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General Regulations:

Fitness to Practise Procedure

2025-2026

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1. Introduction to the Fitness to Practise Procedure

- 1.1 The Fitness to Practise procedure purpose is to ensure that students on professional practice focused programmes are fit for practise, and for the University to be able to deal with cases where there are concerns promptly, appropriate and fairly.
- 1.2 Students on these programmes will have additional duties that are outlined in professional standards and/or the codes of conduct of the relevant Professional, Statutory and Regulatory Body (PSRB). Students will be made aware of the content and requirements of these on commencing their programme of study (see Appendix 1 for list of programmes and their relevant PSRB).
- 1.3 If a student fails to meet these duties, this fitness to practise procedure may be applied.
- 1.4 Although there may be variations between professions, fitness to practise procedures have the following essential purposes:
 - protection of the public and service users; including patients, children, staff, peers and colleagues;
 - ensuring the upholding of professional standards from the relevant code of conduct and the student code of conduct (where applicable);
 - contributing to upholding the reputation of the profession and public confidence in the profession;
 - providing a means of ensuring that students do not proceed into a career to which they are not suited, given the commitment involved in the process of training;
 - ensuring that the University has taken all possible steps to prevent harm to any individual by a student during the student's training;
 - maintaining confidence that the University has a robust fitness to practise procedure for students on professional programmes.
- 1.5 Being 'fit to practise' means being competent, responsible and having the appropriate characteristics (including attitude and the necessary health status) needed to work safely and effectively in a particular profession. The University has a duty of care to its students and to the public to make sure that students are fit to practise in their chosen profession. Conduct that does not meet the standard expected of a student at any stage of their professional programme may fall within the following broad areas:
 - relationship with service users including patients, children, parents and young people;
 - demonstrating integrity and trustworthiness;

- maintaining good practice;
- demonstrating the ability to reflect on individual skills and knowledge and accepting guidance on improving performance;
- demonstrating the professional confidence and competence to safeguard children and/or service users;
- working effectively and collaboratively with colleagues;
- health-related physical and psychological issues.

(not an exhaustive list)

- 1.6 In addition to these, the [University's Student Code of Conduct](#) (Appendix 1 of the General Student Regulations (GR1)) sets out the expected conduct of all students as members of our University community.
- 1.7 Issues of student conduct which may not be directly related to professional conduct or suitability may be dealt with under the University's Student Conduct and Behaviour Procedure. However, in many instances, the Fitness to Practise Procedure is likely to be relevant given the high standards of conduct expected of students as trainee professionals in the programme areas covered by these procedures. (See section relation to other procedures)
- 1.8 Student expenses associated with this procedure will not be reimbursed by the University regardless of the subsequent outcome.

2 When is this procedure applied?

- 2.1 Fitness to Practise proceedings may be brought when a student is:
- A current student who is registered on a Kingston University credit/award and where successful completion of said course would make the student eligible to apply for registration/or entitle them to practise; or
 - Currently registered with a PSRB and is undertaking further study at the University e.g. on a short course; or
 - Withdrawn from their programme of study prior to a concern raised under these procedures being resolved; or
 - Considered as 'dormant' from a course but upon successful completion of said course this would make the student eligible to apply for registration/or entitle them to practise.

3 Who can raise a fitness to practise concern?

3.1 Concerns about a student's fitness to practise may be raised by any source but typically concerns will be raised by:

- Another student
- Any member of university staff
- A placement provider/partner such as mentor, supervisors, assessor or liaison officer (or equivalent) or other members of the staff
- Members of the public
- Occupational Health
- Other agencies such as the Police, Social Services and Local Authority's Designated Officers for Safeguarding.

The University will not typically investigate concerns that have been raised anonymously (see section on Anonymous Concerns and Confidentiality)

4 How are medical conditions and disabilities considered under Fitness to Practise?

- 4.1 Once registered as a student at the University, fitness to practise does not include pre-existing medical conditions or disabilities that a student may have already disclosed on application and where reasonable adjustments have been made (through the issuing of a Summary of Support Needs) to enable them to complete their academic and practice assessments.
- 4.2 However, at the earliest opportunity, students on courses governed by Fitness to Practise regulations must tell their Head of School (or their appointed nominee) about a physical or psychological health issue or disability that might reasonably be expected to affect their fitness to practise that arises or worsens post admission.
- 4.3 Fitness to practise will be considered where a disability prevents a student from meeting the core competencies after reasonable adjustments have been made, or the adjustment would have a negative effect on the standard they are required to achieve or has implications for the safety and protection of the public and service users.
- 4.4 There is the expectation that students should be able to recognise when they are experiencing mental health or other health-related issues which may impact on their ability to practise safely, and to seek help for this at

the appropriate time. If there is evidence that students are unable to do this, a Fitness to Practise issue may arise.

