

## **Policy on Fitness to Practise Medicine**

### **Introduction**

Undergraduate students in the Faculty of Medicine undertake a three year BSc Honours Degree in Medicine before completing three years of clinical training, normally at either Manchester University or one of the other Scottish medical schools. St Andrews undergraduate medical students are thus considered to be young professionals in training from the first day of their course and they are expected to show high standards of professional behaviour in every aspect of their lives. In this regard the University fully subscribes to the guidance given jointly by the General Medical Council and the Medical Schools Council in the booklet entitled 'Medical students: professional values and fitness to practise' (March 2009).

### **Fitness to Practise Committee**

A University Fitness to Practise Committee was first established in January 2004, following recommendations by the GMC, in both a GMC Education Committee report, published after a visit to St Andrews in June 2001, and in a national GMC report on Medical Student Health and Conduct, published in 2002.

### **Remit**

The Committee has two distinct functions:-

- (i) To consider any individual student whose health or conduct gives rise to serious concern that he or she will not be fit to practise.

- (ii) To advise the Faculty of Medicine on fitness to practise policy issues; to ensure that a professional code of conduct for St Andrews Medical Students (Bute Medical School Agreement) is maintained and updated and to ensure that professional values and fitness to practise are common threads throughout the curriculum.

### **Referrals**

Cases may be referred to the Dean of Medicine from a range of sources, including Bute Medical School staff, both established and honorary; NHS staff involved in teaching our students; any university Disciplinary Committee; and the Register of non- academic disciplinary offences, which contains details of students who have been the subject of university disciplinary procedures (for example, for offences in relation to misconduct in halls of residence). The Fitness to Practise Committee will maintain its own central register of referrals.

### **Investigator**

In relation to each referral the Dean shall appoint an investigator whose role it is to investigate the case and decide whether there is enough evidence to determine if a student's fitness to practise is impaired. It is important at this stage that consideration is given as to whether the student's behaviour is better dealt with through Student Support and remedial tuition or through a formal Fitness to Practise Committee Hearing.

## **Membership**

The Fitness to Practise Committee shall comprise:

- The Dean of Medicine (Convener)
- A Pro Dean of Medicine (Undergraduate)
- A Personal Tutor
- A senior member of the academic staff from outwith the Faculty of Medicine

The Executive Administrator of the Bute Medical School shall serve as clerk to the Committee. The Dean can co-opt senior members of Faculty staff, honorary members of staff and appropriately experienced individuals who may have specialist expertise in matters relating to student health and conduct. Co-opted members will act only in an advisory, non-voting capacity.

The Committee should include at least one male and one female staff member. The Dean will act as Convener and be responsible for all the arrangements relating to the consideration and conduct of the case up to, and including, presenting a report to Academic Council/Senate.

## **Reporting**

The Committee will meet on an *ad hoc* basis at the request of the Dean and will report to both Academic Council/Senate and the Medicine Faculty Business Committee as follows:

Student business: report outcomes to Academic Council/Senate

Fitness to Practise policy: recommendations reported to Medicine Faculty  
Business Committee

### **Powers of the Committee**

The Committee will have power, delegated by the Academic Council/Senate, to decide, following consideration of a case, upon one of the following outcomes (as further described in Sections 89-117 of the joint General Medical Council/Medical Schools Council Guidance, 'Medical students: professional values and fitness to practise' (March 2009):

- (a) The student receives no warning or sanctions.
- (b) The student receives a **Formal Warning**, as there is evidence of misconduct, but the student's Fitness to Practise is not considered to be impaired and does not require any of the following sanctions.
- (c) The student's Fitness to Practise is considered to be impaired and the student receives a **sanction**. Beginning with the least severe the sanctions are:
  - **Conditions or undertakings**
  - **Suspension** from the medical course
  - **Expulsion** from the medical course

**Conditions** are appropriate when there is significant concern about the behaviour or health of the student. This sanction would be applied only if the Committee is satisfied that the student might respond positively to remedial help and increased supervision and has displayed insight into his or her problems.

An **undertaking** is an agreement between a student and the Medical School when the Committee and the student both acknowledge that the student's fitness to practise is impaired. (This agreement may be taken forward before, or instead of, a formal Fitness to Practise Hearing or determination.) Undertakings would only be appropriate if there is reason to believe that the student will comply with them.

**Suspension** will require the student to withdraw from his or her studies for a specified period of time, following which the Committee will review the situation and decide whether to readmit the student to the programme. Suspensions would be appropriate for concerns that are serious but not so serious as to justify expulsion from the medical course.

**Expulsion** would cause the student's medical studies to be terminated. The student would be permitted to seek admission to another Faculty. The Committee could expel the student from the medical course if they consider this is the only way to protect patients, carers, relatives, colleagues or the public.

## **Notes on Hearings**

All referrals will be considered in the context that St Andrews medical students are at an early stage in their careers and that there are learning and developmental aspects to understanding the requirements of good professional practice.

When considering health issues the Fitness to Practise Committee will take into account any advice received from the appropriate Occupational Health Services.

