

Student Fitness to practice policy.

The London College of osteopathic Medicine (LCOM) has a responsibility to ensure that students undertaking the course are fit to practice in this role. Student Fitness to Practise procedures are intended to help ensure patient safety and public trust in the profession, and, where possible, to support the remediation of students.

Alongside this document students are encouraged to read the General Osteopathic Council document, "Student Fitness to Practise – guidance about professional behaviours and Fitness to Practise for osteopathy students".

Definition of Non-Fitness to Practise

Student Fitness to Practise procedures are designed, primarily, to consider if students are either physically or psychologically unfit to practise as a student osteopath or that there is substantive evidence that the student is unlikely to be able to demonstrate the behaviours, attitudes or values expected within the profession.

What constitutes a complaint?

Students by their very nature make mistakes. This policy is not designed to be unduly punitive. This procedure should only be used in cases of serious or repeated transgression of professional boundaries, where the students health is likely to impact negatively on their practice and the student has no insight in to this, where a student has repeatedly ignored feedback or not taken remedial action offered by faculty or in cases where patients may be put at risk of the students behaviour.

Complaints may be raised about a students ability regarding:

- Matters that might affect patient safety
- Matters that may affect the trust which the public places in the profession.

Who can make a complaint?

Complaints will usually come from one of a few sources. Faculty, staff, members of the public and or patients.

How can a complaint be made?

Complaints should usually be made to the course director. This may be done informally in the first instance. If in discussion with the course director or their nominee, it is felt that remedial action has failed or that the incident or behaviour is serious enough to affect the

students ability to practice a formal complaint should be raised. If this is the case, it should be done using the form SFFP 1 in the appendix.

What will happen?

Following an incident of alleged misconduct, the course director may, on consideration of the evidence, choose to utilize either the Fitness to Practise procedure or the Disciplinary procedure.

In the interest of fairness, no single incident of misconduct for any individual student shall be considered under more than one set of college rules or regulations.

It may, at this stage be decided by the course director that the allegations are serious enough that the student should be temporarily suspended from the clinical components of the programme.

If the student is suspended from the clinical components of the programme they will be informed immediately during a meeting with the course director and provided with written confirmation of the suspension and the terms of the suspension, along with details of the allegation. The student will be informed of his/her right to be accompanied to this meeting by a friend, relative or other supporter, including the Student representative.

The student will be given a hard copy of the

- The college student fitness to practise policy (this document)
- The document: Student Fitness to Practise: Guidance for Osteopathic Educational Institutions. Issued by the GOsC.
- The document: Guidance about Professional Behaviours and Fitness to Practise for Osteopathic Students. Issues by the GOsC.
- A copy of the allegation.

The Fitness to Practise Investigation

The purpose of the investigation will be to determine:

- whether there is evidence that the student is not fit to practice.
- whether the matter can be resolved without the need for referral to the Fitness to Practise Panel.

A nominated member of staff, management or faculty will conduct the investigation. This will comprise a gathering of information from all relevant sources, interviewing all witnesses as they deem appropriate to the case and interviewing the student concerned. The student will be informed of the date, time and place of the interview. They will be invited to attend accompanied, if so desired, by a friend, relative, School staff member, or other independent supporter.

The investigation, including production of the minutes, should be completed within 31 days of the first meeting.

When the preliminary investigation has been completed, the nominated member of staff will prepare a report on the case.

In cases where it is determined that the evidence indicates a possible Student Fitness to practice issue then the case will be referred to the academic council who will convene a fitness to practice panel.

The operation of the panel

The Fitness to Practise Panel has scope to assess all allegations of non- Fitness to Practise

The Fitness to Practise Panel will be comprised of three members. They may be drawn from members of management, faculty or administrative staff. The panel will elect a chair amongst themselves.

The panel will appoint a secretary to the panel who will help administratively.

No person who has previously had any involvement in a case shall be a member of the Fitness to Practise Panel.

The quorum for any meeting of the Fitness to Practise Panel shall be three.

Procedure for calling a Fitness to Practise Panel

The Secretary to the Panel will be responsible for informing the student (with no less than 21 working days' notice) in writing of the time and place of the Fitness to Practise Panel meeting. The student shall be notified of his/her right to be accompanied and or represented.

