

Prifysgol Wreccsam
Wrexham University

Fitness to Practise

Procedure

2025/26

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1 Context and Policy Statement

1.1 Fitness to Practise is the ability to meet professional standards, it is about character, professional competence, and health. The Fitness to Practise Policy applies to students whose programme of study leads to a professional qualification/directly into a profession for which there are academic, behavioural and health requirements (set out by the University and by the relevant regulatory body/bodies) which must be met to ensure Fitness to Practise. This may include all students who are enrolled on such Wrexham University programmes of study at partner organisations / institutions or through an outreach agreement.

1.2 The process should be supportive even when the outcome is that the student cannot continue with their studies or may graduate but not be eligible to apply for the professional body recognition.

1.3 Providers have a duty:

- To ensure that students on a professional programme are suitable to practice in that profession, or will be when they complete the programme.
- To protect present or future patients, clients, service users and members of the public.
- To safeguard public confidence in the profession.
- To comply with the requirements of professional/regulatory bodies.
- To ensure that students are not awarded a qualification that permits them to practice a profession if they are not fit to do so.

1.4 This procedure should be used in relation to, but not limited to, the following circumstances:

- Where there are allegations of conduct or practices that are not consistent with professional standards or that contravene the rules/regulations of a partner / placement location.
- Where there is any reasonable concern that a student might not be suitable for the programme of study or for the professions for which the programme of study provides entry.
- Where a student breaches any relevant professional code of practice.

1.5 Where the University has concerns about a student who is already a registered member of a profession, they have a responsibility to raise those concerns with the relevant professional body, the Disclosure and Barring Service, and/or the student's employer.

1.6 Stage 1 is intended to be developmental and give the student the opportunity to improve their practice or approach. If the concerns are not remedied by the actions agreed at Stage 1 then Stage 2 may be instigated. Stage 1 may not always be appropriate and may be bypassed if the issue or concern is sufficiently serious.

1.7 In Fitness to Practise cases the standard of proof is the civil standard, or “the balance of probabilities”. This means it must be proved that something is more likely to have happened than not, and this is supported by evidence.

1.8 Any information relating to cases dealt with under this procedure will be treated in the strictest confidence and in accordance with the provisions of the Data Protection Act 1998 and the General Data Protection Regulation 2018. Any information relating to third parties will also be treated in confidence and in accordance with the legislation.

1.9 The procedure shall apply regardless of any suspension/withdrawal of enrolment requested by the student. Where a student requests to suspend/withdraw or is suspended/withdrawn from the University and an initial concern report or allegations are being considered under this procedure, the University reserves the right to proceed with investigation of the allegations. The purpose of continuing the investigation would be to ensure that sufficient information and witness statements would be available should the student seek to re-enter the University. Following the suspension/withdrawal of the student, the case may be adjourned, and no Fitness to Practise Panel shall be convened. However, should the student seek to re-enter the University, a Panel shall be convened and shall determine whether re-admission to the University would be appropriate, and any penalty that should be imposed if the student was re-admitted. If the Fitness to Practise procedure is suspended, the University may be required to report information regarding the fitness to practise concern(s) and student suspension/withdrawal from the programme to the relevant regulatory body/bodies.

1.10 Applicants for the BA (Hons) Social Work programme are subject to meeting the Enhanced DBS disclosures requirement prior to enrolment, as required by Social Care Wales. The process for consideration of Enhanced DBS disclosures is outlined in Appendix B.

2 Where immediate action is required

2.1 The University has a duty of care to students, staff, and the wider community including patients, clients, and members of the public. In serious cases where there is substantial risk, the University will take action to suspend a student from study and/or placement and/or campus.

2.2 Where concerns are considered to be an immediate risk that a student’s conduct is endangering others or otherwise impacting negatively on the University, placement location or external partners, the student may on the authority of the Associate Dean or Professional Lead or any other authorised person be removed from the placement immediately.

2.3 Recommendations for temporary suspension from studies and/or placement should be supported by the Associate Dean and approved by the Director of Strategic Planning and Student Administration (or nominee). Such suspension shall be agreed only in exceptional circumstances, where the student’s presence is deemed to be against the interests of a placement provider or the people with whom the student would come into contact in the placement, or to protect a member or members of the University community including the student themselves or to protect the reputation of the University. The decision regarding

suspension can be made at any time during the period of investigation, as new evidence is gathered.

2.4 The student may in certain circumstances at the discretion of the Director SPSA be permitted to continue to attend lectures and engage in academic study but be suspended from engaging in professional practice in their placement.