- 4.5 Questions over a student's Fitness to Practise may additionally arise where, as part of the University's [Mitigating Circumstances](#) or [Academic Appeals processes](#), a claim or appeal is submitted in relation to retrospective mitigating circumstances on the grounds that the student lacked the rational judgment necessary at the appropriate time to deem themselves unfit to undertake assessments.
- 4.6 If a student's condition worsens or is identified during their programme of study, or if they knew about the disability and declare that disability before starting the programme but it becomes worse and requires new or revised adjustments, the University will need to consider whether;
- i. The student could be putting themselves or others at risk of harm by continuing on the programme
 - ii. Placement providers or relevant professional bodies will be able to make the required alterations to their part of the teaching and learning process
- 4.7 When all reasonable avenues have been explored and it is not possible to make a reasonable adjustment, or to find a student a suitable placement opportunity and a way forward cannot be mutually agreed, it may be necessary for the University to withdraw a student from the programme and offer a transfer to another programme following the fitness to practise process, and if they meet the relevant entry requirements for the alternative programme.

What is the role of Occupational Health?

- 4.8 In circumstances where a student's ability to satisfy the conditions of their programme are called into question because of a health-related issue or disability, the University's Occupational Health Service will make an assessment. The Occupational Health Service will advise on the impact of the issue that they are experiencing on their fitness to practise and, if appropriate, in liaison with the relevant Disability and Mental Health Adviser, will advise on reasonable adjustments.
- 4.9 If compliance with a treatment programme is necessary to ensure the safety of others is not compromised, the Occupational Health Service will normally act as the point of liaison with the health or disability specialists treating a student.

- 4.10 In normal circumstances, a student's confidential medical information may be exchanged with relevant parties only with their explicit written consent. If a student is not willing to give consent, but there is an identifiable risk to the public and service users, written consent to disclosure may be given by the Head of School (or nominee) who will consult the University's legal counsel before doing so.

Support for students with a health or disability related issues in relation to fitness to practise proceedings

- 4.11 If a student has a declared health or disability-related issue the University will make reasonable adjustments in respect of all fitness to practise proceedings, for example in preparation for attendance at meetings associated with the proceedings and with respect to the management of action plans and sanctions.

I would like to raise a concern about a student's conduct, behaviour or health issue, what I do need to know?

- 4.12 If you have a concern about a student's conduct, behaviour or health issue you should report this in writing, accompanied by relevant evidence, to the Head of School (or nominee) within 15 working days of the incident, or the last in a series of incidents (we may accept reports outside this timeframe in exceptional circumstances).
- 4.13 If you have a particularly sensitive case that you would like to discuss in confidence with a member of staff, you should contact your Personal Tutor, Head of School (or nominee) or [Academic Registry](#) in the first instance.
- 4.14 Our staff are available to offer you advice on your options and talk to you about what might happen next if you want to submit a formal concern. The [Kingston Students' Union](#) is also very experienced in providing advice about this process. We also have a number of other [services available to support you](#).

What will happen next?

- 4.15 In the first instance, the Head of School (or nominee) will undertake an initial consideration of the concern and using their professional judgment, decide on the appropriate course of action under these or alternative University procedure, such as the Student Conduct and Behaviour Procedure.
- 4.16 If the concern is about the student's health, such as a physical or psychological issue or disability that has arisen or worsens post admission, the case will usually be referred in the first instance to Occupational Health to make an assessment.
- 4.17 If the concern raised is considered a developmental issue rather than a breach of a professional code, the Head of school will refer this to the student's course team who will provide the student with support to help them improve their practice or approach. In these cases, this decision will be formally recorded and may be referred to if any further concerns arise, but this will not normally fall under the Fitness to Practise procedure.