The Secretary will supply the student and the Fitness to Practise Panel, at least seven working days in advance of the meeting, with copies of any documentation or statements to which reference may be made during the meeting. These will include the following in all cases:

A copy of the Fitness to Practise procedure, including indicative sanctions available to the Panel.

A copy of the notice to the student regarding the Fitness to Practise matter.

A copy of any letter or other documentation received from the student in response to the allegations of non-fitness to practice.

Any other relevant documentation.

GOsC fitness to practice guidance, and, where appropriate, the GOsC suite of guidance on the management of diversity, health impairments, and equality or diversity issues.

The student may submit a written statement or other documentary evidence in support of their case based upon the issues raised at the investigative interview. This statement must be received by the Secretary, no later than seven days prior to the Panel hearing date, in order that it may be included in the documentation to be sent in advance to the Fitness to Practise Panel members. Character statements may also be submitted.

All parties may invite witnesses relevant to the case to present verbal evidence at the hearing. The names and addresses of any such witnesses shall be made available to the Secretary of the Fitness to Practise panel at least seven days prior to the hearing.

The course director, nominated investigator and/or other members of staff connected with the case will provide a written report, including any written witness statements, outlining the allegations and identifying the evidence that they have drawn upon in making their report. All the evidence submitted to the Secretary of the Fitness to Practise Panel will be included in the bundle of papers presented at the meeting.

The Secretary will provide the student with a copy of all documentation to be considered by the Fitness to Practise Panel, no later than seven days prior to the hearing.

All information submitted in relation to the Fitness to Practise Panel hearing will be dealt with confidentially, and will only be disclosed to those parties involved in the investigation and judgement of the allegation, or as necessary to progress the case.

The Chair of the Fitness to Practise Panel in consultation with the secretary shall have the discretion to delay the date of the hearing at the request of either of the relevant parties, if feasible, for such period as is deemed appropriate given the circumstances of the case.

Procedure of the Fitness to Practise Panel Meeting

The Fitness to Practise Panel hearing is a closed meeting and will be held in camera.

If the student fails to attend the hearing without a reasonable explanation, and the Panel is satisfied that the student has received due notification, the hearing may continue in the student's absence. Any declaration or statement that the student has supplied shall be considered. The Chair may decide what may be considered a "reasonable explanation".

The student has the right to be accompanied by a friend, relative or other supporter. The student should inform the Secretary whether he/she will be represented and, if so, whether such person has a legal qualification. The LCOM reserves the right to seek legal assistance in such cases.

The report shall be presented by the Investigator who will present the evidence gathered and submitted as part of the Fitness to Practise investigation. The Panel may question the Investigator.

The student has the opportunity to question the investigator on any aspect of the evidence produced. If any evidence is presented to the Panel from any person not called by the student, the student has a right to question that person.

The investigator will then leave the meeting but be available at the request of the Panel, should the need arise later in the proceedings but only in the presence of the student.

The student may present such oral evidence in support of their case as he/she wishes. In support of his/her case, the student may present those witnesses previously nominated to the Secretary.

Role of the Fitness to Practise Panel

The Panel may question the student, the Investigator and any witnesses present, in order to determine the validity of the evidence presented.

At any time during the proceedings the Panel may, at its discretion, adjourn for private discussion, or require the room to be vacated. The Secretary to the Panel may be invited to remain to advise the Panel on procedural matters. No other parties may be present.

When the Panel is satisfied that their questioning is complete, and all parties have had a full opportunity to convey all relevant information to the Panel, the student and all witnesses will be required to withdraw from the hearing in order for the panel to consider the case in camera.

At any time during the hearing, the student may acknowledge that the Fitness to Practise allegations raised against him/her are valid, in part or in their entirety.

In reaching its decision, the Panel will take into account the balance between patient and public safety, the interests of the student, and the need to maintain trust in the profession.

The Panel's decision will be communicated to the student verbally and in the form of a short statement the same day as the hearing. A full report will be issued within twenty one days of the decision being reached.