2.5 Suspension shall be interpreted normally as exclusion from engaging with all University services and facilities. However, suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified in writing to the student.

2.6 In certain circumstances, suspension may include exclusion from residential accommodation owned or managed by the University, but this action can be taken only with due regard to appropriate legal process and the terms of the accommodation contract in place⁴.

2.7 The student has the right to request a review of a decision that they should be suspended where there is evidence of a change in circumstances which would have a material impact on the decision. The review will be considered by the Director of Strategic Planning and Student Administration in consultation with the Associate Dean.

2.8 The University will inform the placement provider in any instance where the student is suspended in accordance with this Procedure.

2.9 The suspension will normally remain in place until the outcome of the Fitness to Practise procedure is concluded.

3 Proceedings of external agencies

3.1 Where misconduct giving rise to concerns about Fitness to Practise is reported to the police or another external statutory agency (ESA), normally no action shall be taken until the outcome of any proceeding by the police, court or other external agency is known, other than that the student may be suspended under the terms of section 4.

3.2 Where initial investigation/risk assessment of the case is necessary to clarify whether any precautionary action/suspension is required and to ensure that statements are taken whilst recollection of events remain clear, contact should be made in advance with the police, court or external agency to avoid compromising their enquiries.

3.3 Where the University is aware that a student has been reported to the police or another ESA, it may be required or considered appropriate to report this to the relevant Professional, Statutory or Regulatory Body (PSRB). Where the student is employed in a professional context, the University may inform the student's employer. The appropriate member of the programme team will be responsible for notifying the PSRB and/or employer, and the student will be informed that the PSRB or employer has been informed.

3.4 Any period of suspension while external proceedings are underway shall remain in place for the period of time required by the ESA to conclude its proceedings and to inform the student of the outcome. The student will be requested to provide the University with evidence of the outcome, and the period of suspension will continue until this evidence is provided.

3.5 Once the outcome of the proceeding of the ESA is known, the Director of Strategic Planning and Student Administration, in consultation with the Associate Dean, shall decide whether the Fitness to Practise procedure should be instigated. In reaching a decision, they shall have regard to the decision of the ESA.

4 Examples of Fitness to Practise concerns

4.1 This procedure may be used, but not limited to, the following range of circumstances:

- Allegations of conduct or practices that are not consistent with professional standards.
- Allegations of conduct or practices that contravene the rules/regulations of a partner / placement location.
- Any reasonable concern that a student might not be suitable for the programme of study.
- Reasonable concern that a student might be unsuitable for the profession for which the programme of study provides entry.
- Breaches any relevant professional code of practice.

4.2 For example;

- Academic misconduct (for example plagiarism, cheating in examinations, forging records).
- Other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/ alcohol abuse).
- Health and safety breaches.
- Failure to disclose convictions or other information that the student is required to disclose.
- Inaccurate or falsified placement documentation.
- Unsafe practice, incompetence or requiring too much supervision.

4.3 Unprofessional behaviour, including:

- Lack of respect, aggressive or poor attitude, laziness.
- Indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance.
- Failure to self-reflect, lack of insight.

- Failure to engage with investigations into unprofessional behaviour.
- Poor self-management, lack of personal accountability.
- Dishonesty.
- Breaking patient confidentiality or any other relevant breach of GDPR.
- Behaviour away from the student's studies, including:
 - o Criminal conviction e.g. violent offence / offence of dishonesty.
 - o Disruptive behaviour in the community.
 - o Inappropriate use of social media.
 - o Safeguarding concerns.
 - o Poor mental or physical health or serious physical impairment that despite reasonable adjustments, interferes with the student's ability to practise safely.
 - o Failure to seek help or engage with appropriate services in relation to health issues.
 - o Poor communication or language skills.
- Unexcused absences and poor attendance record.
- Any other circumstances which may have an impact on Fitness to Practise.

5 Relationship with other procedures

5.1 Where a case is being referred from another procedure and allegations of misconduct are already proven, consideration should be given to the following to determine whether any action is required and if so, the appropriate stage of the Fitness to Practise Procedure for referral:

- The seriousness of the proven misconduct.
- The requirements of the professional body or regulator in relation to fitness to practice issues.
- The University's level of responsibility for assuring Fitness to Practise for graduates of the programme.
- The implications of any penalty imposed through the misconduct procedure.
- The student's current stage / level of study and whether there is an opportunity to implement remedial actions.
- Whether an independent panel is required to consider the case.