- 4.18 If the concern raises calls into question the student's Fitness to Practise and requires further consideration, an Investigator(s) will be appointed to conduct a Fitness to Practise Investigation.
- 4.19 If the Head of School (or nominee) determines that there are already sufficient facts of the case established (i.e. in the case of criminal proceedings or where a matter was referred by Occupational Health or where the facts have already been investigated via another procedure such as the Student Conduct and Behaviour or Academic Integrity) and the concerns are significant enough to call the student's Fitness to Practise into question, the Head of School (or nominee) may determine that the case proceed directly to a Fitness to Practise Panel.
- 4.20 If the Head of School (or nominee) has concerns relating to risk on the basis of concerns reported, a risk assessment will be conducted and one or more precautionary measures may be put in place whilst the case is under investigation to safeguard all parties. These could include suspension from placement and or campuses (see section on Precautionary Measures) whilst the process continues.
- 4.21 As part of an investigation, reporting parties may be asked to provide more information about the concerns raised such as writing a statement outlining the circumstances, providing copies of any relevant evidence (for example copies of emails, text messages or other relevant documents), attending an interview with the investigator(s) and/or potentially attending the Panel.
- 4.22 In most cases, we will need to provide all information collated to the student against whom the concern has been made, including the identity of the person(s) making the concern. This is because the student should be provided with a fair opportunity to make a response to the concerns and sharing all of the information, including the identity of the complainant and any witnesses, is the fairest and most thorough way to undertake an investigation. If you have any concerns about this, you should let us know when you make contact so we can discuss this with you further (see Anonymous and Confidentiality).

What are the possible outcomes and what information will I receive about the outcome of my concern?

- 4.23 Following consideration of a case, the University will decide if, on the balance of probabilities (i.e. whether it is more likely than not), the concerns raised have breached the relevant PSRB professional standards and/or the PSRB or university codes of conduct.

- 4.24 If we decide that there has been a breach, we will also decide if the student's fitness to practise has been impaired due to this breach and will agree one or more outcomes in line with this. The outcome will be proportionate to the seriousness and circumstances of the case. Some examples of the types of outcomes that we may agree can be found in appendix 3.
- 4.25 We will let reporting parties know when our investigation has been completed and we will keep you updated if there are any delays. If measures have been put in place that relate to your safety, we will keep you updated on what these are. It will not usually be possible for us to let you know all of the details of our investigation or outcomes which may have been issued to the student due to data protection constraints.

What can I do if I am not satisfied with the way that the University has handled my concerns?

- 4.26 If you are a student and you have evidence to demonstrate that we have not followed our procedure correctly when handling your complaint, you may be able to submit a complaint under the Student Complaints Procedure.

5 There has been a concern about my conduct, behaviour or health – what do I need to know?

5.1 Following an initial consideration of your case by the Head of School (or nominee), the University will contact you via email to let you know that there has been a concern raised about your conduct, behaviour or a health issue that we believe requires further investigation.

- If the concern is about a physical or psychological health issue or disability that might reasonably be expected to affect your fitness to practise that arises or worsens post admission, the University will usually refer this in the first instance to Occupational Health to make an assessment.
- If the concern is considered a developmental issue, your course team will provide you with support to help you improve your practise or approach. In these cases, this decision will be formally recorded and may be referred to if any further concerns arise, but this will not normally fall under the Fitness to Practise procedure.
- If the concern is deemed to call into question your fitness to practise and requires further investigation, an Investigator(s) will be appointed to conduct a Fitness to Practise Investigation.
- In the most serious cases, we may decide to hold a Fitness to Practise Panel to hear your case.
- During this process, we may also put in place one or more precautionary measures, such as a suspension from placement and or your course, whilst the case is under investigation to safeguard all parties (see Precautionary Measures).
- If you are close to graduation, we may decide to withhold your award until the process has concluded.

5.2 When we write to you, we will let you know what the concern(s) are and how they may have breached relevant professional standards and/or codes of conduct. We will also let you know what support and advice is available to you to throughout this process. As well as accessing Health and Wellbeing support services, we recommend that you speak to an Advisor in the Kingston Students' Union who are very experienced with supporting students through this process. You can be accompanied or represented at your Interview by someone from the Union, or another individual (see Accompaniment and Representation).

- 5.3 As part of a Fitness to Practise Investigation, you may be asked to provide more information about the concerns that have been made, such as attending an interview and/or writing a statement outlining the circumstances and providing copies of any evidence that might support your case (for example, copies of emails, text messages or other relevant documents).
- 5.4 You must engage with what is asked of you during the process, including responding to emails, providing further information, and attending interviews or a Panel. If you do not engage with the process as instructed this could result in a more serious outcome.
- 5.5 If you are unable to engage with the process or attend an interview that has been scheduled, you must contact the relevant member of staff as soon as possible with a reasonable explanation for your unavailability. We may be able to reschedule the proceedings but if we do not hear from you, or we deem your explanation unreasonable, then we may proceed in your absence.

What are the possible outcomes following the University's consideration of your Fitness to Practise case?

