

Birmingham City University

Fitness to Practise Procedure

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1 Introduction

- 1.1 This procedure helps us to meet our responsibilities relating to caring for and protecting our community and others. The procedure aims to provide a quick, simple process with a strong focus on dealing with concerns proportionately and in a timely manner. The primary aims of this procedure are to support students in becoming effective, safe, qualified professionals; to ensure that reports relating to fitness to practise are appropriately addressed and thoroughly investigated wherever necessary, with proportionate penalties applied as appropriate; and to ensure that cases are used as an opportunity for learning to ensure that behaviour is not repeated.
- 1.2 We expect you to behave in a way that meets both the expected standard of your intended profession and the University's wider expectations in respect of student behaviour. Where your behaviour falls short of those expectations, this procedure allows us to investigate and apply suitable penalties, where there is a good reason to do so.
- 1.3 The University recognises that fitness to practise processes form part of a student's ongoing professional development. Where concerns are identified, consideration will be given to appropriate remediation, support, supervision and monitoring across academic and placement learning environments to facilitate learner development, safe progression, public protection and maintenance of confidence in the professions for which the University prepares students.

2 Scope

- 2.1 This procedure applies to all students of the University who are enrolled on a course which, if successfully completed, will allow the student to register with a professional or regulatory body; or who are already registered with a professional or regulatory body and are undertaking a course of study at the University (e.g. a qualified practitioner who is undertaking an academic qualification as part of their continuous professional development). This includes enrolled students who are studying at partner institutions under franchise or validation arrangements.
- 2.2 Examples of relevant professional bodies include, **but are not limited to:**
 - [Nursing and Midwifery Council](#)
 - [Health and Care Professions Council](#)
 - [Teaching Regulation Agency](#)
 - [British Association for Counselling and Psychotherapy](#)

- 2.3 You will be informed as part of your course induction and learning if your course / intended profession is subject to regulation by a Professional, Statutory, or Regulatory Body ('PSRB').
- 2.4 If you are an enrolled student who is referred under this procedure and withdraws during the course of the fitness to practise process, we may proceed with the case to ensure an outcome is reached and recorded; and / or we may disclose within any reference that you withdrew from the University while a fitness to practise investigation was ongoing.
- 2.5 Where behaviour takes place in an external setting and an external investigation into the behaviour is carried out, we may await the outcome of the external investigation before determining how to proceed under this procedure. For example, behaviour that gives rise to fitness to practise concerns in a practice learning setting may be subject to an investigation by the relevant NHS Trust, and we may await the outcome of the Trust investigation before deciding whether action needs to be taken under the University's procedure. In respect of criminal investigations by the police, see section 4.4.
- 2.6 Concerns relating to competence will usually be addressed through the University's standard academic processes. For example, a student who fails to demonstrate the required competencies during placement may fail the placement and be required to undertake a further placement opportunity, where permitted under the Academic Regulations. Competency issues may additionally be considered under this procedure where they give rise to concerns regarding fitness to practise, including matters relating to service user safety, professional behaviour, or the ability to practice safely and effectively.
- 2.7 This procedure should be read in conjunction with the University's University Community Agreement; Student Disciplinary Procedure; Student Bullying and Harassment Policy; Gender-Based Violence Policy; and Definitions of Harmful Behaviours and Related Issues document. Links to these documents, and other relevant documents, are listed at section 7 below.

3 Interaction with other procedures

- 3.1 We will use this procedure to consider any report we receive that gives rise to concerns about a student's fitness to practise. This includes behaviour between students and behaviour that takes place off campus, and is irrespective of how the behaviour is carried out e.g. online, in person, via telephone.

- 3.2 There may be occasions when you are the subject of a report of harmful behaviour, but we decide that the report is more appropriately considered under the Student Disciplinary Procedure, rather than this Fitness to Practise Procedure. This is a matter of professional judgment and will be decided by academic staff members, applying their professional judgment and PSRB regulations to determine whether the reported behaviour gives rise to concerns about your fitness to practise.
- 3.3 We will not usually use this procedure to consider reports of potential misconduct intended to give you an academic advantage: such behaviour will usually be considered under the Academic Misconduct Procedure. We may use this procedure to consider reports of this kind if the reported behaviour gives rise to specific fitness to practise concerns e.g. if you have conducted research without the necessary ethical approval or we believe you have intentionally falsified research data or documentation.

4 Behaviours giving rise to concerns

- 4.1 The types of behaviour listed below represent examples of behaviour that might give rise to concerns about your fitness to practise.
- 4.2 The list below is not intended to be exhaustive and we may investigate where we receive a report of behaviour not captured by the list below or elsewhere in this procedure.

4.3 Examples

- **Antisocial behaviour** e.g. setting off fire alarms unnecessarily, smoking and / or vaping inside buildings.
- **Any act or omission by a student that creates, increases, conceals, or fails to address a safeguarding risk**, including risks associated with harassment, sexual misconduct, abuse of power, exploitation, or personal harm. As members of the University community, students are expected to behave in ways that protect their own safety and the safety of others, and to comply with safeguarding guidance and reporting requirements. A breach may include facilitating unsafe access to buildings or spaces; sharing safety-critical personal information; normalising or ignoring safeguarding concerns; breaching expected behavioural boundaries; or failing to report known or suspected safeguarding risks through designated reporting routes.
- **Behaviour likely to bring your future profession or the University into disrepute**, such as unprofessional behaviour in a placement learning setting; disruptive behaviour in the community; inappropriate behaviour during a

University-arranged activity such as a field trip or sports event; inappropriate social media activity; breaching uniform policy; displaying uniform inappropriately.