5.2 Decisions should be made by the Programme Leader in consultation with the Associate Dean / Quality Manager.

5.3 If the outcome of any previous misconduct procedure results in the student being unable to complete the intended award, e.g. withdrawal, termination of studies, exclusion, the remit of

any Fitness to Practise panel will be to consider the implications of the misconduct on professional suitability and whether it is required or appropriate to report to the relevant PSRB and / or the student's employer.

5.4 If programme accreditation does not have any requirement to inform the PSRB or employer, the case may be considered at Stage One of this procedure.

5.5 Where circumstances arise during Fitness to Practise proceedings it may be appropriate to pause the process to consider under another procedure. This may include where a student submits a complaint, or where a student's health or wellbeing causes concerns about their ability to study on the programme and the case is referred to the Fitness to Study procedure.

6 The Procedure

6.1 It is expected that initial minor causes for concern about Fitness to Practise are addressed as soon as possible through informal processes by the Personal Tutor, Programme Leader or Professional Lead. Meetings to discuss concerns may be in an informal setting but should be followed up with brief notes to the student so that there is a local record of the concerns and any informal action taken.

6.2 Reporting a concern

6.2.1 Upon receipt of any report of Fitness to Practise concerns, the Associate Dean / Professional Lead or nominees will undertake an initial investigation of the circumstances, including gathering information from the placement provider. In some cases, an initial case review meeting may be required with representatives from the Strategic Planning and Student Administration team and the Student and Campus Life Team to determine any precautionary action required and the most appropriate stage for consideration of the case.

6.2.2 The following options may be considered;

- The report is in relation to wellbeing support and the student is referred to the appropriate student support services for advice and support.
- The report is health related and the student is referred for an Occupational Health assessment or other health care professional for assessment as appropriate. The outcome of the assessment will be considered for any further action required. If it is determined that the student is not well enough to engage with the Fitness to Practise process they may be offered the opportunity to suspend studies and the process should be paused.
- The report raises Fitness to Practise concerns and the case should be followed up by the Programme Team under stage one of the procedure.
- The report is complex or serious enough to proceed directly to stage two of the procedure.

6.2.3 In all cases the student will be informed of the concerns raised, any precautionary measures being implemented, and signposted to support. Students will be given an early opportunity to provide their version of events at this stage.

7 The Procedure: Stage One

7.1 Where issues are not resolved as part of ongoing student monitoring processes, then a meeting should be arranged as part of the Stage One procedure. The student should be informed by the Programme Leader of the reasons for concern and should be requested to attend a meeting. The Programme Leader will investigate the concerns and collate any relevant information, including from the placement provider, to be considered within the meeting. Where relevant a representative from the placement provider may be involved in the meeting. The student will be provided with copies of any documents to be used in the meeting.

7.2 In advance of the Stage One meeting the student should be:

- Informed that they may elect to be accompanied.
- Provided with specific information and evidence of concerns and previous correspondence setting out those concerns.
- Provided with a copy of the specific code of practice/programme guidance/professional requirements and any relevant programme documentation.
- Provided with a copy of the Fitness to Practise procedure.
- Invited to consult with the Students' Union and with the department of Student and Campus Life.
- Provided with the opportunity to request any reasonable adjustments where necessary.
- Invited to submit a statement in response to the concerns raised.

7.3 The Stage One meeting should normally include:

- The Chair (normally an Associate Dean of Faculty or Professional Lead).
- The programme leader or a tutor from the programme team.
- A representative from the placement provider, where relevant.
- A representative from the Student and Campus Life team, where relevant.

7.4 The meeting will include a summary of the concerns being raised with reference to the professional body standards and provide an opportunity for the student to respond to the concerns. The meeting is intended to be developmental and supportive and to give the student the opportunity to improve their practice or approach.

7.5 Following the discussion with the student one of the following possible outcomes may be agreed:

- The concerns are not upheld, and no further action is required at this point.
- The concerns are upheld and one of the following is agreed:
 - o A set of actions is identified to operate at programme level to resolve the situation, with continuation of studies, under specified arrangements, which include formal monitoring.
 - o Necessary reasonable adjustments required by the Equality Act are made in consultation with the student and relevant department of Student and Campus Life, and these are kept under review.
- The situation cannot be resolved and/or there is sufficient concern for the matter to be referred to Stage Two for consideration by a 'Fitness to Practise Panel (Conduct)'.
 - o An adjournment is introduced to allow further investigation; such adjournment to be no longer than 10 working days.

7.6 A written report of the meeting will be retained by the Programme Team and a copy sent to the Quality and Regulation team for retaining on the student's record.