- 5.6 When considering your case, the Investigator(s) or Panel will use the balance of probabilities (i.e. whether it is more likely than not), to determine if there has been a breach of the relevant professional standards and/or the codes of conduct.
- 5.7 If we decide that there has been a breach, we will consider how significant the breach is and any mitigating factors that have been presented. The outcome will be determined in line with this, for example, the Investigator may determine that the appropriate outcome is a written warning and/or a requirement for you undertake a reflective piece of work. For more significant breaches, the case may be referred to a Fitness to Practise Panel which may determine that the appropriate outcome is a suspension from your course or an expulsion from your course with immediate effect.
- 5.8 Some examples of the types of outcomes that we may agree through this process can be found in appendix 3.

How long will Fitness to Practise outcomes stay on my student file and what are the implications of this?

- 5.9 If the Fitness to Practise process has determined that a breach has occurred, a note will be placed on your student file. This will not usually impact on your ability to continue with your studies or be awarded and graduate, unless you have been withdrawn from your course or expelled from the University as an outcome of the process. This record will be referred to again if you are involved in another incident.
- 5.10 We may need to disclose a record of any Fitness to Practise outcomes to external parties if there are specific professional requirements which mean that we must disclose this. In these cases, we will let you know that we have been asked to provide this information before we do so.

Is this reported to the professional body, my employer, Local Authority Designated Officer for Safeguarding or to the DBS service?

- 5.11 In line with our [Privacy Notice for Enrolled Students](#), if the Fitness to Practise process has determined that a breach has occurred, it may be appropriate for us to refer the matter and or report to external third parties (see Anonymous Complaints and Confidentiality).

Is there an appeals process?

- 5.12 Once you receive the final outcome of the University's consideration of the Fitness to Practise case, you may submit an appeal on one or more of the following grounds:
- The University's Procedures have not been followed and this has affected the outcome;
 - Based on the evidence available at the time, the outcome is unreasonable;
 - You have new evidence which you were unable to provide earlier in the process, for valid and evidenced reasons, and this has affected the outcome;
 - There is evidence of bias or reasonable perception of bias in the proceedings.

- 5.13 You must put your appeal in writing and submit this, along with any supporting information, within ten university working days of the date of your outcome letter to Academic Registry. Appeals which do not meet the grounds for appeal, or which are submitted late and do not provide compelling exceptional reasons, will not be considered. Academic Registry will let you know if this is the case and will provide you with a Completion of Procedures Letter.
- 5.14 A member of Academic Registry staff, with no prior involvement in your case, will consider your appeal and will provide you with an outcome in writing within 10 working days of its receipt. If your appeal is upheld, the Investigator may recommend that a fresh and independent Investigation or Panel into the original allegations is undertaken, or they may overturn the original decision and replace this with their own decision. The outcome of the appeal is final and as such you will be issued with Completion of Procedures information.
- 5.15 Whilst an appeal is being considered, the outcome of the fitness to practise investigation will be suspended. This will not include any precautionary measures that have been agreed on health and safety grounds which will stay in place.

What if I am still unhappy with following the outcome of my appeal?

- 5.16 The Office of the Independent Adjudicator, the "OIA" provides a free and independent scheme for the review of student appeals and complaints, which includes the right for you to appeal against our final decision. When you have exhausted the University's internal processes, you will be issued with a Completion of Procedures letter which will allow you to take your case to the OIA for an independent review.
- 5.17 Applications to the OIA need to be made within 12 months of the date that the Completion of Procedures information was issued by us. Further information about submitting a complaint to the OIA can be found on their website – www.oiahe.org.uk.

6 Procedural Information

Fitness to Practise Investigations

- 6.1 If the Head of School (or nominee) determines that the concern meets the threshold for a Formal Stage Investigation, an Investigator(s) will be appointed and the student against whom the concerns has been made will be informed that a case has been opened and what the broad concerns are.
- 6.2 As part of the investigation, the Investigator(s) will collate evidence from relevant sources. This may include speaking to or requesting information from the student against whom the concerns have been raised, other students and staff, staff from partner placement providers and Occupational Health (list not exhaustive).
- 6.3 At the end of the investigation, the Investigator(s) will decide whether on the balance of probabilities (i.e. whether it is more likely than not):
- there is no evidence of a breach of expected standards of conduct or behaviour
 - the matter should be referred to another procedure (i.e. Student Conduct and Behaviour Procedure or for a further Occupational Health assessment)
 - the student is fit to practise but some professional development concerns have been identified. The Investigator(s) can issue a final outcome which includes appropriate warnings and remedial requirements at this stage. This may also include outcomes/warnings related to breaches of the University's Student Code of Conduct (some examples of possible outcomes can be found in appendix 3)
 - there is evidence to suspect that the student is not fit to practise. The case will be referred to the Head of School (or nominee) who will have the final decision about whether a Fitness to Practise Panel should be held to hear the case. If the decision is that there is not enough evidence to escalate the case to a Panel, then the Head of School (or nominee) will agree with the Investigator(s) the appropriate outcome.
- 6.4 The student against whom the concern has been made will normally be notified of the outcome within five working days of the final interview.