- **Bullying** e.g. targeted behaviour intended to make a flatmate or cohort colleague feel unwelcome or intimidated; sending abusive or threatening messages on social media.
- **Causing a health or safety concern** e.g. misuse of laboratory or workshop equipment; falsely reporting that you have contracted an infectious disease; failure to follow instructions given during a fire evacuation.
- **Conduct that compromises service user safety or contravenes principles of safe practice**, including failure to work within authorised scope of practice, failure to seek or accept supervision, or failure to escalate risk. Students are expected to prioritise service user at all times, follow local and placement provider policies, act only within their level of competence, and raise concerns immediately where safety may be compromised. Examples include administering medication without authority or in error; undertaking procedures without required supervision; ignoring or minimising clinical risk; failing to report errors, near misses, or unsafe practice; or continuing activity when unsure, unsupported, or instructed to stop.
- **Damage to University property or abuse of its facilities** e.g. breaking equipment or vandalism on campus or in University accommodation.
- **Data protection breaches** e.g. sharing personal details or images of a patient on placement, via any method including on social media.
- **Discriminatory conduct**, whether intentional or unintentional, including direct discrimination, indirect discrimination, discrimination by association, or discrimination based on assumed characteristics. Students are expected to act in ways that uphold equality, inclusion, and dignity for others and must not engage in behaviour that excludes, sidelines, pressures, or disadvantages others within academic, professional, or social contexts. This includes excluding individuals from group work or activities, making participation conditional in ways that disadvantage others, enforcing informal social norms that restrict access or belonging, or failing to reasonably accommodate differences within student organised activities.
- **Failure to abide by security arrangements for building access** e.g. by giving your ID card to another student or a non-student; jumping over access barriers; or allowing someone else to tailgate you through an access barrier.

- **Failure to follow a reasonable instruction issued by a member of University staff** e.g. failing to provide your name and student ID when instructed to do so; failing to abide by an instruction not to communicate with another student.
- **Fraudulent, dishonest, or deceptive conduct**, including falsification of records or misuse of processes, which is incompatible with professional values and standards. Students are expected to demonstrate honesty, integrity, and accuracy in all academic and practice-related activities and must not engage in behaviour that compromises the reliability of records or the trust placed in healthcare professionals. This includes falsifying attendance, timesheets, documentation, or evidence; enabling or encouraging others to do so; completing or altering placement records dishonestly; or submitting misleading information in connection with assessments, claims, or professional requirements.
- **Gender-based violence** ('GBV'), as described in the University's Student Gender-Based Violence Policy. GBV includes all form of sexual misconduct including rape and sexual assault; sexual harassment; stalking; coercive control; and so-called honour-based abuse crimes.
- **Harassment** e.g. sending emails or social media messages to someone with inappropriate frequency. In considering any report of harassment, we will be mindful of the University's obligations in association with freedom of speech: see further details at section 4.5.
- Any **hate crime, hate incident, or hate-motivated conduct**, whether occurring in person, online, or through written or visual material, which targets or disadvantages others based on a protected characteristic. Students are expected to uphold equality, respect, and dignity and must not engage in, support, or normalise behaviour that promotes hatred, discrimination, or hostility within the University community or beyond.
- **Homophobic, biphobic, or transphobic behaviour**, whether intentional or unintentional, and whether occurring in person, online, or through written or visual material. Students are expected to uphold equality, dignity, and respect and must not engage in, support, or tolerate conduct that creates a hostile, degrading, or offensive environment for others based on sexual orientation or gender identity.
- **IT misuse** when using the University's networks or equipment, such as visiting inappropriate websites, uploading/downloading inappropriate content, propagation of computer viruses.

- **Racism**, whether intentional or unintentional, and whether occurring in person, online, or through written or visual material. Students are expected to uphold equality, dignity, and respect and must not engage in conduct that creates a hostile, degrading, or offensive environment, or that reinforces racial prejudice or inequality within the University community. Examples include using stereotypes associated with specific ethnic groups such as Muslims, Jews, or people of Black-African descent.
- **Sexual assault, sexual violence, or sexually abusive behaviour**, whether intentional or reckless, and whether occurring on or off campus, on placement, or within University related activities. Students are expected to always respect consent and must not engage in any sexual behaviour without clear, voluntary, informed, and ongoing consent. Consent cannot be assumed, implied, or obtained through pressure, impairment, fear, or misuse of power. Examples include unwanted pinching, embracing, kissing or touching of intimate body parts; any non-consensual sexual activity; rape.
- **Sexual harassment**, whether intentional or unintentional, and whether occurring in person, online, or through written, visual, or digital media. Students are expected to maintain respectful, professional, and appropriate boundaries and must not engage in conduct of a sexual nature that is unwelcome, intimidating, or offensive to others, or that undermines safety, equality, or dignity within the University community. Examples include sexual comments or jokes; physical behaviour, including unwelcome sexual advances, touching and various forms of sexual assault; displaying pictures, photos or drawings of a sexual nature; or sending emails or other messages with sexual content.
- **Victimisation**, whether direct or indirect, and whether occurring in person, online, or through others. Students must not retaliate against, intimidate, disadvantage, or subject another person to negative treatment because they have exercised their rights, complied with their responsibilities, or supported safeguarding, disciplinary, or complaint processes. Such behaviour will be treated as a serious breach of student conduct expectations. Examples include shunning or intimidating another student because they have provided evidence in a complaint against you; posting derogatory remarks about a student on social media because they have reported harmful behaviour by your or another under formal University processes.
- **Violence or threat of violence**, including possession of a weapon (see further details in the [Firearms, Imitation Firearms & Offensive Weapons Policy](#)).

4.4 Behaviour which might constitute a criminal offence

- 4.4.1 Alleged or proven criminal behaviour by a student will normally fall within the remit of the police and criminal justice system. However, such behaviour may also breach University regulations, professional standards, or fitness to practise requirements. The University reserves the right to investigate and act under its own procedures where this is necessary to safeguard students, staff, the wider community, or the integrity of its programmes, independently of any criminal process or outcome. Students must comply with disclosure requirements set out in the [Students with Criminal Convictions Policy and Procedure](#) . Non-disclosure, partial disclosure, or misleading disclosure may result in disciplinary or fitness to practise action.
- 4.4.2 Where alleged behaviour is being considered or investigated by the police or courts, the University will usually defer its internal investigation until those proceedings have concluded, to avoid duplication or prejudice. The University will remain in appropriate contact with the student and relevant external agencies throughout this period. The University may, however, implement immediate, interim, or precautionary measures where necessary to safeguard others, manage risk, or meet regulatory, placement, or professional requirements. Such measures are provisional, reviewed regularly, and do not imply guilt or a finding of misconduct. Further information about temporary measures, including suspension and conditions of study, is provided in the Student Suspension Guidance.
- 4.4.3 An acquittal, absence of charge, or closure of a criminal investigation does not preclude the University from acting under this procedure. The University may proceed where the behaviour in question gives rise to concerns about fitness to practise, professional conduct, safeguarding, or public confidence, reaching decisions on the balance of probabilities and considering regulatory and professional expectations rather than criminal culpability. Such action is taken to protect students, patients, service users, placement partners, and the public, and to uphold the standards required of future professionals.
- 4.4.4 A conviction for a criminal offence does not prevent the University from taking its own action, including under this fitness to practise procedure. The University will assess the impact of the conviction on professional suitability, public confidence, safety, and regulatory compliance, applying a proportionate and risk-based approach. Where imprisonment or other serious penalties are imposed as part of a criminal outcome, the University will determine whether continuation on the programme is feasible or appropriate and whether interim or permanent outcomes are required. All matters relating to fitness to practise proceedings will be treated confidentially so far as possible, subject to the