7.7 The student will be informed of the Panel's decision in writing within five working days of the meeting.

7.8 Where a penalty imposed by another procedure means that the student is not able to complete the programme, Fitness to Practise concerns will be noted and held on the student's record.

7.9 In the case of an outcome related to ongoing actions or adjustments it will be particularly important to set out clearly in the report (or in an appendix to it, or in an accompanying letter) the prescription and the arrangements agreed to monitor and review progress. A timeline will be identified for the monitoring arrangements. Monitoring should be undertaken regularly in line with those arrangements and should be recorded. Where such monitoring subsequently demonstrates that adequate improvements have not taken place, then the case will be referred to Stage Two. A case may be referred to Stage Two prior to the completion of the timeline where monitoring reveals that agreed actions are not effectively addressing the matters of concern. The Stage One meeting may reconvene:

- To review the success or otherwise of the prescription and to formally modify it/strengthen it.
- To progress to Stage Two where the prescription identified at Stage One has been found through the monitoring process devised, to be ineffective because of the actions or non-compliance by the student.
- To review the situation at the conclusion of the timeline.

8 Referral of a case to Stage Two

8.1 In referring allegations/concerns to the Fitness to Practise Panel, the Associate Dean will nominate a Case Investigator to investigate the facts of the case. The investigation should be carried out by a member of staff who has had no previous direct involvement in the case.

8.2 The Case Investigator will meet with the student as soon as possible. The student will be given:

- Notice of the meeting and information to allow them to respond to the concerns.
- A copy of the procedure and relevant professional standards.
- Guidance to advice and support and the right to be accompanied at the meeting.

8.3 A record of the meeting should be provided to the student following the meeting.

8.4 The Case Investigator may also meet with University staff, staff at the placement and/or other students. Any relevant information / documents or evidence, including medical evidence, the student provides to support their case should be considered, in addition to any wellbeing issues.

8.5 The Case Investigator will prepare a report based on their investigation. The report must include:

- The process followed.
- The specific allegation/s against the student relating to their fitness to practice.
- The evidence which supports the allegation, which should be indexed and cross referenced as necessary, so that its importance and relevance is clear to the panel.
- The time(s) and date(s) at which the alleged behaviours/misdemeanours took place.
- A dated audit trail of actions taken to deal with the matter.
- Any representations from the student.
- Any reports from the practice setting relevant to the allegation.
- The report of the Stage One meeting, where applicable.
- A report from the Chair of the Stage One meeting, where a case is referred to Stage Two because the student has not demonstrated adequate improvement in response to arrangements put in place at the programme level.
- Conclusions, including where the investigator believes that the student's fitness to practise may be impaired, and whether the matter should be referred to a fitness to practise panel hearing. The Case Investigator may also identify suitable witnesses to attend the hearing, particularly where the facts are disputed.

8.6 The student should receive copies of the information obtained during the investigation, a copy of the investigation report and information about the next steps in the process.

9 Roles, Rights and Responsibility within Stage Two

9.1 The Procedural Officer in Stage Two:

- Will provide advice and guidance to the Case Investigator about the content of the report and the attendance of witnesses.
- Will be responsible for making the arrangements for a meeting of the Fitness to Practise Panel.
- Will ensure that the student is given a minimum of 10 working days' notice of the date of the Hearing, in some circumstances this notice period may be reduced in agreement with the student.
- Will ensure that any reasonable adjustments are implemented with the support of the Student and Campus Life where necessary.
- Will ensure that the student is provided with necessary information and is kept informed of the next steps throughout the process.
- Will seek to ensure the independence of the members of the Panel and the fairness of the Hearing.
- Will ensure that a report of the proceedings is produced and approved by the Chair.
- Will ensure that reasonable steps are taken to safeguard the academic position of the student pending the outcome of the Fitness to Practise panel hearing. Unless the suspension provision at paragraph 4 has been applied, the student may be allowed to attend lectures and participate in assessments but will not be given marks. However, the student will not be permitted to register on the next level of the programme until a determination has been made by the Panel.

9.2 The Rights and Responsibilities of the Student in Stage Two

9.2.1 The student has the right to submit a statement to the Panel, or to bring to the attention of the Panel any additional matters pertinent to their case.

9.2.2 The student will be provided with all documents shared with the Panel.

9.2.3 The student may be accompanied at the hearing for support by another student, friend, relative, member of staff of the University or of a partner college/organisation, an adviser of the Students' Union or any other person who is needed to support them because of individual needs e.g., a carer or translator. If the student intends to be accompanied, they must advise the Secretary of the name of the accompanying person in advance of the hearing and state whether or not that person has legal qualifications. The student will be responsible for ensuring that the date, time and venue and the necessary documentation is provided to the person accompanying them. The student is entitled to seek support from the Student and Campus Life department in preparation for the hearing.

