



General Regulations 4a:

Fitness to Practise Procedures: Student Conduct

2024-2025

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Section 1

Preface

Purpose and scope

1. These regulations relate to students registered on programmes of study including but not limited to the following professions:

- Pre- and post-registration nursing
- Pre- and post-registration midwifery
- Pre- and post-registration pharmacy
- Pre- and post-qualifying social work
- Education
- Osteopathy
- Acupuncture

These students may have responsibilities over and above those of other students at the University in relation to professional codes of conduct and standards of behaviour. While different professions will have their own standards of conduct and behaviour, the procedures that should be followed when students' Fitness to Practise is called into question are common across the University. This is to ensure consistency, fairness, and transparency for students. When considering issues relating to Fitness to Practise, public safety must always be the overriding consideration, however staff should also take advice from Equality, Diversity and Inclusion (EDI) in relation to the Equality Act 2010 when applying the Fitness to Practise regulations. The Disability and Mental Health Advisors should be contacted for advice where students who have a disability and/or long-term health condition require reasonable adjustments to enable them to access this procedure.

2. For certain courses, it may be a requirement that students are already employed in the profession to which their course relates. In these instances, where the University is made aware of a Fitness to Practise issue, it will follow these Fitness to Practise regulations. While the University has no authority to remove a student from employment during or after a Fitness to Practise investigation, the University may notify the employer that a student is undergoing a Fitness to Practise investigation, and of the outcome of the investigation. Where an employer becomes aware of a potential Fitness to Practise concern in relation to a Kingston University student, the employer should notify the University, in accordance with the agreement in place between the University and the employer.

Definition

3. Fitness to Practise is defined as a student's ability to demonstrate the requirements and responsibilities of the profession related to their course of study. There are two types of Fitness to Practise: that which relates to students' conduct (General Regulations 4a) and that which relates to

students' health/disabilities (General Regulations 4b). These regulations cover Fitness to Practise in relation to student conduct. If it appears to those considering the Fitness to Practise allegation that the student in question may have a disability or mental health difficulty, the advice of the Disability and Mental Health Advisors should be sought. In these instances, it may be appropriate to follow the process outlined in General Regulations 4b Fitness to Practise – Student Health and Disability, rather than the Fitness to Practise Student Conduct regulations.

Fitness to Practise and Student Conduct and Behaviour Procedure

4. The Fitness to Practise procedures are separate from the Student Conduct and Behaviour (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).
5. 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 the full Initial Investigation (Stage 1) of this procedure) and instead the case may be referred directly to a Stage 2 Fitness to Practise Hearing (see sections below). 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. However, such cases will be considered on a case-by-case basis by the Academic Registrar (or nominee).

Fitness to Practise and Academic Integrity procedures

6. The Fitness to Practise procedures are separate from the Academic Integrity procedures (Academic Regulations 6). Where there are allegations of academic misconduct, the Academic Integrity procedures will be followed. 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 may not be necessary to carry out the Initial Investigation and the case may be referred directly to a Stage 2 Fitness to Practise hearing (see sections below). Where a student has been referred to Fitness to Practise after having been through the Academic Integrity process, the Fitness to Practise investigation should not revisit the facts of the Academic Integrity case.

Fitness to Practise and Fraudulent Applications

7. 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 (AP1) should be followed.

Recording of Fitness to Practise hearings

8. The University will provide a written record of the stage 1 interview and stage 2 hearing which will constitute the official record of the meeting. These notes will be circulated to the student following the hearing for comments on matters on accuracy. While the University allows audio recordings of lectures for study purposes, hearings may not be digitally recorded by students. The Chair of the panel will make this clear to the student at the beginning of the meeting. If the student records the hearing notwithstanding this advice, they may be subject to action under the Student Conduct and Behaviour Procedure GR3. This rule may be waived in cases where reasonable adjustments are required.

Confidentiality

9. 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.
 - iv) 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.