University's duties under law, safeguarding requirements, and obligations to professional regulators and placement providers.

- 4.4.5 If you report behaviour that may amount to a criminal offence, the University will ensure that you are provided with clear, accessible information about your options and will support you in whatever course of action you choose to take. You will not be pressured to pursue any particular outcome. Your options may include reporting the matter to the police; requesting that the University considers the matter under its own procedures; pursuing both options; or choosing not to take any further action at that time. The University will respect your decision and recognise that different individuals may make different choices depending on their circumstances. We will provide appropriate support, advice, and signposting tailored to the nature of the behaviour reported, including access to specialist internal and external support services. Where you choose to report the matter to the police, the University will offer practical assistance and emotional support before, during, and after the reporting process, should you wish.
- 4.4.6 In exceptional circumstances, where there is a significant and immediate risk to the safety of students, staff, patients, service users, or members of the public, the University may consider reporting the incident(s) directly to the police or other appropriate authorities. Any such decision will be taken carefully, proportionately, and with due regard to safeguarding duties.

4.5 *Behaviour which might constitute free speech*

- 4.5.1 Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference. The University has a [Code of Practice on Freedom of Speech](#).
- 4.5.2 Freedom of speech within the law is protected. This means that freedom of speech will not be protected if it contravenes some other law and illegal or unlawful acts will not be tolerated by the University.
- 4.5.3 The University has a duty to protect its staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, this should not be interpreted to undermine freedom of speech and academic freedom. As a result, your learning experience may include exposure to individuals expressing views or otherwise presenting information that you find offensive, contentious or unacceptable, but are nonetheless within the law.

- 4.5.4 Where we receive a report about a student expressing views or otherwise presenting information that is perceived to be offensive, contentious or unacceptable, we will consider the report in line with this procedure. However, we will assume that the matters raised constitute free speech unless our investigation demonstrates that harassment (or any other behaviour in breach of University policies or procedures) has taken place. If the evidence gathered through investigation does not demonstrate that harassment has taken place, we will assume it has not.

5 Support available

5.1 Wellbeing support

- 5.1.1 We recognise that being involved in fitness to practise proceedings can cause anxiety and distress. All students involved in a case (whether as the student subject to referral; a student making a report about someone else's behaviour; or a student acting as witness) can access free wellbeing support from the [Mental Health and Wellbeing team](#).
- 5.1.2 Students who experience harmful behaviour are entitled to access support irrespective of whether or not they make a formal report about the behaviour. If you want to access support but do not want to pursue a formal report about the behaviour of another student, we encourage you to log your concerns with contact details via [Report and Support](#). This will ensure the [Mental Health and Wellbeing team](#) can contact you to offer support. The team can also talk you through your options in respect of issues such as accessing internal support; contacting external specialist agencies; making a report to the police; or pursuing the matter through the internal formal process.
- 5.1.3 In all cases, if you tell us that you need wellbeing support or the nature of the reported behaviour means we think you would benefit from wellbeing support, we will signpost you to appropriate internal and/or external support services.
- 5.1.4 We will be mindful of circumstances where discussing your experience or commenting on evidence may be traumatising for you and will limit as far as we can the situations where you need to engage in such activities.

5.2 Independent advice

- 5.2.1 Independent advice on the fitness to practise process is available from the [Students' Union Advice Centre](#).

5.3 *Companion at meetings*

- 5.3.1 You are entitled to take someone with you to fitness to practise meetings. This may be a student advisor from the Students' Union or a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise you. While you will generally be expected to speak for yourself in any meeting or panel hearing, a companion may at times speak in support of you or on your behalf, especially in circumstances where recounting your experience may be traumatising for you.
- 5.3.2 The fitness to practise process is not a legal process and therefore we do not expect you to have or seek legal representation at any stage of the process. Advice and support can be accessed from the Students' Union Advice Centre, who have advisors familiar with this procedure and the structures of the University.

5.4 *Reasonable adjustments for disability*

- 5.4.1 If you have a disability and want us to consider making specific reasonable adjustments to the fitness to practise procedure, you should raise this as soon as possible during the process. We may need to speak to a Disability Adviser to confirm what adjustments would be appropriate. If you have a Disability Support Summary and / or Placement Action Plan in place and wish the contents to be taken into account as part of the fitness to practise process, you should submit the DSS and / or PAP to Student Governance, or provide Student Governance with consent to obtain the relevant document(s) directly from the relevant support service.
- 5.4.2 Note that we will not usually accept the existence of a disability as an explanation for behaviour that gives rise to fitness to practise concerns, unless there is clear and independent evidence to demonstrate that the behaviour arose as a result of disability.
- 5.4.3 Anyone taking part in a fitness to practise meeting is entitled to ask for a break at any time, irrespective of whether or not you have a disability.

6 *The fitness to practise process*

6.1 *Staff involvement*

- 6.1.1 Staff involved in fitness to practise cases will be impartial and will have had no previous involvement in the case under consideration. In all cases, we will use suitable alternative staff members if the individuals named in the procedure

are unavailable for any reason e.g. due to absence or because of a conflict of interest.