9.2.4 The person accompanying the student may act as their representative and may respond on the student's behalf if the express permission of the Chair is given. The Chair / Panel have the right to require a student to answer the question directly if they wish.

9.2.5 A student may request to be accompanied to a hearing under this procedure. It is recognised that in limited circumstances the student may wish to request legal accompaniment at an investigatory meeting or panel hearing. In such limited circumstances a written request should be submitted at least 5 working days prior to the meeting/hearing, including the name of the individual being invited and the reason for the request. Requests will be considered on a case-by-case basis by the Director of Strategic Planning and Student Administration (or nominee), in consultation with the University Solicitor, taking into account the relevant factors including, but not limited to:

- The seriousness of the charge.
- Whether any points of law are likely to arise.
- The capacity of the individual to understand the case against them.
- Procedural difficulties.
- The need to avoid delay.
- The need for fairness between the student and those making the allegation.

9.2.6 If the request is permitted, the student will normally be expected to answer any questions about the Fitness to Practise concerns being considered. The University reserves the right to have its own legal accompaniment. Each party will bear its own legal costs and will be responsible for ensuring that the meeting arrangements and necessary documentation are provided to those accompanying them.

9.2.7 It should be noted that no person will be allowed to accompany the student if it can be demonstrated that the person could potentially gain personal advantage through attendance e.g., a student who is subject to a similar breach of the University's procedures.

9.2.8 If a student advises that they will attend the hearing but subsequently, does not attend and no reason or apologies are provided, the hearing will continue in their absence. If reasons are provided, the Chair will decide whether to grant a postponement.

9.2.9 If the student requests a postponement, evidence of mitigation will be requested and presented to the Chair for approval. If approved by the Chair, a postponement will be granted but on one occasion only.

9.2.10 If a student advises that they will not be attending the hearing or no reply is received, the hearing will proceed in their absence.

9.3 The Role and Remit of the Fitness to Practise Panel (Conduct)

9.3.1 The Fitness to Practise Panel (Conduct) will be concerned to treat students fairly and equitably, in accordance with the Equality Act (2010). Its role is as follows:

- To establish so far as possible the facts of the case.
- To determine whether, in the balance of probability, the allegations/concerns have been substantiated.
- To consider the relevant codes of practice, guidelines, and any specific policies or procedures related to a placement location or other location where relevant to the allegations.
- Where relevant, to consider whether, with reasonable adjustments, the student will be able to practice safely and effectively and whether the individual will be able to do so without supervision following graduation.
- To determine whether the student is fit to practise and the outcome for the student with reference to section 9.5.

9.3.2 Where a case is being referred from another procedure and allegations of misconduct are already proven, the remit of the panel is to consider the final two bullet points stated above.

9.4 Membership of the Fitness to Practise Panel

9.4.1 The normal expectation is that the Fitness to Practise Panel will be constituted as follows.

- A member of staff with the appropriate expertise to Chair the Panel.
- A senior academic staff member from a professional subject area.
- The Students' Union President or their nominee, who will be a member of the Students' Union Executive.
- At least one external member who holds a senior position in the relevant professional area. A key criterion will be that the person will have authoritative knowledge of the professional code of practice as it relates to the admission of new recruits to the relevant profession. This role may be undertaken by a representative of a service partner.
- Where relevant, a senior representative from the Student and Campus Life team.
- No panel member will have had direct previous involvement in the case.
- In addition, there will be a Procedural Officer who will offer advice on the proceedings and act as secretary where necessary.

9.5 Proceedings of the Fitness to Practise Panel

9.5.1 The meeting of the Panel cannot proceed where its constitution is not consistent with the arrangements described in these procedures.

9.5.2 The conduct of the Fitness to Practise Panel is at the discretion of the Chair but would normally proceed as follows:

- The Panel will commence with a private meeting of its members to confirm the remit and establish initial questions for the Case Investigator / Student / Witness.
- The Chair will invite the Case Investigator, the student and the person accompanying them (where advised) to join the panel meeting.
- The Chair will invite the Case Investigator to present the case.
- The Panel members will be invited to ask questions of the Presenting Officer.
- The student will be invited to present their case.
- The Panel members will be invited to ask questions of the student.
- Any further witnesses/professional experts will then be called to respond to questions put to them by the Panel and/or the student.
- The witness/professional experts will be required to withdraw from the meeting.
- Any questions put to the student by the Presenting Officer, or any questions put to the Presenting Officer by the student will be strictly through the Chair. The Chair will have the right to amend or reject any proposed question.
- The student, their representative or person accompanying the student and the Presenting Officer will withdraw from the meeting.
- The Panel will deliberate its findings.

