Introduction

1. The programmes in the College of Medicine and Veterinary Medicine (“the College”) which are required to have fitness to practise procedures in place currently are:

- the MBChB,
- the BVM&S,
- the BSc in Oral Health Sciences,
- MSc in Anaesthesia Practise; and
- the postgraduate programmes in the Postgraduate Dental Institute.

1.1 The University of Edinburgh has put procedures in place to enable appropriate investigation of student fitness to practise issues. Such procedures are necessary to:

1.1.1 Comply with the requirements of the professional bodies;
1.1.2 Protect individuals the student has contact with during professional training;
1.1.3 Ensure students are appropriately prepared for entry to the profession, have developed professional attitudes and clearly understand and demonstrate professional behaviour;
1.1.4 Protect the University against a claim from an individual, or the representative of an individual, who has been harmed by a student in the course of that student’s professional training as a result of the student’s fitness to practise being in question;

MBChB:

2. University Medical Schools are charged by the General Medical Council (GMC) with the responsibility of ensuring that undergraduate medical students are fit to practise in the profession.

2.1 The GMC issued guidance – “Medical Students: Professional Values and Fitness to Practise” in March 2009 which should be read in conjunction with this Procedure. The professional behaviour expected of medical students is outlined in paragraphs 8 to 38 of the GMC guidance. It can be found at: www.gmcuk.org/education/undergraduate/undergraduate_policy/professional_behaviour.asp.

2.2 The University retains responsibility for MBChB graduates for the duration of the Foundation Year 1 training programme and the term “student” in this document therefore also refers to FY1 doctors.
Fitness to Practise Committee

3. The College of Medicine and Veterinary Medicine has a Fitness to Practise Committee (the “Committee”) which encompasses all programmes in the College leading to a professional qualification.

3.1 The Committee will meet annually to review cases and to discuss and agree policy and procedure.

3.2 The Committee shall comprise the following Members:
- The Chair of the Committee
- Two senior clinical medical academics
- Postgraduate Dean
- Senior NHS clinician
- Senior Veterinary clinician
- Senior clinical academic from the Dental Institute
- Senior clinical academic representing MSc in Anaesthesia Practise
- Senior member of non-clinical academic staff preferably with experience in the field of ethics.

3.3 The Chair of the Committee (the “Chair”) will be a senior academic member of staff, appointed by the Head of College, who is a member of the profession of medicine, veterinary medicine or dentistry.

3.4 The Chair has authority in certain circumstances to take executive action without the requirement for a Fitness to Practise Panel (the “Panel”) to be convened.

3.5 The Chair’s exercise of the executive authority will be retrospectively reported to the Committee by [email within 5 days of any action taken in relation to a student subject to the Fitness to Practise procedure].

Fitness to Practise Panel

4. The Chair will convene the Panel with at least one Member of the Panel being a member of the profession relating to the programme being undertaken by the student whose fitness to practise is being investigated.

4.1 The Chair will identify a Convenor for the Panel (the “Convenor”) from the Committee if s/he is unable to act as Convenor or if it would be inappropriate for him/her to do so.

4.2 The Convenor will have the casting vote in any decision relating to a student if necessary.

4.3 The Panel will be composed of five members of the Committee, one of whom will normally be the Chair.
The Head of Academic Administration

5. The Head of Academic Administration in the College of Medicine and Veterinary Medicine acts as secretary to the Committee and/or Panel and will ensure that appropriate legal advice is obtained through the office of the University Secretary as required.

Referrals

6. A student will be referred to the Fitness to Practise Committee through the Head of Academic Administration, on concerns expressed that a student may be unfit to practise.

6.1 Referrals may come to the Head of Academic Administration by any one of a number of routes including the following:
- Director of Undergraduate Learning and Teaching;
- Postgraduate Dean;
- Dean of Students
- Senior Tutors
- Personal Tutors
- Year Directors;
- Programme Directors;
- Tutors;
- MBChB Professional Development Committee;
- Boards of Examiners;
- Authorised Officers of the Senatus Academicus;
- College Academic Misconduct Officer;
- Student Experience Officers
- Fellow Students;
- Referrals of BVM&S students will normally come from the R(D)SVS Student Support and Advisory Group;
- Patients or members of the Public;

6.1.1 Senior Tutors, Personal Tutors and Authorised Officers of the Senatus Academicus, or, indeed, any member of staff who has information which would lead them to have a concern that an individual student may not be fit to practise have a responsibility to refer the student to the Head of Academic Administration.

6.2 Upon referral the Head of Academic Administration must appoint the Investigating Officer. The Investigating Officer should be a member of the Committee who is not a member of the Panel. It will, however, be customary for the Investigating Officer attend a subsequent Hearing, should one be held to answer questions from the Panel regarding the investigatory process. S/he will take no part in the Panel decision.