Fitness to Practise Panel

- 6.5 If the decision is to refer the case to a Fitness to Practise Panel, the Panel will usually be held within 25 working days of the Head of School (or nominees) decision to refer the case to Panel.

- 6.6 In advance of the Panel, the student will receive a copy of the case file and will be invited to submit a statement in response to this for the Panel to consider. This should be received five working days before the Panel. The student will also be invited to attend the Panel to put their case across and answer questions from the Panel directly. If the student wishes to call a witness, this must be discussed in advance of the date of the Panel meeting (no less than five working days) with Academic Registry who will refer the decision to the Chair of the Panel.
- 6.7 The constitution of the panel will vary depending on PSRBs' requirements, but will normally include:
- a Chair (from a different department/school),
 - a member of the school/department who must be familiar with the relevant regulatory standards,
 - a student representative (appointed by the Kingston Students' Union),
 - an external member, who need not be external to the University but must have professional experience relevant to Fitness to Practise and an ability to make an assessment of the student's Fitness to Practise in the relevant discipline,
 - a clerk from Academic Registry (in attendance).
- 6.8 The Panel will decide whether on the balance of probabilities (i.e. whether it is more likely than not):
- there is no evidence of a breach of expected standards of conduct or behaviour
 - the matter should be referred to Occupational Health and or Referred to another procedure
 - there is evidence of a breach but the student's fitness to practise is not impaired (some examples of possible outcomes can be found in appendix 3)
 - there is evidence of a breach and the student's fitness to practise is impaired. (some examples of possible outcomes can be found in appendix 3)
- 6.9 The student against whom the concern has been made will typically be notified of the outcome within five working days of the Panel.

7 Fitness to Practise in relation to other procedures

Fitness to Practise and Academic Integrity procedure

- 7.1 The Fitness to Practise procedure is separate from the Academic Integrity procedures (Academic Regulations 6). Where there are allegations of academic misconduct, the Academic Integrity procedures will typically be followed in the first instance. Depending on the outcome of the Academic Integrity procedure, it may additionally be necessary for a student to be taken through the Fitness to Practise process. This is because, for certain Professional, Regulatory or Statutory Bodies (PSRBs), if a student has been found guilty of academic misconduct it is possible that they may additionally be deemed not fit to practise. In these instances, it will likely not be necessary to undertake a Fitness to Practise Investigation first and the case can be referred directly to a Fitness to Practise Panel. Where a student has been referred to Fitness to Practise after having been through the Academic Integrity process, the Fitness to Practise process should not revisit the facts of the Academic Integrity case.

Fitness to Practise and Student Conduct and Behaviour Procedure

- 7.2 The Fitness to Practise procedure is separate from the Student Conduct and Behaviour procedure (General Regulations 3). Where there are allegations of breaches of the Student Code of Conduct (General Regulations 1a) the Fitness to Practise procedures will normally take precedence over the Student Conduct and Behaviour Procedure. If there is any doubt on which procedure to follow, a decision will be made by the Academic Registrar (or nominee) taking counsel from the appropriate Head of School (or nominee).
- 7.3 In cases where an investigation under the Student Conduct and Behaviour Procedure has been undertaken and it is subsequently determined that the allegations may call into question a student's Fitness to Practise, the case can be referred to the Fitness to Practise Procedure by the Academic Registrar (or their nominee). In these instances, it may not be necessary to carry out a Fitness to Practise Investigation and the case can be referred directly to a Fitness to Practise Panel.
- 7.4 Once a student has been through the Fitness to Practise procedure, it will not normally be necessary for them to additionally be subject to the Student Conduct and Behaviour Procedure. Indeed, Fitness to Practise Panels have the authority to consider breaches of the University's Code of Conduct and make findings in relation to this. However, such cases will be considered on a case-by-case basis by the Academic Registrar (or nominee).