9.5.3 In exceptional cases the Hearing can be suspended for 5 working days for additional information to be gathered.

9.5.4 Where relevant the panel may refer the student to Occupational Health and/or another health care practitioner, who would be asked to provide independent advice on the student's health and fitness to practice. The Panel will be reconvened when the further information is available.

9.5.5 The Panel may not request evidence which is not specific to the allegation brought against the student.

9.5.6 If the student has previously been the subject of the Fitness to Practise Procedure and this information has not been provided as part of relevant information for the panel, the details of the previous outcome will be shared with the panel members once the final decision has been made, the allegations have been upheld and the panel members are ready to impose sanctions. The sharing of previous outcomes will enable the cumulative impact of fitness to practise concerns to be considered

9.6 Outcomes of the Fitness to Practise Panel

9.6.1 Before reaching a decision about what action it should take, it is good practice for the panel to consider each option, starting with the least serious. The intention is not to punish the student, but to act proportionately where there is a need to protect the public and/or preserve public confidence in the profession.

9.6.2 The University has a responsibility to explain decisions about Fitness to Practise, why remedial action is not considered to be possible and how the decision relates to the relevant professional requirements.

9.6.3 Where applicable, the Panel should consider the outcome of any proceeding by an External Statutory Authority and whether or not it would be appropriate for the University to impose an additional penalty.

9.6.4 The deliberations of the Fitness to Practise Panel may lead to the outcomes identified below. The Panel may, at its discretion, vary the outcomes to suit the individual case where appropriate and multiple outcomes may be selected:

- The allegation(s) against the student are not upheld and where relevant continuation of studies is to be permitted.
- The allegation(s) against the student are partially or fully upheld. One or more of the following outcomes will be agreed:
 - o A formal warning may be issued.
 - o Continuation of studies may be permitted in conjunction with special supervision or study or a programme of action agreed by the Panel.
 - o Any necessary reasonable adjustments required by the Equality Act are made in consultation with the student and relevant department of Student and Campus Life, and these are kept under review.
 - o Suspension of studies for a specified period; in this case, the student will not be permitted to resume their studies until a Fitness to Practise Panel has been convened and has satisfied itself that it would be appropriate for the student to re-commence the programme.
 - o Termination of studies on the specific programme, with the possibility of transfer to another non-professional programme where relevant.
 - o Expulsion from Wrexham University.

9.6.5 In the event of continuation of studies, the Panel report may include specific details of the recommended arrangements for monitoring and reviewing progress. A timeline will be identified for the monitoring arrangements. Monitoring should be undertaken regularly in line with those arrangements and should be recorded. It will be at the discretion of the programme team to finalise these arrangements / actions with the student and in the context of the programme requirements.

9.6.6 In the event of termination of studies or expulsion from the University, the Panel will decide:

- Whether to recommend to the Assessment Board that the student receive any final or exit award for which they have gained appropriate academic credits. The Panel is not authorised to recommend that academic credit be withheld or withdrawn.
- Whether to report the outcome to the relevant PSRB. In some instances, the University may be required or consider it appropriate to notify the PSRB or a placement provider if special supervision or specific arrangements are put in place.
- Where the student is employed in a professional context, whether to inform the student's employer.

9.6.7 The Associate Dean will be responsible for notifying the PSRB and/or employer and/or placement provider. The student will be informed that the PSRB or employer has been informed.

9.6.8 A report of the meeting, approved by the Chair, shall be retained on the student's record.

9.6.9 The Secretary will inform the student and the Associate Dean of the Panel's decision in writing within five working days of the Hearing. The outcome letter should explain the factors taken into consideration in reaching the decisions taken. The decision letter should also give information about:

- The student's right to appeal.
- The grounds on which they can do so.
- The time limit for submitting an appeal.
- The appropriate procedure; and
- Where and how to access support.

9.6.10 An Associate Dean of Faculty will be responsible for implementation of any programme of action agreed by the Panel.

9.6.11 If the student is in receipt of a student loan or a bursary, the Student Loan Company or the body awarding the bursary will be informed where the penalty imposed is either suspension of studies for a fixed period or expulsion.