Alternatively, the Panel may decide to adjourn the hearing and request occupational health, psychological assessments or other reports, where it has determined that it does not have sufficient information to enable it to determine on the facts before it. Where a student refuses to submit to an occupational or other health assessment, then the Panel at its discretion can suspend or remove the student from the course. Students will have to fund such assessments where necessary.

Powers of the Fitness to Practise Panel

The possible outcomes of a student Fitness to Practice Panel include:

- a. Fitness to practise is not impaired and there is no case to answer.
- b. The Panel may refer the matter to the Fitness to Study or Disciplinary procedure. The Panel may impose an interim suspension from Practise or Study.
- c. The student's fitness to practise is found to be impaired, and a formal sanction is given. These might include:

- Formal warning: This allows the college to indicate to a student that their behaviour represents a departure from the standards of expected osteopathic students, and should not be repeated.
- Permit the student to continue on the clinical programme in conjunction with specific modifications to their practise determined by the Panel.
- Suspend the student from the clinical aspects of the programme for a specified time.
- Require any other action considered appropriate by the Panel, to enable the student's successful completion of the remainder of the programme.
- Recommend that support or other reasonable adjustments are put in place to support the student during the remainder of their tenure on the programme.
- To impose any action plans to remedy the student's impaired fitness to practice and to set review hearings whereby completed and outstanding sanctions can

Appeals against the decision of the Fitness to Practise Panel

A student who wishes to appeal against a decision of the Fitness to Practise Panel, may do so to an Appeals Panel, no later than twenty one days after the date of the report was sent to the student of the Fitness to Practise Panel's decision.

No person who has previously had involvement in a case shall be present as a member of the Appeals Panel. The Appeals Panel will comprise three members; two of which will be drawn from members of faculty or administrative staff and chaired by a Trustee. The Appeals Panel will be supported by a nominated secretary.

A student appealing against the decision of the Fitness to Practice Panel must submit his/her appeal to the course director within twenty one days of the Fitness to Practise Panel hearing.

The student may only appeal on the following grounds, which shall be specified in the Letter of Appeal:

1. New evidence has come to light that the student had no access to at the time of the Fitness to Practise hearing. This new evidence on the face of it calls into question the validity of the original determination and sanction of the Panel.

2. One or several procedural irregularities has occurred within the scope of the whole course of the proceedings (or prior) that has had the potential to skew the outcome of the hearing.
3. The sanction imposed is unduly punitive and not proportional to the level or risk posed by the student to the clinical environment or pursuant in protecting the public or good name of the profession.
4. Reasonable adjustments have not been applied to support the student or those that were applied were insufficient within the context of the size and resources available to the School.

The course director shall obtain, before the appeal hearing, a statement in which is set out a summary of the sanctions applied to the student, the procedures which were followed by the Fitness to Practise Panel and the grounds for its decision. A copy of this statement shall be sent to the student twenty one days in advance of the hearing of the Appeals Panel. The Appeals Panel shall convene a hearing as soon as practicable (and in any event no later than six weeks after the receipt of the appeal). The student may present his/her case, call witnesses or present any written documents. The student may be accompanied by a friend, relative or other supporter who may speak on his/her behalf. The Appeals Panel may question any witnesses called or challenge any written document submitted in evidence.

The Appeals Panel shall have the right to call for any evidence or to summon and question any witnesses that it deems appropriate at any stage.

The Appeals Panel shall take into account all evidence submitted as relevant to the complaint. At the conclusion of the hearing the Chair shall ask the student if he/she wishes to make any further statement in support of his/her case.

The Appeals Panel shall have the power to confirm, quash or vary the decision appealed against, which may include the power to increase any sanction imposed.

The decision of the Panel shall be communicated to the Chair of the Fitness to Practise Panel, the Principal or his/her nominee, and the appellant, in writing by the secretary to the Board of Trustees (or nominated representative) within seven working days of the hearing.

The decision of the appeals panel is final.

In certain circumstances there may be the possibility of re registering on the course if subsequent evidence suggests a student may now be fit to practice (e.g. professional psychologist's report). Such requests should be submitted in writing to the Secretary of the Fitness to Practise Panel in the first instance, with a view to reconvene the Panel.