- 6.1.2 If it is considered necessary and / or appropriate in the context of the behaviour reported, we will seek to appoint as investigator a staff member who has undertaken specific relevant training e.g. in cases of sexual misconduct. In exceptional circumstances, we may consider using individuals external to the University to complete some parts of the process e.g. investigation. This might be where a case is particularly sensitive or requires specialist knowledge of a particular type of behaviour, for example.
- 6.1.3 In all cases, we will seek to limit the extent to which we share information about the allegations made. There may be occasions when we need to disclose the allegations to staff members as part of an investigation; however, we will only disclose details if it is necessary for the purposes of the investigation and will gather evidence without disclosing specific details wherever possible.
- 6.1.4 We will not disclose sensitive personal information through our fitness to practise process. For example, we will not include details of a student's gender identity or sexual identity within a fitness to practise investigation report or other procedural documentation, unless with explicit consent or where there is a lawful basis; and we will not refer to a student engaging in sex work within a fitness to practise process, where a student has revealed that information through a disclosure or during the course of an investigation. Staff with involvement in such processes will receive training on ensuring that sensitive personal information is not disclosed, and we will use our procedural approval processes to check that information of this kind is removed from relevant documents.

6.2 *Burden and standard of proof*

- 6.2.1 In all cases under this procedure, the University is responsible for determining whether or not allegations are upheld and, if so, whether a student's fitness to practise is impaired. Our decisions will be based on the balance of probabilities i.e. the person or panel investigating the case will accept the explanation that they consider is more likely to be true. This is a lower standard of proof than the one used in criminal proceedings, where allegations must be proved beyond reasonable doubt.

6.3 *Anonymous reports*

- 6.3.1 Where behaviour giving rise to fitness to practise concerns is reported anonymously, there may be limited action we take in response because we

will usually need to disclose the identity of the person raising concerns. Wherever possible, we will seek supporting evidence from the anonymous reporter to help us determine the nature of any action to be taken.

- 6.3.2 If we receive an anonymous report which raises fitness to practise concerns and is supported by evidence, we will consider what action is most appropriate. We may take action under this procedure if, for example, an anonymous reporter has provided screenshots of public social media posts which give rise to fitness to practise concerns; in that instance, the identity of the reporting party is not directly relevant to the behaviour of concern, so we may conduct a fitness to practise investigation.
- 6.3.3 If we receive an anonymous report which raises fitness to practise concerns and is **not** supported by evidence, we will also consider what action is most appropriate. This is likely to be through speaking to the reported student about the report in the first instance. We will not take formal action under this procedure if, for example, an anonymous report is not supported by evidence and the reported student provides what we consider to be a reasonable response to the concerns raised; and / or, if we believe a report has been made falsely or maliciously. This would include, for example, situations where we believe an anonymous report has likely been made by an ex-partner with the intention of causing harm to a student.
- 6.3.4 If you make a report about the behaviour of another student and wish to remain anonymous and / or do not want formal action to be taken, you need to be aware that exceptionally there may be occasions where, as part of our duty of care, we are required to investigate the incident and take any necessary action against individuals involved. This will be done only where necessary due to a significant risk or ongoing duty of care which we must act upon. We will carefully consider why you do not want any further action to be taken, as well as the safety and wellbeing of anyone else affected.

6.4 Timescales

- 6.4.1 If you are reporting the behaviour of another student, we do not apply a specific timeframe within which you must make a report. However, you must be aware that the more time that passes after an incident occurs, the harder it usually is to investigate. This is due to factors such as the availability of evidence and the reliability of individuals' memories. There may also be occasions where we are unable to investigate and / or apply a penalty, because e.g. the other party has left the University since the behaviour occurred. If we cannot investigate or apply a penalty, we will tell you and provide reasons. In all cases we encourage you to make a report as soon as

possible. Students experiencing harmful behaviour do not have to have made a report in order to access support services.

- 6.4.2 We aim to complete Case Officer investigations (see section 6.8) within a maximum of 35 working days of the date the Case Officer is appointed.
- 6.4.3 Where a panel is held after a Case Officer investigation has taken place, we aim to conclude the panel process within an additional 20 working days. Where a panel is held as the result of a direct referral to panel at the triage stage, we aim to conclude the panel process within 35 working days; this is to allow sufficient time for the student to present evidence.
- 6.4.4 Guidance on the timescales applicable to the review stage of the fitness to practise process is included below at section 6.12.
- 6.4.5 In all cases we will keep you updated throughout the process and will advise you of relevant timeframes. Where cases are delayed, we will tell you and will explain the reasons for the delay wherever appropriate. It may not be possible to give specific reasons for a delay if confidentiality applies e.g. if a delay is due to staff illness.

6.5 *How to report behaviour of concern*

- 6.5.1 We recognise that students may choose to disclose concerns about behaviour to whomever they feel most comfortable approaching: this might be, for example, a Personal Academic Tutor, a lecturer, practise staff, or a member of the Students' Union. We do not place any limitation on who students can report to, as we understand that making a disclosure to anyone can be difficult and takes courage. However, if you are concerned about behaviour you have experienced, we encourage you to report it through the [Report and Support online reporting system](#) (please open with Google Chrome as some display features do not function in other browsers).
- 6.5.2 Formal referrals under the Fitness to Practise Procedure are matters of professional judgment and responsibility. For this reason, students cannot make direct formal referrals under this procedure. If you report behaviour by another student that may raise concerns about fitness to practise, the information you provide will be considered carefully and sensitively by an appropriate member of academic staff. It will be for that member of staff, exercising professional and regulatory judgment, to determine whether the concerns meet the threshold for a formal referral under the Fitness to Practise Procedure. In reaching this decision, relevant factors may include the nature and seriousness of the behaviour reported; any potential safeguarding or service user safety implications; professional standards and regulatory

expectations; and whether alternative support or procedures are more appropriate at that stage.

6.5.3 If you are a student and make a report via Report and Support, your report will be received by a member of the [Mental Health & Wellbeing team](#) who will contact you to discuss the report, offer support, and talk you through the options available to you. This includes the University taking action to investigate under this procedure (see section 6.8). Where you inform the Mental Health and Wellbeing team that you want formal action to be taken, a member of Student Governance staff will usually contact you to provide you with further detailed advice on next steps. You must be aware that the actions to be taken in response to a report are determined by University staff; therefore, there may be occasions where a student wishes formal action to be taken, but University staff decide that the report is best responded to via actions that sit outside the formal procedure.