9.6.12 Where allegations considered under this procedure are upheld, the Disclosure and Barring Service may be informed of the outcome of the hearing. Where discretion exists this will be a joint decision of the Director of Strategic Planning and Student Administration and the Dean of Faculty in which the student is studying or, in their absence, a member of the Vice Chancellor's Board.

9.6.13 The Safeguarding Vulnerable Groups Act (2006) places a legal duty on the University to make a referral to the Disclosure and Barring Service (DBS) in certain circumstances. This would normally be when the University had removed a student from regulated activity because the student had caused harm or posed a future risk of harm to children or vulnerable adults.

9.6.14 A referral should be made when a student has:

- Been cautioned or convicted of an offence; or
- Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e., an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm); or
- Satisfied the Harm Test in relation to children and/or vulnerable adults (i.e., there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists). (Refer to Policy on Referral to the DBS; Students).

10 Stage Three - Appeal stage: Procedure for Appeal against a decision of a Fitness to Practise Panel

10.1 A student wishing to appeal against a decision of a Fitness to Practise Panel (Stage 2) should submit a statement of appeal in writing, within 10 working days of receiving notification of the decision of the Panel.

10.2 The written statement should outline all matters which they require the University to consider in support of the appeal, The grounds for the appeal and provide any supporting evidence.

10.3 An appeal may be made on the following grounds:

- That the procedures were not followed properly.
- That the decision maker(s) reached an unreasonable decision.
- That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
- That there was bias or reasonable perception of bias during the procedure; or
- That the action the provider has decided to take is disproportionate, or not permitted under the procedures.

10.4 The Director of Strategic Planning and Student Administration (or nominee not previously involved in the case) will determine if there are grounds for an appeal. An appeal may be rejected without assembling a panel if the appeal submission does not meet one of the grounds listed above or it is submitted out of time without good reason.

10.5 Where it is determined that the grounds for appeal have been met; the appeal will be heard by an Appeal Panel unless it is deemed appropriate to reconvene the Fitness to Practise Panel to review its decision. This option will be deemed appropriate where, in particular, new evidence has come to light which was not made available to the original meeting of the Fitness to Practise Panel. In such circumstances, the student must be invited to attend together with the Case Investigator and any new witnesses cited by the student or deemed by the Chair of the hearing to be relevant to the effective and fair consideration of the appeal. The student may be

accompanied by a chosen representative (conditions specified in paragraph 10.7 below will apply).

10.6 Except where the case is referred back to the Fitness to Practise Panel, an Appeal Panel will be convened to consider the appeal. Normally the Appeal Panel shall comprise:

- A Chair who will be a member of the Senior Leadership Team.
- A senior academic staff member from a professional subject area.
- The President of the Wrexham University Students' Union or their nominee who is a member of the Students' Union executive.
- At least one external member, not previously involved in the case, who holds a senior position in a relevant professional area. A key criterion will be that the person will have authoritative knowledge of the professional code of practice as it relates to the admission of new recruits to the relevant profession. This role may be undertaken by a representative of a service partner.
- No panel member will have had direct previous involvement in the case.
- In addition, there will be a Procedural Officer who will offer advice on the proceedings and act as secretary where necessary.

10.7 The student may be accompanied at the hearing for support by another student, friend, relative, member of staff of the University or of a partner college/organisation, an adviser of the Students' Union or any other person who is needed to support them because of individual needs e.g., a carer or translator. If the student intends to be accompanied, they must advise the Secretary of the name of the accompanying person in advance of the hearing and state whether or not that person has legal qualifications. The student will be responsible for ensuring that the date, time and venue and the necessary documentation is provided to the person accompanying them. The student is entitled to seek support from relevant Student and Campus Life departments in preparation for the hearing.

10.8 If the request is permitted, the student will normally be expected to answer any questions about the Fitness to Practise concerns being considered. The University reserves the right to have its own legal accompaniment. Each party will bear its own legal costs and will be responsible for ensuring that the meeting arrangements and necessary documentation are provided to those accompanying them.

10.9 It should be noted that no person will be allowed to accompany the student if it can be demonstrated that the person could potentially gain personal advantage through attendance (e.g. a student who is subject to a similar breach of the University's procedures).

10.10 If a student advises that they will attend the hearing but subsequently, does not attend and no reason or apologies are provided, the hearing will continue in their absence. If reasons are provided, the Chair will decide whether to grant a postponement.

10.11 If the student requests a postponement, evidence of mitigation will be requested and presented to the Chair for approval. If approved by the Chair, a postponement will be granted but on one occasion only.

10.12 If a student advises that they will not be attending the hearing or no reply is received, the hearing will proceed in their absence.

