmes:
Social Care Wales (SCW)

Relevant Code of Practice for this programme and professional body
Code of Practice for Social Care (2017) Social Care Wales

Specific requirements for this programme:
Students must meet CCW entry requirements:

- provide evidence of ability to understand and communicate in written and spoken Welsh or English
- demonstrate that they have appropriate personal and intellectual qualities to train as social workers
- take part in an interview
- complete a medical questionnaire (and, if required by the University, undergo a medical examination)
- undertake a full Enhanced Disclosure from the Criminal Records Bureau (in addition to any disclosure already obtained by the employer for current practice).
- have GCSE grade A–C in Welsh or English and mathematics, or a recognised equivalent.

Successful candidates must register with the Care Council for Wales (CCW) as a social work student.

Composition of review panel:

- a chairperson: the Head of Social Work (Wales) or their nominee
- a representative of a partner agency from the Wales Programme Partnership
- a member of social work academic staff, who should be a Staff Tutor (Social Work)
- a student representative sourced via OUSA
- a university note taker.

Members should normally be appointed from the Wales programme.

No member of the panel should be directly involved with the student subject to the enquiry.
**Formal agreement with sponsors / employers:**

All sponsoring agencies sign a formal Collaboration Agreement which clarifies the respective responsibilities of the OU and the sponsor. Non-sponsored students sign a Programme Agreement outlining the respective responsibilities of the OU and the student. All students must undergo a period of 20 days of fitness to proceed in social work practice or complete an Alternative to Practice portfolio; complete two contrasting practice learning opportunities with a suitable practice assessor; study leave arrangements are agreed with the sponsor if appropriate.

Sponsoring agencies also agree without prejudice to their right to deal with employment matters under their normal procedures, that FtP issues arising in connection with work placements or other employment related matters affecting their continuation on the programme, will be dealt with under these procedures. They also include an agreement that all parties will share any information about any issues relating to the student’s conduct which might affect their professional suitability or fitness to practise, and also to share the relevant evidence which may be needed by the University for this Fitness to Practise procedure.

Sponsoring agencies should be made aware that if a cause of concern arises in the course of practice, they should inform the Head of Operations, Social Work immediately, as well as, or in parallel with, invoking their own procedures.
Annex D: Nursing

Programme:
Nursing

Qualifications covered by this procedure:
- DipHE Adult Nursing D67
- DipHE Mental Health Nursing D68
- BSc(Hons) Adult Nursing Q73
- BSc(Hons) Mental Health Nursing Q74
- BSc(Hons) Nursing Practice Q53

Professional body for these programmes:
Nursing and Midwifery Council (Regulator)

Relevant Code of Practice for this programme and professional body:
- The Code: Professional standards of practice and behaviour for Nurses, Midwives and Nursing associates (NMC 2015) updated 2018
- Openness and honesty when things go wrong: the professional duty of candour (July 2015) Joint GMC/NMC publication
- Standards of proficiency for registered nurses (2018)
- Standards for pre-registration nursing education (2010)
- Standards for pre-registration nursing programmes (NMC 2018)
- Raising Concerns: Guidance for Nurses and Midwives (2015)

Specific requirements for this programme:
- literacy (Functional / Key skills level 2 or equivalent e.g. GCSE Grade C or above in English, Scottish SCQF L5)
- numeracy (Functional / Key skills level 2 or equivalent e.g. GCSE Grade C or above in Maths, Scottish SCQF Level 5)
- good character, evidenced through self-declaration, an enhanced criminal disclosure, and two references – one of which must be from the individual’s line manager
- good health, evidenced through self-declaration of health status, occupational health (OH) screening, review of previous sickness and absence record (as requested in the line manager’s reference), and two references – one of which must be from the individual’s line manager

OU nursing students must be sponsored by their employer and be employed in a healthcare support worker role or acceptable equivalent.

Students enrolled on Q53 must hold current registration with the NMC.
Composition of review panel:

The panel must include at least one member (not including the note taker) with a background in the specific field of study being undertaken by the student (i.e. Adult or Mental Health Nursing)

- Professional Lead Nursing
- Staff Tutor / Regional Education Manager representative (who has not been involved in the initial risk assessment)
- student / student representative with experience of work-based professional programmes (existing student or alumnus / alumna)
- employer / employer representative (who must not be a member of staff from the student's department / clinical place of work, or have been involved in the initial evidence gathering exercise)
- a note taker.