Cases that could be considered under this procedure and/or the Wellness to Study Procedure

- 7.5 If a concern is raised about a student who is either already known to the University as having a health condition, or who is displaying concerning behaviour that could be linked to an undeclared health condition, a Case Conference will be convened which will include representatives from Academic Registry, Directorate for Students and the Head of School (or nominee). The Case Conference will undertake a holistic assessment of risk to determine what, if any, precautionary measures need to be put in place and to decide which, if any, procedure should be followed.
- 7.6 If, under usual circumstances, the case would have been subject to the Fitness to Practise Procedure, this may remain the most appropriate course of action, even if there is evidence that the student has an identified mental health or other diagnosed condition.
- 7.7 In certain cases, it may be appropriate for a case to be considered under both the Wellness to Study Procedure and to also be subject to a Fitness to Practise procedure as the fact that a student has health difficulties does not lessen the duty of care that the University has to other students, staff and the public. The duty of care to students with health difficulties should be balanced against the duty of care to the public, other students and staff. If a health condition is confirmed, views on the insight of the student into their own behaviour are relevant and may be sought from relevant medical professionals and may inform the decision about which procedure(s) to follow and/or any sanctions imposed.

Fitness to Practise and Fraudulent Applications

- 7.8 When evidence or information is obtained that a student who has completed the enrolment process may have submitted fraudulent information or documentation as part of their application to the University, the process outlined in the Admissions Policy (Academic Policy 1) should normally be followed.

Fitness to Practise and Student Complaints

- 7.9 Where a student submits a complaint under the Student Complaints Procedure (General Regulations 2) it may be appropriate for the University to pause the Fitness to Practise process whilst the complaint is being investigated.
- 7.10 This will depend on the nature of the complaint and the fitness to practise concerns, and how they relate to one another. Where they do relate, the University may consider the issues raised in the complaint as part of the

fitness to practise process. The University will inform the student about whether their complaint is being dealt with under the Student Complaints Procedure or whether the complaint is being considered as part of the fitness to practise process.

- 7.11 Pausing of the fitness to practise proceedings and/or investigating a related complaint may extend the proceedings and subsequent conclusion/resolution of any concern, complaint or allegation.

8 Other Relevant Information

Precautionary Measures

- 8.1 When a concern is raised the University will undertake a risk assessment to decide whether there are any precautionary measures that need to be put in place to keep the public safe as well as our wider University community.
- 8.2 These measures are not a penalty, but an important step taken by the University to determine whether there is a potential risk to the public and members of the University community or its premises.
- 8.3 The risk assessment will take into account the nature of the concern and the relevant known circumstances. Precautionary measures may include;
- A suspension from attending placement/clinical activities in cases where the concern is such that the student could be considered unsafe or at high risk of becoming so. It may still be appropriate to permit the student to continue to attend academic teaching or assessment and make use of University facilities;
 - A suspension from the student's course (including any placement/clinical activity) in cases where the student is considered to be a risk to the University community, patients/members of the public;
 - A restriction of access to some or all of our buildings or campuses and /or requiring them to cease contact with certain individuals.
- (this list is not exhaustive)
- 8.4 Any precautionary action taken by the University will be reasonable and proportionate and care will be taken to minimise a student's ability to engage with their learning and assessment as far as is deemed possible.
- 8.5 If the risk assessment determines that a suspension or partial suspension is required, a recommendation will be made to the PVC (Education) for approval. If approved, the University will write to the student immediately

to let them know what measures have been put in place and the date that they come into effect.

- 8.6 Precautionary measures will usually stay in place until the Fitness to Practise process has been completed and the final outcome has been issued. Precautionary measures may also be put in place pending the outcome of an appeal or if the student is the subject of a police investigation or criminal proceedings.
- 8.7 It may be possible to permit students to exceptionally access campus to attend specific events, such as examinations, during a period of suspension. If this is applicable, the student should submit a request to their Head of School (or nominee) who will refer the request to the PVC (Education). If a student is permitted to attend specific events, the University may consider it necessary to put additional measures in place for the health and safety of the University community (e.g. requesting the assistance of Security to escort the student to and from a specific location).
- 8.8 Suspensions or partial suspensions will be reviewed periodically by Head of School (or nominee) and Academic Registry in liaison with the PVC (Education). We expect students to inform us immediately of any developments which may have implications for the terms of their suspension or partial suspension. In the event that no further information is presented, and the suspension or partial suspension remains in place for a sustained period of time the University may advise a student to consider interrupting their studies.
- 8.9 Once a student receives notification of a suspension or a partial suspension, they may submit an appeal on one or more of the following grounds:
- The University's procedures for suspension have not been followed and this has affected the outcome;
 - Based on the evidence available at the time, the suspension outcome is unreasonable;
 - The student has new evidence which they were unable to provide earlier in the process, for valid and evidenced reasons, and this has affected the outcome,
 - There is evidence of bias or a reasonable perception of bias in the proceedings.
- 8.10 Students must put their appeal in writing and submit this, along with any supporting information, within five university working days of the date of the suspension notification.