6.3 In the circumstance where a Fitness to Practise referral is being considered by that Investigating Officer s/he will discuss the case with the Head of Academic Administration.

6.4 In cases concerning misconduct under the University Code of Discipline or the Academic Misconduct (Plagiarism) guidance the Investigating Officer shall refer the matter to an Authorised Officer of the Senatus Academicus (the “Authorised Officer”).
6.4.1 The Authorised Officer will have the authority to deal with the issue exclusively under the Disciplinary Code; or

6.4.2 After investigation the issue is thought to be serious enough refer the student to the Fitness to Practise Committee.

Investigation

7. The Investigating Officer will investigate the circumstances and prepare a report of the case including all relevant documentation and present it to the Chair.

7.1 The report will normally contain a recommendation as to which of the following three options should be followed:

7.1.1 The student may be referred to the Professional Development Committee (MBChB) or its equivalent. These committees have a pastoral/supportive role and are informal;

7.1.2 Additional expert advice may be sought, most often medical reports, on receipt of which a decision will be taken as to whether a Fitness to Practise Hearing should be convened;

7.1.3 A Fitness to Practise Panel may be convened to hear the case;

7.2 Where the Investigating Officer recommends action under Clause 6.1 The Chair of the Fitness to Practise Committee may conduct an exploratory interview with the student, or may nominate a member of the Committee to do so following which a course of action will be recommended that will not require a Panel to be convened;

7.2.1 The member of the Committee conducting the exploratory interview shall not be a member of the Panel convened to hear the case.

7.3 The student and, in the case of undergraduate students, their Personal Tutor, will be informed of the decision as to the option taken by the Investigating Officer within five working days of the completion of the investigation.

7.4 Cases proceeding to a full Fitness to Practise hearing will normally be heard within four weeks of the recommendation to proceed to a hearing.

Suspension

8. In cases where there is, for example, an immediate concern for patient safety or the safety of fellow students or staff, the Investigating Officer and the Head of Academic Administration will seek the consent of the Chair of the Committee to immediately and temporarily suspend the student from further study pending the outcome of a Fitness to Practise Hearing. The Chair of the Fitness to Practise Committee is invested with the authority from the Head of the College to Grant such a request.

Fitness to Practise Hearing

9. The Head of Academic Administration will meet with the student within 5 working days following the recommendation to proceed to a Fitness to Practise Hearing (The “Hearing”).
9.1 The time, date and location of the Hearing will be notified to the student by the Head of Academic Administration.

9.2 Advice regarding the procedural aspects, the documentation which should be submitted and the conduct of the Hearing will be given at this meeting.

9.3 The student will be invited to submit any documentation for the Panel to the Head of Academic Administration five working days prior to the hearing.

9.4 The student will receive a copy of all documentation sent to members of the Panel together with notification of any individuals the Panel has invited to give evidence ten working days prior to the Hearing.

9.5 The student will be required to collect and sign for this documentation from the Medicine and Veterinary Medicine College Offices immediately on being informed that it is available.

9.6 The Hearing will be chaired by the Convenor who will outline to the student and his/her supporter and/or legal representative the reason for the hearing and the possible options open to the Panel. The student will then be invited to make a statement. Any persons invited by the Panel or by the student to give evidence will then be invited to do so. The Convenor will invite the Panel to ask further questions of the student or those persons called to give evidence. The student and his/her Supporter and/or legal representative will then be invited to ask further questions of those persons called to give evidence. When the Convenor is satisfied both the Panel and the student have completed their questioning and the student and his/her supporter and/or legal representative are satisfied they have had appropriate opportunity to put their case all persons except the Panel members and the Head of Academic Administration will be asked to leave the room.

9.7 The Panel will then reach a decision or will choose to adjourn the hearing if it is felt further evidence and/or reports are required.

9.8 The student will be requested to return to hear the outcome which will be communicated verbally to him/her and his/her supporter and/or legal representative by the Convenor.

9.9 A formal written outcome, which should include a statement of the reason for any decision reached, will be available to be collected and signed for by the student from the College offices within five working days of the Hearing. The written outcome will be prepared and signed by the Convenor on behalf of the Panel.

External Representative

10. An external representative shall be present at the Hearing and shall have an observational and advisory role but shall not have the right to vote on any decision of the Panel.

10.1 The external representative shall be a senior academic member of the profession relating to the programme being undertaken by the student whose fitness to practise is being investigated.