No member of the panel should have been directly involved with the student subject to the enquiry.

Formal agreement with employers:

All employers sign a formal ‘Practice Placement Agreement’ which requires that they inform the OU:

- immediately of the removal (and reason for removal) of students from placement on grounds of conduct, suitability or patient safety, thereafter cooperating in any disciplinary proceedings relating to the student
- as soon as reasonably practicable of concerns in respect of a student over time
- should a student withdraw from the programme or cease employment
- should a student accrue sufficient absence from the programme to jeopardise his/her ability to meet learning outcomes and statutory / regulatory requirements.

In addition the employer is required to ensure that students satisfy OH requirements throughout their practice experience, to cooperate in answering any complaint, clinical negligence or personal injury claim involving a student and to encourage and support its staff to participate in disciplinary and appeals processes where appropriate.

Employers also agree without prejudice to their right to deal with employment matters under their normal procedures that Fitness to Practise issues arising in connection with practice placements or other employment related matters affecting student continuation on the programme, will be dealt with under these normal procedures. The Practice Placement Agreement also requires that all parties will share any information about any issues relating to the student’s conduct which might affect their professional suitability or fitness to practise, and also to share the relevant evidence which may be needed by the University for this Fitness to Practise procedure.

Employers should be made aware that if a cause of concern arises in the course of practice, they should inform the University immediately, through liaison with a Practice Tutor, or Staff Tutor / Regional Education Manager in the local region as well as, or in parallel with, invoking their own procedures.
Annex E: Non-Medical Prescribing

Programme:
Non-Medical Prescribing

Qualifications covered by this procedure:
• PG Cert Non-Medical Prescribing

Professional body for these programmes:
General Pharmaceutical Council (GPhC – Regulator)
Health and Care Professions Council (HCPC – Regulator)
Nursing and Midwifery Council (NMC - Regulator)

Relevant Code of Practice for this programme and professional body:
• Standards for Pharmacy Professionals (GPhC May 2017)
• Standards of Conduct, Performance and Ethics (HCPC January 2016)
• The Code for Nurses and Midwives (NMC October 2018)

Specific requirements for this programme:
GPhC Registrants:
• Registrant with the GPhC
• At least two years appropriate patient-orientated experience in a UK hospital, community or primary care setting following the preregistration year
• Up to date CPD record
• Numeracy (self-declared against provided example)
• Organisational support and governance for the pharmacist in the group of patients specified
• Possess a valid (within the last 3 years or online) AccessNI, PVG or DBS* certificate.

HCPC Registrants:
• Registrant with the HCPC
• At least three years appropriate patient-orientated experience in a UK hospital, community or primary care setting following the preregistration year
• Up to date CPD record
• Numeracy (self-declared against provided example)
• Organisational support and governance for the allied health professional in the group of patients specified
• Possess a valid (within the last 3 years or online) AccessNI, PVG or DBS* certificate.

NMC Registrants:
• Registrant with the NMC
• At least one year appropriate patient-orientated experience in a UK hospital, community or primary care setting following the preregistration year
• Competence, experience and academic ability to study and submit at level 7
• Numeracy (self-declared against provided example)
• Organisational support and governance for the pharmacist in the group of patients specified
• Prepared for 600 hours of study (academically, time allowance and general health – self-declared)
• Possess a valid (within the last 3 years or online) AccessNI, PVG or DBS* certificate.

Composition of review panel:
The panel must include at least one member (not including the note taker) with a background in the specific professional regulator of the student (i.e. GPhC, HCPC or NMC)

• Professional Lead Non-Medical Prescribing
• Academic Tutor (who has not been involved in the initial risk assessment)
• Student / student representative with experience of non-medical prescribing programmes (existing student or alumnus / alumna)
• Employer / employer representative (who must not be a member of staff from the student’s department / clinical place of work, or have been involved in the initial evidence gathering exercise)
• A note taker.

No member of the panel should have been directly involved with the student subject to the enquiry.

Formal agreement with employers:
All employers sign a formal ‘Practice Placement Agreement’ which requires that they inform the OU:

• immediately of the removal (and reason for removal) of students from placement on grounds of conduct, suitability or patient safety, thereafter cooperating in any disciplinary proceedings relating to the student
• as soon as reasonably practicable of concerns in respect of a student over time
• should a student withdraw from the programme or cease employment
• should a student accrue sufficient absence from the programme to jeopardise his/her ability to meet learning outcomes and statutory / regulatory requirements.