Section 2

Procedures

General

10. Student expenses associated with these Regulations will not be reimbursed by the University regardless of the subsequent outcome.
11. Students are expected to engage with the Fitness to Practise process and attend meetings when requested to do so. Should a student not be able to attend a meeting at the specified date and time, they are required to contact the member of staff responsible for organising the meeting as soon as possible to provide a valid reason for their inability to attend. A valid reason would be the attendance at a class or examination, prior and reasonably intractable personal commitments, particularly for part-time students and those with caring responsibilities, or non-attendance due to illness with the student required to provide supporting evidence (e.g., timetable, medical certificate). If a valid reason is provided, the meeting will normally be rescheduled.
12. In the event that a student does not attend an interview or hearing without valid reason, the panel/ Lead Investigator should review the information to satisfy themselves that the student has been sent the appropriate notification. If a panel /Lead Investigator decides that the student has been duly notified and determines that they have sufficient evidence to enable them to make a decision, the matter may be considered in the student's absence. If the panel / Lead Investigator determine that it is not possible to make a decision without hearing the student's account, the following action can be taken:
 - Initial investigation – reschedule interview. If the student does not attend a second interview, the original issue and the non-attendance should be referred to a Fitness to Practise panel for consideration.
 - Fitness to Practise Hearing- reschedule hearing and suspend student pending attendance at a rescheduled hearing until the student re-engages with the Fitness to Practise process.
 - The decision of the panel members / Lead Investigator on whether to adjourn or proceed in the student's absence is final.

Notification of Allegation

13. Allegations may be made by members of staff, students, employers, placement providers or others. Any allegations which call into question a student's Fitness to Practise should usually be made in writing to the Head of School (or nominee) of the relevant Faculty, accompanied by relevant evidence (e.g.: results of DBS checks, incident reports etc). The person making the allegation is encouraged to identify themselves to the Head of

School (or nominee), as anonymous allegations will only be considered in exceptional circumstances. Where the Head of School (or nominee) considers that an allegation, which is made by a Kingston University student or member of staff, is vexatious or malicious, the matter will be referred for consideration at the appropriate level under General Regulations 3: [Student Conduct and Behaviour Procedure](#) or the [Staff Disciplinary procedures](#), respectively. Employers, PSRBs and/or placement providers may be notified of the allegation if appropriate.

14. In the event that a student has already received a formal warning following a Fitness to Practise investigation, the allegations relate to the same or similar matters and a prima facie investigation has determined the allegations have substance, the head of school in liaison with the Academic Registrar (or their nominees), may determine that the case proceeds directly to a Stage 2 Hearing.

Provision for Precautionary Measures including an Emergency Suspension

15. In cases where the Head of School (or nominee) considers that an allegation gives rise to serious concerns about the health and/or safety of the student, fellow students or staff members or members of the public, a risk assessment will be undertaken in liaison with Academic Registry using all available information in order to determine whether a suspension or partial suspension is necessary on health and safety grounds. Any precautionary action taken by the University must be reasonable and proportionate. The Precautionary Measures process set out in the Student Conduct and Behaviour Procedure ([General Regulations 3](#)) will be followed. Where appropriate, the placement provider and /or the relevant PSRB will be notified, and the student may also be immediately suspended from their placement. Where students are on employment-based courses, the Lead Investigator will notify the student's employer.

Accompaniment and Representation

16. Students required to attend a hearing may be accompanied or represented by a friend, family member, officer or staff member from the Kingston Students' Union Advice Centre, or a Trade Union or a professional association staff member, or legal representative. The student is required to inform the clerk of the hearing at least 5 university working days before the hearing whether s/he will 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 the student. Where such notification is not received, the hearing may need to be postponed. If the student does indicate that they 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 the hearing date will have to be delayed. If a student has a disability, they will be contacted to ascertain whether

they require reasonable adjustments to enable them to engage in the process. The Lead Investigator should contact the Disability and Mental Health Advisors for advice on reasonable adjustments.

Stage 1: Initial Investigation

17. The Head of School (or nominee) will appoint a Lead Investigator who has had no prior involvement with the case. The Lead Investigator will collate evidence from staff, students and any other individuals involved (e.g., witness statements, incident reports, copies of correspondence) and determine whether, prima facie, there is a case to answer. If so, the Lead Investigator must notify the student in writing of the allegation within 10 University working days of the date that the Head of School (or nominee) was formally notified in writing of the allegation, attaching a copy of these regulations. The Initial Investigation will normally be held within 10 University working days of this notification.
18. The Initial Investigation will normally include an interview with the student and if appropriate, other relevant staff member(s). See section above for further information on accompaniment and representation permissions. The Initial Investigation will normally be attended by the Lead Investigator and a clerk.
19. The role of the Lead Investigator at the interview is to chair the meeting, to explore the allegations with the student and to come to one of the conclusions outlined in the paragraphs below. The Lead Investigator will report the outcome of the Initial Investigation to the Head of School and update the student's record accordingly.
20. The individual(s) who have made the allegation will be permitted to meet with the Lead Investigator but will not normally attend the interview with the student who is the subject of the allegations.
21. Outcome of Initial Investigation: following the interview with the student, the Initial Investigation will conclude with one of the following outcomes:

The allegation is found to have no substance and the matter is regarded as closed.