10.2 The external representative shall be from another Institution independent of the College and preferably independent of the University.
Supporter

11. The student is entitled to bring a supporter of his/her own choosing to the Hearing and also has the right to invite individuals to give evidence on his/her behalf. The supporter will normally be an Edinburgh University Students Association (EUSA) representative, Personal Tutor, or the relevant Senior Tutor. The student is strongly advised to consult EUSA prior to the Hearing. It is the responsibility of the student to notify such persons of the time and place of the Hearing.

11.1 The Supporter may:
   i) Act as the Student’s representative;
   ii) Speak on behalf of the Student if s/he so desires;
   iii) Sum up the Student’s case;
   iv) Attend purely for moral support.

11.2 The Supporter may not:
   i) Answer direct questions from the Panel on the Student’s behalf;
   ii) Prevent the Investigating Officer from explaining the case; or
   iii) Prevent any Member of the Panel from asking questions.

11.3 The identity of the supporter and any individuals giving evidence must be notified in writing to the Head of Academic Administration five working days prior to the Hearing.

Legal Representation

12. Legal representation by either the student or the University at the Hearing is not usually permitted. However, the student may make a request to the Chair to be legally represented at their own expense at the Hearing.

12.1 Any request must be made in writing to the Chair 5 days in advance of the Hearing.

12.2 Should the Chair agree to the student’s request the Head of Academic Administration may arrange for the University to also be legally represented.

Attendance

13. The student is required to attend the Hearing. If a student fails to attend and offers no acceptable reason for non-attendance and the Convenor of the Panel is satisfied that every reasonable effort has been made to notify the student the case will be heard in the student’s absence.

13.1 If the student is unable to attend the Hearing and wishes to request a postponement the student must provide documentary evidence to confirm the reason for the inability to attend (e.g. a medical certificate).

13.2 Should such evidence satisfy the Convenor of the student’s inability to attend then the Hearing will be reconvened for a time as reasonably decided between the parties.
Powers of the Panel

14. The following outcomes are open to the Fitness to Practise Committee following a hearing:

14.1 The student receives no warning or sanction;

14.2 The student receives a warning as there is evidence of misconduct but the student’s fitness to practise is not impaired to a point requiring any further sanction

14.3 The student receives a sanction. Sanctions are as follows:

i) Undertaking – A promise given by the student in writing to the Panel that there will not be a repeat of the circumstances or behaviour leading to the referral;

ii) Undertaking and Conditions – A promise given by the student in writing to the Panel that there will not be a repeat of the circumstances or behaviour leading to the referral and that they agree to the conditions which may be imposed. Including but not limited to:
   a. remedial tuition; or
   b. increased supervision;

iii) Suspension – This prevents a student from continuing on their programme for a specified time and stops them from graduating at the expected time. This is applied to misconduct that is serious but not serious enough to require expulsion;

iv) Expulsion – The Panel can expel a student from the programme if they consider this is the only way to protect the patient or client group or the public. It is applied where the student’s behaviour is fundamentally incompatible with continuing on a professional programme.

Reports of Fitness to Practise Hearings

15. A written report of the Hearing will be prepared by the Head of Academic Administration. The reports will be held centrally in a confidential file and cross referenced from the student file. The report should be kept strictly confidential. In cases where a student receives a warning or a sanction and (any appeal has been unsuccessful) information may be passed to the relevant professional body such as the GMC or the RCVS or to other Medical or Veterinary Schools or the Postgraduate Deanery. Students will be made aware of this.
Appeals

16. The University Senatus Fitness to Practise Committee (the “Appeal Committee”) provides mechanism through which students can appeal a decision by the Panel. The procedure can be found at:

http://www.docs.sasg.ed.ac.uk/AcademicServices/Guidance/Fitness_to_Practise.pdf

16.1 The Appeal Committee is a wholly separate and independent from the College’s fitness to practise procedure.

16.2 The student, within two weeks of receipt of the written report must lodge their appeal by writing to the University Secretary.

16.3 [The decision of the Appeal Committee is final and the student shall have no further right to appeal]

Reporting

17. Subject to any appeal, in the case of MBChB students all warnings or sanctions must be reported to the GMC at the time of application for provisional registration.

Miscellaneous Provisions

18. In the event where the circumstances leading to the referral to the Fitness to Practise Committee are also subject to legal proceedings the Fitness to Practise proceedings will be adjourned until the outcome of the legal proceedings is available

19. In the event where the case has involved two or more students the Investigating Officer has the option to recommend to the Chair of the Fitness to Practise Committee that the cases of the students be heard jointly.

20. In line with University policy all communication regarding Fitness to Practise cases between the College and the student will take place by email with the exception of the Panel documentation and the Panel outcome letter both of which will be produced in hard copy.

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