6.5.4 You may request that all or part of your report (for example, a witness statement) is treated confidentially. The University will manage all reports sensitively and will limit the sharing of information to those who need to know in order to assess risk, provide support, and discharge its regulatory and safeguarding duties.

- **Confidentiality** means that your information will be handled discreetly and shared only where necessary; it does not automatically mean that the information can be withheld entirely from other parties if this would prevent fair and proper consideration of the matter.
- **Anonymity**, where your identity or evidence is not disclosed to another party, is different from confidentiality and cannot always be guaranteed. In some circumstances, anonymous evidence may not be relied upon, where doing so would prevent another party from understanding the case against them or from providing a meaningful response, in line with principles of procedural fairness.

Where it is not possible to proceed using anonymous evidence, we will seek to discuss this with you and explain the options available. Further information about how anonymous reports are handled is set out in section 6.3.

6.5.5 You will not be disadvantaged as a result of making a report of behaviour of concern. If your report raises concerns for the safety of you or any other members of the University community, we will consider what actions can be taken to manage those concerns. This may include, but is not limited to, making temporary or permanent changes to timetables; issuing a formal instruction to a reported student not to have any form of contact with other

named parties; or issuing a temporary suspension from premises to a reported student, in line with the [Student Suspension Guidance](#).

- 6.5.6 Where potential misconduct by a reporting student is disclosed, either as part of their own report or during the course of a formal investigation, action the University takes in response will take into account the full circumstances of the case. There may be occasions when it is considered necessary to take fitness to practise action against a reporting student, but such action will not be triggered automatically and, as noted, all decisions will be informed by the full circumstances of the case. For example, if you are on a course that is subject to PSRB requirements and disclose that you were sexually assaulted at a time when you were under the influence of an illegal substance, consideration would be given to the details and context of your drug use before any decision is made in respect of whether or not to take action towards you under this procedure.
- 6.5.7 A flowchart showing a simplified version of the fitness to practise process is provided at **Appendix A**.

6.6 *Informal stage*

- 6.6.1 It may not always be necessary or proportionate for a formal investigation to be undertaken in response to reported behaviour of concern. In some cases, issues may be appropriately addressed through informal resolution, particularly where the behaviour is low-level, isolated, and capable of being resolved quickly and constructively. The purpose of the informal stage is to secure a timely, proportionate, and educational resolution where appropriate. Any consideration undertaken at this stage will be limited in scope and is not intended to be a full or exhaustive investigation. Where concerns cannot be resolved informally, or where further information indicates that more detailed consideration is required, the matter may be escalated to the formal stage.
- 6.6.2 Informal resolution will not normally be appropriate for reports involving serious, repeated, or potentially harmful behaviour, or where there are safeguarding, discrimination, harassment, sexual misconduct, or fitness to practise concerns. However, informal resolution may be appropriate in some circumstances, for example:
- low-level antisocial behaviour (such as being excessively noisy in a quiet study space);
 - isolated incidents of rudeness or discourtesy;
 - inappropriate use of social media where the content does not raise significant safeguarding or professional concerns.

In determining whether informal resolution is appropriate, the impact of the behaviour on others, the context in which it occurred, any previous relevant concerns, and the views of those affected will be taken into account.

6.6.3 Staff and students should feel empowered to challenge inappropriate or harmful behaviour safely and respectfully, where they feel able to do so (for example, asking others to be quiet in a designated study area). Where an individual does not feel comfortable addressing behaviour directly, support may be sought through alternative routes, including:

- contacting Security Services for on-campus behaviour (0121 331 6969); or
- submitting a report via Report and Support.

Students and staff should note that reports made through Report and Support may not result in an immediate response and are intended to allow concerns to be recorded, risk-assessed, and followed up appropriately.

6.6.4 Where staff receive reports of concerning behaviour involving a student enrolled on a programme with Professional, Statutory or Regulatory Body (PSRB) requirements, careful consideration must be given to whether the behaviour may raise concerns regarding fitness to practise. Staff must exercise professional judgment when deciding whether the matter:

- should be addressed through informal resolution (for example, a developmental conversation with the Course Leader regarding professional standards and expectations); or
- meets the threshold for a formal referral under the Fitness to Practise Procedure.

In making this determination, staff must consider the seriousness of the behaviour, any implications for professional standards, service user or public safety, and regulatory expectations, as well as the potential consequences for the student. Formal referral to fitness to practise procedures should be made only where concerns are sufficiently serious or persistent to warrant such action. This applies equally where concerns have been raised by external professionals, including reports from placement or practice settings.

6.7 Formal stage - Referral and Triage

6.7.1 In accordance with section 6.6.4, where behaviour of concern is reported, staff must exercise professional judgment to determine whether the matter may engage the Fitness to Practise Procedure and warrants a formal referral, or whether it can be appropriately addressed through informal resolution. This

decision must take account of the nature, seriousness, frequency, and impact of the behaviour, together with any implications for professional standards, safeguarding, service user or public safety, and regulatory requirements.

- 6.7.2 Where concerns arise in a placement or practice setting, these should be reported to the University without delay. Where reported concerns relate to service user safety, professional conduct, professional values, supervision requirements or other matters with potential implications for practice learning, consideration should be given to what information may need to be shared between the University and relevant placement learning partners to support risk assessment, learner support, educational continuity and ongoing supervision. Any information shared should be proportionate, limited to those with a legitimate need to know, and managed in accordance with relevant data protection and confidentiality requirements.
- 6.7.3 University staff will consider the concerns and determine whether a formal referral under the Fitness to Practise Procedure is required. The University will also accept formal referrals submitted directly by placement partners or other relevant third parties. Where a staff member receives a referral from a third party and determines that the reported behaviour does not require formal fitness to practise action, they should inform the referring third party of this decision and take any proportionate and appropriate steps to address or mitigate the concerns through alternative means.
- 6.7.4 Where informal resolution is considered inappropriate, a member of University staff must complete a Student Fitness to Practise Concerns Form and submit it, together with any supporting evidence, by email to the Head of Department in which the student is based (or their nominee). Student Governance must be copied into the correspondence.
- 6.7.5 Upon receipt of a referral, Student Governance will confirm to the Head of Department (or their nominee) whether the student has any previous fitness to practise referrals recorded, to support informed and consistent decision-making.
- 6.7.6 Having considered the available information, the Head of Department (or their nominee) may take one or more of the following actions:
- Seek further information or evidence from the referring staff member before making a substantive decision.
 - Take no further action, where the threshold for fitness to practise action is not met.