The allegation does have substance but the student's Fitness to Practise does not require referral to a Stage 2 Fitness to Practise Hearing. In these cases, it may also be appropriate to issue one or more of the following:

- a formal written warning to the student. A written warning will normally remain on the student's record for the duration of the student's registration on the course; and/or

- a condition that the student completes a reflective piece of work indicating that they have understood and reflected upon their actions in relation to the relevant professional code of conduct. Advice may need to be sought from the Mental Health and Disability Advisors before issuing this to a student with a Summary of Support Needs; and/or
- in certain cases, a condition that the student to pay replacement costs to the value of any damage done for loss/damage to University and/or other students' property, where the student is responsible for this. Academic Registry may be contacted for advice on how to proceed in such instances; and/or
- a condition that the student provides a written apology to the aggrieved party.

This list is not exhaustive.

If the conditions set are not completed within the stipulated deadline in the outcome letter, it may be appropriate for this non-compliance to be referred to a Fitness to Practise Hearing.

The allegation does have substance and the Lead Investigator recommends to the Head of School or nominee that further investigation should be carried out into the student's Fitness to Practise.

Subject to the Head of School's approval of this recommendation, the matter will be referred to a Stage 2 Fitness to Practise hearing for consideration (or, in the case of post-qualifying/post-registration students who are in employment, to the student's employer). If the matter is to be referred to a Fitness to Practise hearing/employer, the student will be notified of this within five University working days of the interview. The student may be suspended from the University and/or from the placement pending the decision of the panel (see Provision of Precautionary Measures above).

22. The student will be informed in writing of the outcome of the Initial Investigation. It may also be appropriate to inform the placement provider, employer and/or relevant Professional Statutory or Regulatory Body (PSRB) as necessary for the purposes of the proceedings. Any aggrieved party(ies) will be notified by the Head of School (or nominee) that the investigation is being dealt with in line with the University's Fitness to Practise Regulations.
23. The student has the right to appeal against a Stage 1 outcome if it is a final outcome (see Right to Appeal section below). It is not possible to appeal the decision to refer the matter to a Stage 2 Fitness to Practise Hearing.

Stage 2: Fitness to Practise Hearing

24. If the Initial Investigation indicates that the matter is sufficiently serious to call into question a student's Fitness to Practise, the matter will be referred to a Fitness to Practise hearing. The Stage 2 Fitness to Practise hearing should be convened as soon as possible and normally within 25 University working days of the outcome of the Stage 1 Initial investigation. The constitution of the panel will vary depending on PSRBs' requirements, but should 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 (in attendance).
25. Panel members should have had no previous involvement in the case.
26. Not less than 15 University working days before the hearing, the Clerk to the panel will send the names of the proposed panel members to the student for information. If the student has any objections to any of the proposed panel members, they must notify the Clerk in writing within 2 working days, explaining the grounds on which they object to the appointment. If any such objections are received, the hearing may need to be reconvened to allow time to assemble a revised panel. If no objections are received, not less than 10 University working days before the hearing, the Clerk to the Panel will send to the student copies of the papers the panel intends to rely on during its deliberations. The student shall then have until five University working days before the hearing to respond in writing and submit any further papers which s/he feels are relevant. If evidence comes to light later than the deadlines stipulated above, but before the hearing, the Chair will make a decision on the admissibility or otherwise of the evidence. If necessary, the hearing may be postponed to allow both sides time to consider the new evidence.
27. The student and the Faculty have the right to call witnesses to support their respective cases. The names of witnesses must be notified to the Clerk no later than 5 University working days before the meeting of the panel so that the panel can be notified.
28. The role of the Fitness to Practise panel is to deliberate formally and decide whether, in its opinion, the student is fit to practise and what, if any action should be taken. The panel will determine on civil standard of proof if, on the balance of probabilities, misconduct has occurred i.e., whether it is more likely than not the allegation has been proven. The conduct of the hearing shall be at the discretion of the Chair but is likely to include provision for the following:

- initial private meeting of panel members,
- explanation of the purpose and powers of the panel to the student,
- opportunity for the Faculty and the student to present their arguments and call witnesses. The Lead Investigator from the Stage 1 hearing will normally present the Faculty's case at the Stage 2 hearing,
- opportunity for witnesses to be questioned by the panel,
- final private meeting of panel members to agree outcomes

Outcomes

29. In deciding on an appropriate outcome, the panel will be guided by relevant codes of professional conduct or equivalent for the student's intended profession. Panel members should ensure that the outcome is proportionate and will deal effectively with the Fitness to Practise concern. The relevant PSRB may also be notified as appropriate. If the panel members are unable to come to a consensus view as to the outcome, the matter shall be decided by a simple majority vote. In the event of a tie, the outcome will be decided in the student's favour.
30. The panel will agree one of the following outcomes:
- No concerns are present; therefore, no action is required. Any information relating to the Stage 1 initial Investigation will be removed from the student's record.
 - Concerns are present; however these are not serious enough to warrant either suspension or discontinuation. In these cases it may be appropriate for the Panel to issue one or more of the following:
 - a formal written warning. A written warning will normally remain on the student's record for the duration of the student's registration on the course;
 - a condition that the student completes a reflective piece of work indicating that they have understood and reflected upon their actions in relation to the relevant professional code of conduct. Advice may need to be sought from the Mental Health and Disability Advisors before issuing this to a student with a Summary of Support Needs;
 - in certain cases, a condition that the student pays replacement costs to the value of any damage done for loss/damage to University and/or other students' property, where the student is responsible for this. Academic Registry may be contacted for advice on how to proceed in such instances;
 - a condition that the student provides a written apology to the aggrieved party;
 - a condition that the student receives additional tuition, or increased supervision to support the student improvement in the areas of concerns. It may be a condition that the student is interviewed by one or more members of the original Fitness to

Practise panel again, at a time determined by the panel, to review the student's progress.

This list is not exhaustive.

If the conditions set are not completed within the stipulated deadline in the outcome letter, it may be appropriate for this non-compliance to be referred back to a Fitness to Practise Hearing.

- Significant concerns are present and one or more of the following measures should be taken:
 - **Suspension.** Where appropriate, the panel can agree that a student is suspended, i.e.: prevented from continuing on their programme for a specified time. This measure is applied to behaviour which is serious but not sufficient to warrant discontinuation.
 - **Discontinuation.** The panel can agree that a student is discontinued from their programme of study at the University if they consider that this is in the interests of the public and/or if this is a requirement of the PSRB. The panel should consider whether the student should be permitted to transfer their registration onto an alternative academic qualification.
- 31. In relation to conditions and suspensions, the panel should give consideration to any factors which may impact on the student's ability to complete the professional course they are registered on (for example, periods of suspension which may go beyond the permitted maximum years of study, or the acceptability of criminal convictions to placement providers and/or PSRBs).
- 32. In any of the above instances, the panel may notify the placement provider and/or the relevant PSRB of the outcome and may additionally recommend that the student is suspended from his/her placement, if appropriate. For employment-based courses the panel may recommend that the employer is notified of the decision.
- 33. The Chair of the panel will provide a report summarising the case and the reasons for the panel's conclusions and confirm the outcome to the student within 5 University working days of the Hearing.

Right to Appeal

- 34. Once a student receives the final outcome of either a Stage 1 Investigation or a Stage 2 Hearing, they 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,

- 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.
35. The student must put their appeal in writing and submit this, along with any supporting information, within five university working days of the date of their 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 the student know if this is the case and will provide a Completion of Procedures Letter (see section on the Office of the Independent Adjudicator).
36. A member of staff, with no prior involvement in the case, will consider the appeal and provide an outcome in writing within 10 working days of its receipt. If the appeal is upheld, the Investigator may recommend that a fresh and independent Investigation into, or a Hearing of, 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 the student will be issued with Completion of Procedures information (see section on the Office of the Independent Adjudicator).
37. Whilst an appeal is being considered, the outcome of the Investigation or Hearing will be suspended. This will not include any precautionary measures that have been agreed on health and safety grounds which will stay in place.

The Office of the Independent Adjudicator

38. 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 students to appeal against our final decision. When a student has exhausted the University's internal processes, they will be issued with a Completion of Procedures letter which will allow them to take their case to the OIA for an independent review.
39. Applications to the OIA need to be made within 12 months of the date that the Completion of Procedures information was issued by us.
40. Further information about submitting a complaint to the OIA can be found on their website – www.oiahe.org.uk.