In addition, the employer is required to ensure that students satisfy OH requirements throughout their practice experience, to cooperate in answering any complaint, clinical negligence or personal injury claim involving a student and to encourage and support its staff to participate in disciplinary and appeals processes where appropriate.

Employers also agree without prejudice to their right to deal with employment matters under their normal procedures that Fitness to Practise issues arising in connection with practice placements or other employment related matters affecting student continuation on the programme, will be dealt with under these normal procedures. The Practice Placement Agreement also requires that all parties will share any information about any issues relating
to the student’s conduct which might affect their professional suitability or fitness to practise, and also to share the relevant evidence which may be needed by the University for this Fitness to Practise procedure.

Employers should be made aware that if a cause of concern arises in the course of practice, they should inform the University immediately, through liaison with the OU Non-Medical Prescribing lead as well as, or in parallel with, invoking their own procedures.
### Annex F: Suitability/ Fitness to Practice – informal stage

#### Risk Assessment

<table>
<thead>
<tr>
<th>Applicant / student (delete as appropriate) Personal Identifier:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant / student (delete as appropriate) name:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intended OU / Professional qualification:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current module:</td>
</tr>
<tr>
<td>OU region:</td>
</tr>
</tbody>
</table>

| Investigator name:                                             |
| Investigator job title:                                        |

| Date incident occurred:                                        |
| Date of initial risk assessment:                              |
| Date of report of initial risk assessment:                    |

| Date of update of risk assessment (add rows as necessary)     |

#### Risk issue giving rise to concern (please provide details)

Date that issue(s) occurred/were reported

Is there a recurrent pattern in relation to issue(s)? (If yes, please provide details, including any previous warnings)

Relevance to OU study
Relevance to statutory body/health care practice standards of conduct

Current level of supervision (students only)

Is there a potential risk? (If yes, please provide details)

Who / what could be affected by the potential risk? (If answered yes to previous question, please complete)

Response from Student
### Outcome of Risk Assessment (please tick ✓ relevant boxes)

Is the level of risk

<table>
<thead>
<tr>
<th>Minimal</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the level of risk Minimal</td>
<td>Significant</td>
</tr>
</tbody>
</table>

Recommendation from designated investigator on actions to be taken following FtP Risk Assessment (one column only, but may be more than one action)

<table>
<thead>
<tr>
<th>Level of risk</th>
<th>Minimal</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>No further action</td>
<td>Inform employer.</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td>Remove from 'student' practice if relevant.</td>
<td></td>
</tr>
<tr>
<td>2. Review level of supervision</td>
<td>Seek permission for suspension from OU study whilst issue investigated (students only).</td>
<td></td>
</tr>
<tr>
<td>3. Complete FtP Action Plan in conjunction with student and PT</td>
<td>Inform sponsor (students only, where funding is in place from a third party).</td>
<td></td>
</tr>
<tr>
<td>4. Other</td>
<td>Proceed with review meeting.</td>
<td></td>
</tr>
<tr>
<td>Other.</td>
<td>Other.</td>
<td></td>
</tr>
</tbody>
</table>

Comments by investigator (insert reasons for recommendations):

FtP Risk Assessment informed by:

(Please insert evidence sources which informed the risk assessment and attach to this document)

<table>
<thead>
<tr>
<th>Signature of investigator:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Title:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>
## Decision of investigation panel

<table>
<thead>
<tr>
<th>Level of risk</th>
<th>Minimal</th>
<th>Significant</th>
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<tr>
<td></td>
<td>4. Other</td>
<td>Proceed with review meeting.</td>
</tr>
</tbody>
</table>

Other.

Comments by review panel (insert findings as to whether cause for concern has been established, reasons for findings, and any other matters considered, including mitigation and aggravation)

Disability declaration:

Has the student declared a disability?  Yes  No

If so, has the Investigation Panel considered whether the student’s disability has had any impact on the matters being considered?

Signature of 1st Reviewer: 

Name: 

Title: 

Date: 
Signature of 2nd Reviewer: 

Name: 

Title: 

Date: 

CC (delete as appropriate): STN; PT; Employer link; Mentor
Figure 1 Timeline for arranging a professional conduct panel