- Instruct the referring staff member to meet with the student to discuss the concerns and reinforce professional standards and expectations, without initiating formal proceedings.
- Appoint a Case Officer to undertake a formal investigation (see section 6.8). This option will normally be selected where the concerns may reasonably result in a sanction under this procedure but are unlikely, on initial assessment, to result in withdrawal from the course or exclusion from the University. The appointment of a Case Officer does not preclude these outcomes if justified by the findings.
- Exceptionally, to refer the matter directly to a Fitness to Practise Panel (see section 6.9). This option will normally be selected where the concerns raised are sufficiently serious that withdrawal from the course or exclusion from the University may be required; and where there already exists sufficient evidence or information to negate the need for a Case Officer investigation e.g. because an external investigation has already been carried out, or because the student has been the subject of a criminal outcome.

6.7.7 The Head of Department (or their nominee) will confirm their decision to Student Governance. Student Governance will notify the reported student of the decision and provide appropriate procedural information. Student Governance will also confirm the decision to the referring party.

6.7.8 As part of the triage decision, the Head of Department (or their nominee) will determine whether any placement or practice activity should be paused while the matter is under consideration. This may involve a discussion with additional University staff and / or the placement provider, especially if the referral has been made by the provider. Placement activity will normally only be paused where a case proceeds to formal investigation and / or a panel hearing, or where it is necessary to manage risk. Referral under this procedure does not automatically result in placement suspension. Any decision to pause placement activity must be explicitly authorised by the Head of Department (or their nominee), communicated to the student by Student Governance, and implemented by course staff in liaison with placement providers as appropriate.

6.8 Formal stage - Investigation

6.8.1 Where the Head of Department (or their nominee) determines that a matter should proceed to a formal investigation, they will appoint a Case Officer from a trained pool of staff. The Case Officer may be drawn from either within or outside the student's School or Department but will have had no prior material involvement with the student or the reported behaviour, ensuring impartiality and independence. Any Case Officer appointed to a fitness to practise case

will have an understanding of professional conduct, fitness to practise principles, and regulatory expectations, as informed by Professional, Statutory and Regulatory Bodies (PSRBs). The Case Officer is not required to hold registration with the specific PSRB governing the student's course; for example, a Case Officer registered with the HCPC may investigate a case involving a student whose programme is governed by the NMC.

- 6.8.2 Unless there are exceptional and justifiable circumstances, the identity of the reporting party will normally be disclosed to the reported student. This is necessary to enable the reported student to understand the substance of the concerns raised and to provide a meaningful response, in line with the principles of natural justice and procedural fairness. Information regarding the handling of anonymous reports, and the limited circumstances in which anonymity may be maintained, is set out in section 6.3.
- 6.8.3 The Case Officer will normally arrange a meeting with the reported student to discuss the referral, the concerns raised, and any evidence provided. As part of the investigation, the Case Officer may also meet with staff, other students, placement staff, or other relevant individuals, and may review documentary, digital, or placement-related evidence. If the reported student does not attend a scheduled meeting without good reason, the Case Officer may proceed with the investigation and reach findings in the student's absence. Where a student is unable to attend a meeting, they must notify Student Governance as soon as possible so that alternative arrangements can be considered. Meetings will not normally be rescheduled more than once. Where a further postponement is requested due to personal circumstances, the University may require supporting evidence.
- 6.8.4 Meetings conducted by the Case Officer will not normally be audio- or video-recorded, unless recording constitutes an agreed reasonable adjustment relating to disability. Students must not record any meeting without prior permission. Requests to record a meeting must be made in advance via Student Governance. Recording a meeting without authorisation may itself give rise to further fitness to practise or conduct concerns.
- 6.8.5 Any party wishing to submit evidence in relation to the investigation is expected to provide this to the Case Officer in advance of any scheduled meeting, so that it can be considered fairly and shared where appropriate.
- 6.8.6 In exceptional circumstances, evidence may be accepted after a Case Officer meeting, or the Case Officer may request additional information or clarification following a meeting, where this is necessary for the fair and effective completion of the investigation.

6.8.7 At the conclusion of the investigation, the Case Officer will produce a written report setting out:

- the scope of the investigation and process followed;
- the information and evidence gathered and considered;
- the findings reached, applying the appropriate standard of proof; and
- their recommendations for next steps under this procedure.

6.8.8 The Case Officer may make one of the following recommendations:

- To take no further action.
- To instruct the referring staff member to discuss the concerns with the student, including providing guidance on professional standards and expectations, with no further formal action taken.
- To impose one or more of the penalties set out in section 6.10, with the exception of withdrawal from the course or exclusion from the University, which may only be decided by a panel.
- To refer the matter to a Fitness to Practise Panel (see section 6.9). This recommendation will normally be made where the Case Officer considers that the findings may justify withdrawal from the course or exclusion from the University, or where additional exploration of the concerns by a panel is considered necessary.

6.8.9 The Case Officer's report and recommendations will be provided to the Head of Department (or their nominee). At this stage, the Head of Department (or their nominee) may take into account any previous relevant fitness to practise findings against the reported student when deciding whether to accept the Case Officer's recommendation. The Head of Department (or their nominee) may make one of the following decisions:

- To accept the recommendation in full.
- To accept the recommendation with minor amendments.
- To reject the recommendation and determine an alternative course of action, with reasons recorded.

6.8.10 The final decision of the Head of Department (or their nominee) will be communicated to the reported student by Student Governance, together with information about any next steps, outcomes, or rights of review or appeal, where applicable.

6.9 Formal stage - Panel

6.9.1 Where a matter is referred to a panel under this procedure, the panel will be convened and conducted in accordance with the University's Guidance on

University Panels. All panel arrangements, including membership, scheduling, and procedural oversight, will be managed by Student Governance, ensuring consistency, independence, and compliance with institutional requirements.