- 8.11 Another member of the Senior Leadership Group, with no prior involvement in the case, will consider the appeal and will provide an outcome in writing within 10 working days of its receipt. If the appeal is upheld, the outcome may be to revise the qualifications of the suspension or partial suspension or to determine that the suspension or partial suspension is no longer required. The outcome of the appeal is final. Whilst an appeal is being considered, the suspension or partial suspension will stay in place.
- 8.12 Appeals which do not meet the grounds for appeal, or which are submitted late and do not provide compelling exceptional reasons, will not be considered. Academic Registry will let the student know if this is the case. The University's decision in this regard is final.

Criminal Offences and Fitness to Practise

- 8.13 If you become the subject of a police investigation or criminal proceedings after enrolling at University, you must notify your Head of School (or nominee) as soon as you are made aware about the proceedings so that we can undertake a risk assessment and decide what, if any, precautionary measures may be required whilst the criminal process is being concluded.
- 8.14 The University will usually defer any consideration under this procedure until the outcome of the police investigation or criminal proceedings is known. It is your responsibility to keep us updated on the progress of any police investigation or criminal proceedings. The University may also liaise directly with the police to share relevant information about your case to inform any subsequent action taken by the University.
- 8.15 Following the conclusion of a police investigation/court action, the case may be considered under this Procedure. If you have been sentenced by a court, the court's penalty shall be taken into account when determining the appropriate action under this Procedure. As part of our investigation, you may be required to provide evidence of any conviction and sentence you received and any other appropriate evidence from the relevant Criminal Justice Service (e.g. the Probation Service).

Accompaniment and Representation

- 8.16 If you are invited to attend a Fitness to Practise Investigation interview or a Fitness to Practise Panel, you may be accompanied by one individual. For example, you may wish to be accompanied by a friend, family member, officer or staff member from the Kingston Students' Union, or by

a Trade Union or professional association staff member (if applicable) or a legal representative.

- 8.17 You are required to inform the clerk of the interview or panel at least 5 university working days ahead of the meeting whether you are going to be accompanied and if so, the name of the person and the capacity in which they are attending, noting specifically whether the person will be accompanying or representing you.
- 8.18 Where no such notification is received, the meeting may be postponed. If you indicate that you will be bringing legal, Union or other representation, the University reserves the right to also instruct a legal, Union, or other representative to attend. This may mean that your meeting date will have to be delayed.

Student Conduct and Malicious and Fabricated Allegations

- 8.19 The University will treat you with respect and courtesy and we expect you to treat us in the same way. The University reserves the right to terminate the process if your conduct is inappropriate and/or if we determine that your complaint has been fabricated or submitted maliciously. Allegations of inappropriate behaviour or malicious or fabricated complaints may lead to:
- restrictions being applied to your contact with certain individuals or departments within the University;
 - an investigation/panel proceeding on the paperwork only;
 - the individual submitting a fabricated or vexatious allegation being investigated themselves under the Fitness to Practise Procedure or the Student Conduct and Behaviour Procedure

Independence

- 8.20 Staff making decisions in Fitness to Practise matters shall be independent and impartial insofar as they have not had previous and material involvement with the matters under investigation.

Anonymous Complaints and Confidentiality

- 8.21 The University will not typically investigate allegations that are made anonymously, or where a student or other individual asks for their identity to remain anonymous during the investigation. This is because the reported individual should be provided with a fair opportunity to make a response to the concern that has been raised. Sharing all of the

information, including the identity of the complainant and any witnesses, is the fairest and most thorough way to undertake an investigation.