Any individual student case considered by the Fitness to Practise Committee and referred to one of our partner, or other, clinical schools will take into account the requirements of the Data Protection Act 1998 and the Special Educational Needs and Disability Act 2001.

If the outcome of a hearing results in a formal warning, students should note that such warnings will be kept on file and may be referred to and/or taken into account in any future consideration regarding their fitness to practise.

If the outcome of a hearing prevents the student progressing to clinical studies the Committee will, with the student's knowledge, appropriately inform the student's allocated clinical school, other UK clinical schools through the Medical Schools Council and the General Medical Council.

In every case the University disciplinary processes must be allowed to proceed first and a conclusion reached.

## **Procedure for setting up a Fitness to Practise Committee Hearing**

This section outlines the procedure for setting up a Fitness to Practise Committee Hearing to consider a student case. The Convener has discretion to vary these arrangements.

- The decision formally to refer a student to a Fitness to Practise Committee Hearing will be taken by the Dean.
- The clerk to the Committee will be responsible for arranging the Hearing. This will include:
  - notifying the student that a Hearing is to be held, of the substance of the case, of the procedure to be followed and of the membership of the Committee;
  - identifying members of the Committee, in consultation with the Dean;
  - taking a written account of the proceedings.
- The student will be given a minimum of ten working days notice of the date of the Hearing. He or she must be informed in advance that the Hearing concerns fitness to practise and the nature of the referral.
- The student will be invited to attend the Hearing in person. The student will be invited to submit a written statement and may submit statements from other persons in support of himself or herself.
- The student is entitled to be accompanied and represented by another member of the University. This representative may be a fellow student, a member of staff or of the Students' Association, so long as he or she is not a family member or spouse, except in exceptional circumstances.

The student may also be accompanied and represented by a member of a medical defence organisation.

- The student must submit to the Convener not later than seven working days before the Hearing the following information:
  - any written submissions and supporting documents to be considered by the Committee;
  - confirmation as to who will attend and present the case with or on behalf of the student;
  - names of any persons they wish to give evidence on their behalf (students should note that they are responsible for contacting such individuals and arranging their attendance at the Hearing).
- If the student fails to attend the meeting the Committee is entitled to reach a decision in his or her absence.

### **Conduct of a Hearing**

This section should act as a guide to the Conduct of the Hearing itself. The Convener has discretion to vary these arrangements.

- The Convener will explain the powers of the Committee and summarise the processes to date, the procedures for the hearing, the evidence received and indicate that all the submissions have been shared with all members present. The Convener will invite the student or his/her representative to make a statement in response to the opening remarks in relation to the procedures that will be followed and to seek clarification on matters of procedure.

- The student will be invited to add anything to the written submissions. The Convener will explain that the Committee will wish to hear directly from the student in his or her own words.
- The member of staff appointed to investigate the case will be invited to present the evidence. The student will then be invited to respond.
- Members of the Committee will be invited to question the student.
- The Convener will invite any other person(s) called upon to attend the meeting to make a brief statement and will then invite the Committee to ask questions.
- At each stage the Convener has discretion to allow reciprocal questioning by the various parties.
- Once the Convener is satisfied that the Committee has completed their questioning and the student has had a full opportunity to convey information to the Committee, the Convener will ask everyone but the Committee and the clerk to withdraw.
- The Committee will then discuss the case.
- If for any reason the Committee requires further clarification of any aspect of the case from any participant, including the clerk, then all participants must be invited back into the meeting whilst the questioning takes place. They will then leave the meeting again.
- The Committee will make its decision.
- Within ten working days the student will be notified by the Committee of the decision and informed in writing of the outcome of the Hearing and of his or her right to appeal to Senate, in accordance with the University Code of Practice on Student Appeals, Complaints and Discipline.

- All decisions of the Committee shall be reported to the Academic Council/Senate.

### **Senate Appeals**

Appeals arising from the decisions at the Fitness to Practise Committee will be considered in the first instance by the Senate Appeals assessors. Such appeals can only be made on at least one of the following grounds:

- Procedural irregularity
- Bias/prejudice
- Exceptional personal circumstances not previously notified for good reason

Appeals must be submitted to the Senate Office. In cases where supplementary information is brought to the attention of the Senate Appeals assessors then the Dean and the Fitness to Practise Committee will be consulted to determine whether this would have influenced the original decision of the Fitness to Practise Committee and, where appropriate, the matter will be referred back.

If the Senate Appeal assessors decide that there are grounds for the appeal to progress to a full Senate Appeal Hearing, the Senate Appeals Hearing Panel will refer to the Bute Medical School and General Medical Council codes of professional practice in reaching its decision. Membership of the Panel will include the Dean of another UK medical school.

The Panel may uphold the decision of the Fitness to Practise Committee, decide upon an alternative course of action, or overturn the decision of the Committee. The student and the Dean will be notified in writing of the outcome of the meeting.

### **Monitoring**

Annual monitoring reporting will be provided for Academic Audit on the number of cases dealt with per year as well as a summary of the referrals and outcomes (all anonymised).

***Approved by Senate at Academic Council  
21 January 2010***