6.9.2 A referral to a Fitness to Practise Panel may arise through one of the following routes:

- The Head of Department (or their nominee) refers a case directly to a panel at the triage stage; or
- Following a Case Officer investigation, the Head of Department (or their nominee) determines that the matter should proceed to a panel, whether or not the Case Officer has recommended referral.

6.9.3 Where a case is referred to a panel following a Case Officer investigation, the panel will be provided with the Case Officer's report and all relevant supporting evidence, including any evidence submitted by the reported student, so that the panel can undertake a full and informed consideration of the case.

6.9.4 Where a case is referred directly to a panel without a prior Case Officer investigation, a panel date will be scheduled and the reported student must submit any evidence on which they wish to rely no later than 10 working days before the panel meeting. Any initial questions identified by the panel will, where possible, be shared with the student in advance to support preparation. However, the student should be aware that additional questions may arise during the panel meeting as issues are explored and clarified. It is not possible to confirm all questions in advance.

6.9.5 Where the behaviour of concern has been reported by another student, panels will not normally be conducted with both the reporting and reported parties present at the same time, and the reported student will not be permitted to cross-examine the reporting party. We may invite the reporting party to submit a written statement in advance of the panel, rather than asking them to provide verbal evidence at the panel meeting. This approach is intended to protect all parties, avoid re-traumatisation, and ensure a fair and respectful process while enabling the panel to test evidence appropriately.

6.9.6 Attendance at a Fitness to Practise Panel is not mandatory, and the reported student may choose to submit a written statement in place of attending the panel. However, students should be aware that choosing not to attend may limit the panel's ability to explore aspects such as insight, reflection, remediation, and responses to questions arising from the evidence.

6.9.7 The panel will first determine whether the allegation(s) against the student are upheld, applying the appropriate standard of proof. Only where the panel determines that allegations are upheld will it proceed to consider the appropriate outcome or penalty. The penalties available to a Fitness to Practise Panel are set out at section 6.10.

6.10 Penalties

6.10.1 Penalties applied under this procedure will be proportionate to the identified misconduct. Available penalties include (but may not be limited to):

- A Guidance Note that advises you as to your future behaviour.
- An Action Plan that requires you to undertake specific educational, behavioural, reflective or professional development activities within a defined timeframe. Action Plans should contain measurable objectives, review points, and identified support mechanisms. Arrangements and responsibility for monitoring completion of Action Plans should be clearly identified.
- A written formal apology directed to the recipient of your behaviour.
- A fine, where it is directly relevant to the behaviour and its impact e.g. you are found to have broken a lamp and are asked to pay to replace it; or you have broken a door and are required to cover the cost associated with having it fixed.
- A formal Written Warning.
- A formal Final Written Warning. It is not usually possible to be given more than one final written warning.
- Withdrawal from your course of study. If you are withdrawn from your course on fitness to practise grounds, you will not be able to apply to join any other course at the University which has PSRB requirements; but you will be able to apply to join another course at the University which does not have those requirements. You would have to apply to join an alternative course via the standard admissions process.
- Exclusion from the University for a period of up to five years, during which time you will not be able to re-apply to study any course at the University.

6.10.2 Only a panel can withdraw or exclude a student.

6.10.3 The following is a non-exhaustive list of factors that can be taken into account when deciding upon an appropriate penalty:

- Whether you have admitted to the misconduct.
- Whether you have shown remorse for your actions.
- The impact of your behaviour on others, including third parties such as patients or pupils.

- The impact of your behaviour on the reputation of the University.
- Any mitigating circumstances you choose to put forward.
- Whether you have engaged with any support services in order to address your behaviour.
- How any ongoing impact of your behaviour can best be mitigated.
- Any records of previous fitness to practise cases upheld against you.
- The impact of potential penalties on your academic or practice progression.

6.10.4 Penalties you have already been given for academic misconduct will not normally be taken into account in deciding the penalty in fitness to practise cases.

6.10.5 Details of any relevant previous fitness to practise outcomes will only be shared with panel members after they have found the misconduct to be upheld and decided on an applicable penalty for the misconduct under consideration. A panel may decide to issue an alternative penalty after they have been informed of any previous relevant misconduct.

6.10.6 Case Officers and panels should also confirm any additional actions that should be taken in light of fitness to practise findings e.g. a student is prevented from returning to the same placement location or organisation; or documentation identified as fraudulent is corrected.

6.11 *Confirming fitness to practise outcomes*

6.11.1 You will be sent the formal outcome and full details of the penalty to be applied, if applicable, by Student Governance.

6.11.2 The outcome of fitness to practise cases will be treated confidentially. Confidentiality does not prevent the sharing of relevant information where there is a legitimate educational, professional, regulatory, safeguarding or service user safety purpose. Any disclosure will be proportionate, necessary, limited to those with a legitimate need to know, and compliant with applicable data protection legislation and University policies. We may share with the reporting party the outcome and penalty applied in a case, if the reporting party has a legitimate interest in knowing that information and it can be shared in line with data protection requirements. We may also share limited substantive details of the case if it is appropriate and possible in line with data protection requirements. For example, we might provide limited details if we think this is likely to mitigate against any distress or harm caused to the reporting party; if a student is subject to any restrictions associated with returning to placement; or if we need to share sufficient information to enable

placement partners to discharge their own responsibilities for the safety of service users and risk management.