- 8.22 All parties involved in the process can be assured that cases will be considered with sensitivity and that confidentiality to all parties will be maintained so far as is practicable.
- 8.23 The University may consider investigating an anonymous concern or withholding an individual(s) identity as part of the investigation if there is a compelling reason for doing so. However, this may impede the thoroughness of the investigation. If an individual wishes to discuss their concerns in confidence prior to making a formal concern they should contact [Academic Registry](#), Head of School (or nominee) or Personal Tutor
- 8.24 If you have witnessed or experienced any behaviour that makes you feel uncomfortable and you wish to report this anonymously there are a range of [support and report routes](#) available to you.
- 8.25 The University is committed to complying fully with the Data Protection Act 2018 and the General Data Protection Regulations in its handling of personal data. Disclosure of information will be restricted to those parties involved in the consideration and administration of Fitness to Practise cases. There are, however, circumstances where the University's commitment to confidentiality is overridden by other considerations. These are:
- i. When a student's health and safety, or that of others, is considered to be at risk.
 - ii. When a student is considered to be at serious risk of abuse or exploitation.
 - iii. When disclosure is required by law.
 - iv. When a student's current behaviour or health requirements compromise the University's responsibilities to outside agencies, including practice placements and partner institutions.
 - v. When a student's current behaviour or health requirements compromise the University's responsibilities to other students to the extent that those other students are being adversely affected to the serious detriment of their academic progress.

Appendix 1 – These regulations relate to students registered on programmes of study including but not limited to the following professional, statutory and regulatory bodies

Programmes of Study	Professional, Statutory and Regulatory Body
Pre- and post-registration nursing	Nursing and Midwifery Council (NMC)
Pre- and post-registration midwifery	Nursing and Midwifery Council (NMC)
Pre- and post-registration pharmacy	General Pharmaceutical Council (GPhC)
Pre- and post-registration social work	Social Work England (SWE)
Education	Teaching Regulation Agency (TRA)
Nutrition (Exercise and Health) Sport and Exercise Science (Nutrition)	Association for Nutrition (AfN)

Appendix 2 – Indicative Outcomes

Following consideration of a case, the University will decide if, on the balance of probabilities (i.e. whether it is more likely than not), the concerns raised have breached the relevant PSRB professional standards and/or the PSRB or university codes of conduct. If we decide that there has been a breach, we will also decide if the student's fitness to practise has been impaired due to this breach and will agree one or more outcomes in line with this. The outcome will be proportionate to the seriousness and circumstances of the case.

Some indicative examples of the types of outcomes that we may agree can be found below:

Investigator stage	Following an investigation, the Investigator may determine that the student is fit to practise but that some professional development concerns have been identified. The Investigator(s) can issue a final outcome which includes appropriate warnings and remedial requirements at this stage. This may also include outcomes/warnings related to breaches of the University's Student Code of Conduct. Some examples of appropriate outcomes are: - Formal Warning about the concerning behaviours - Formal Warning about the concerning behaviours with a Suspended Referral to Panel should any similar behaviours occur in the future - Requiring the student to produce a reflective piece regarding the concerning behaviours. - Requiring the student to agree to adhere to an action plan for part or all of the remainder of their studies. The action plan should set out the milestones for reviewing this and where responsibility lies for assessing adherence - Requiring the student to change placement or work experience provider For cases related to student health and disability the following outcomes may also be appropriate to consider: - A further Occupational Health Assessment completed For cases where the Panel determine that the Student Code of Conduct has also been breached, it may be appropriate to also issue an outcome as detailed in Appendix 2 of the Student Conduct and Behaviour Procedure
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FtP Hearing	If a Panel determines that on the balance of probabilities there is evidence of a breach and the student's fitness to practise is impaired, one or more of the outcomes listed below and also in the Investigator stage above may be appropriate to issue: - Formal Warning about the concerning behaviours with a Suspended Expulsion if any similar behaviours were to occur in the future - Enforce a break in studies until the next academic year to allow the student a period of reflection. The Panel should stipulate what return to study requirements would look like - The student is not suitable for continuing professional practise and so should be withdrawn from the course. It may be possible for the student to be transferred to another course within the university. - The student is not suitable for any continuing professional practise and so should be withdrawn from the course. The student is also not suitable for continuing study within the University and so will be withdrawn as a student of the University (I.e. immediate expulsion) For cases related to student health and disability the following outcomes may also be appropriate to consider: - Enforce a break in studies whilst the student engages with medical and/or wellbeing treatment. In such cases, the student would be required to provide evidence that they are well enough to resume study and their professional practise before being permitted to re-start their course. A referral to the University's Wellbeing Team and /or Occupational Health may be required for this option. For cases where the Panel determine that the Student Code of Conduct has also been breached, it may also be appropriate to issue an outcome as detailed in Appendix 2 of the Student Conduct and Behaviour Procedure. Exceptionally, where an Award has already been conferred, the Panel may recommend to Academic Council, via the Academic Registrar, that the Award is withdrawn.
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