- 6.11.3 Where a student is sponsored, seconded, employed or otherwise supported by an external organisation with responsibilities relating to professional development, supervision, governance or risk management, consideration will be given to whether relevant fitness to practise outcomes, Action Plans or support measures should be communicated to that organisation. Such decisions will be made by the Head of Department (or their nominee) and should take account of service user safety, public protection, learner support, proportionality and the legitimate need to know. Relevant outcomes may include Action Plans, penalties, restrictions, supervision requirements, service user safety concerns or other measures requiring ongoing monitoring.
- 6.11.4 If you are the reporting party and a student, we will also consider whether you can be offered a remedy in respect of any harmful behaviour we find you have been subjected to. A remedy might be e.g. an apology, an explanation of any actions we have taken as a result of learning from the complaint, or an academic or financial remedy, depending on the nature of the concern, the impact on you, and what you are seeking. In all cases, we will confirm to you that the case has been concluded.
- 6.11.5 We do not make use of non-disclosure agreements in fitness to practise cases. By 'non-disclosure agreements' we mean all agreements that seek to prevent students from disclosing information about their experiences to a third party. Agreements of this kind are banned by the Office for Students where they relate to allegations about harassment or sexual misconduct, but we apply the same position to all harmful behaviours on the basis that agreements of this kind can prevent students from speaking about their experiences.
- 6.11.6 If you are the reporting party and a student, and you are concerned about how your report has been handled, you have the right to submit a separate complaint under the [Student Complaints Procedure](#). An investigation into the handling of your report will then be conducted as appropriate. We will ensure anyone involved in such a complaint has had no involvement in the underlying fitness to practise matter. When you reach the end of the Student Complaints Procedure, we will issue you with a Completion of Procedures letter as appropriate. Completion of Procedures letters entitle you to pursue any issue further through the Office of the Independent Adjudicator ('the OIA'). For further information on the OIA, please see our [dedicated OIA page](#) on iCity.

6.12 Review

6.12.1 The following guidance on accessing the review stage of the procedure is applicable **only to reported students**. If you are a student who reported behaviour of concern by another student and are dissatisfied with the outcome of a formal fitness to practise case, please refer to the guidance provided at section 6.11.6.

6.12.2 If you are the reported party and are not satisfied with the outcome of a formal fitness to practise case, you can request a review. There are limited grounds for asking for a review, which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal stage;
- The correct procedure was not followed during the formal stage and this has had a significant effect on the outcome;
- The outcome was unreasonable given all the circumstances and the evidence considered.

6.12.3 At the review stage, we will not usually consider the issues again or investigate the matter further. A case must have been considered at the formal fitness to practise stage before it can move to the review stage.

6.12.4 Review requests should be submitted to the Student Governance team using the relevant review request form. You must set out your grounds clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the review may be paused while we await your evidence.

6.12.5 Review requests will usually be considered by the Associate Director Student Services, but in cases of conflict or absence will be considered by a suitably senior staff member with experience of considering fitness to practise cases. The reviewer will always have had no prior material involvement in the case, and will decide between the following outcomes:

- There are no grounds for taking the matter further; or
- The case will be referred back to the formal stage of the process with a recommendation. Where a matter is referred back to the formal stage, the timescales applying to that stage will begin again.

6.12.6 The review decision will be sent to you as a formal decision along with guidance on any relevant next steps.

6.12.7 You should submit a review request within 15 working days of being sent the formal fitness to practise outcome.

6.12.8 If you submit a review request beyond the timeframe of 15 working days, you must provide an explanation and evidence to account for your delay. We will then consider whether or not the delay has been reasonable. If we decide that the delay is unreasonable, we will deem your review request ineligible and it will not proceed to full consideration. You will still receive a Completion of Procedures letter.

6.12.9 In deciding whether your review request has been unreasonably delayed, we will take into account:

- Whether you have provided an explanation for your delay, and whether the explanation is reasonable. For example, we are unlikely to accept a review request that was delayed because you had been on holiday or had made a decision to prioritise other life commitments; we may accept a review request that was delayed because you were unwell (subject to the further points below).
- Whether you have provided evidence to support the explanation of your delay. For example, we are unlikely to accept a review request if you explain that it was submitted late due to you being unwell, but you fail to provide any evidence of your illness.
- Who caused the delay. For example, we may accept a late review request if we can see that the delay was caused by University staff or processes.

6.12.10 We aim to complete review requests within 15 working days. The period of 15 working days begins from the first working day we receive your review request.

7 The Office of the Independent Adjudicator (OIA)

7.1 Where your review request is deemed ineligible or not upheld, we will issue you with a Completion of Procedures letter (a CoP) and tell you about your right to make a complaint to the OIA. You will have 12 months from the date of the CoP to make a complaint to the OIA.

7.2 The OIA looks at whether the University applied its regulations properly and followed its procedures correctly, and considers whether any decision made by the University was fair and reasonable in all the circumstances. The OIA reviews cases but does not re-investigate them.

- 7.3 Where we have deemed your review request ineligible due to lateness and have issued you with a CoP, you are entitled to approach the OIA. However, you should be aware that the OIA will usually only consider the reasonableness of the University's eligibility decision at the review stage; the OIA will not usually consider the substantive case, unless it decides that the review decision was unreasonable.
- 7.4 The OIA normally expects students to follow the University's internal procedures to their conclusion before complaining to the OIA. If you make a complaint to the OIA without having a CoP, your complaint is likely to be deemed ineligible.

8 Relevant documents and support

- 8.1 The Student Fitness to Practise Concerns Form and Fitness to Practise Review Request Form can be found [on iCity](#) (scroll down to the section named 'Attachments'). If you do not have access to iCity (for example, because you have been withdrawn) the Review Request Form is also available on [the University's website](#) (look for the 'Academic Regulations, Policies, and Procedures' section for the relevant academic year).
- 8.2 The following documents are also relevant to the Fitness to Practise Procedure and issues touching on professional behaviours:
- [Guiding Principles of Casework Procedures](#)
 - [Academic Regulations](#)
 - [University Community Agreement](#)
 - [Definitions of Harmful Behaviours and Related Issues](#)
 - [Student Disciplinary Procedure](#)
 - [Student Complaints Procedure](#)
 - [Student Gender-Based Violence Policy](#)
 - [Student Bullying and Harassment Policy](#)
 - [Code of Practice on Freedom of Speech](#)
 - [Firearms, Imitation Firearms & Offensive Weapons Policy](#)
- 8.3 Documents relevant to specific professions, such as codes of conduct and practice, should be accessed via the website of the relevant PSRB: see section 2.2.
- 8.4 Support is available from the following teams:
- [Mental Health and Wellbeing](#): support and guidance for any student affected by personal circumstances or harmful behaviours, including advice on reporting options.

- [Disability Support](#): advice and support for disabled students on accessing reasonable adjustments.
- [Money, Housing, and Childcare Advice](#): information, advice and guidance on a range of student finance, funding and money matters.
- [Student Governance](#): information regarding the fitness to practise process.
- [Students' Union Advice Centre](#): independent advice on any aspect of the fitness to practise process.

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Appendix A: Procedural Flowchart