10.13 The person accompanying the student may act as their representative and may respond on the student's behalf if the express permission of the Chair is given. The Chair / Panel have the right to require a student to answer the question directly if they wish.

10.14 A student may request to be accompanied to a hearing under this procedure. It is recognised that in limited circumstances the student may wish to request legal accompaniment at an investigatory meeting or panel hearing. In such limited circumstances a written request should be submitted at least 5 working days prior to the meeting/hearing, including the name of the individual being invited and the reason for the request. Requests will be considered on a case-by-case basis by the Director of Strategic Planning and Student Administration (or nominee), in consultation with the University Solicitor, taking into account the relevant factors including, but not limited to:

- The seriousness of the charge.
- Whether any points of law are likely to arise.
- The capacity of the individual to understand the case against them.
- Procedural difficulties.
- The need to avoid delay.
- The need for fairness between the student and those making the allegation

10.15 The documentation submitted to the Appeal Panel may include (in addition to the Statement of Appeal and the Report of the Stage 2 Fitness to Practise Panel Hearing) the documentation presented to the Stage 2 Fitness to Practise Panel, the transcript of the hearing (where it was recorded), any details of outcomes of previous Fitness to Practise Procedure hearings that were considered in relation to sanctions imposed at Stage 2 of the procedure, and any other documentation which either party considers relevant to the appeal. Any new witness statements or new documents should be provided at least seven working days before the agreed date of the appeal hearing.

10.16 The Secretary shall send all documentation to be considered by the Appeal Panel to the student at least five working days before the hearing. The student shall be responsible for providing the documentation to their adviser, friend or representative.

10.17 The appeal shall be conducted in the same way as the Fitness to Practise Panel (see paragraph 9.5). The student shall open the appeal hearing by way of representations in support of their appeal, which should be restricted to matters previously set out in the Statement of Appeal and they shall be entitled to call witnesses whose evidence is relevant to the grounds of appeal.

10.18 The Chair of the original Stage 2 Fitness to Practise Panel shall, if requested by the Appeal Panel, be available to attend the Appeal hearing. The Appeal Panel may require other members of staff to attend as deemed appropriate.

10.19 The Presenting Officer who attended the original Stage 2 Fitness to Practise Panel shall if requested by the Appeal Panel, be available to attend the hearing.

10.20 The Appeal Panel shall consider the documentation before it and representations put to it. The Appeal Panel shall adjourn to consider its decision and may seek legal, or other expert advice if it considers this appropriate.

10.21 Where the Appeal Panel is satisfied that the decision of the Fitness to Practise Panel was within the band of reasonable responses which the Appeal Panel could have selected, the original decision shall be upheld.

10.22 In other cases, the Appeal Panel may substitute a different decision which may include dismissal of the allegations, a different outcome or programme of action or, in exceptional circumstances, may decide to remit the case for re-hearing by a differently constituted Fitness to Practise Panel. If the members of the Panel are unable to agree, then the decision shall be that of the majority of the members. In the event of a split decision the Chair of the Panel will have a casting vote.

10.23 The decision shall, whenever possible, be communicated to all parties within five working days of the appeal hearing.

11 Training, Monitoring and Review

11.1 Training will be provided to all staff involved in the implementation of the procedure. Monitoring of the process will be undertaken through the recording of individual cases and the preparation of an anonymised Annual Report for consideration by the University Academic Board or appropriate committee of the Academic Board. This report will analyse case data and include recommendations for enhancement, including identification of further training opportunities.

12 Nominees

12.1 References in this procedure to the holders of any office will be interpreted as referring either to the post holder or to their respective nominee(s).

13 Confidentiality

13.1 Information relating to the case may be shared with relevant staff, such as programme team members. Such information will only be shared when deemed necessary, will be proportionate and will be handled with the strictest of confidence.

14 Office of the Independent Adjudicator for Higher Education (OIA)

14.1 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. [Name of provider] is a member of this scheme. If you are unhappy with the outcome, you may be able to ask the OIA to review your [complaint/appeal/disciplinary case etc]. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>.

14.2 You normally need to have completed this procedure before you complain to the OIA. The University will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your appeal is upheld or partly upheld, you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

14.3 Students must make their complaint to the OIA within 12 months of completing this procedure. The 12-month period will normally run from the date of the Completion of Procedures Letter.

15 Accessibility

15.1 Wrexham University strives to be a supportive and trauma-informed university in the design and operation of all our processes and procedures. If you need adjustments to access this procedure or have any other comments to make on the accessibility, wording or any part of this procedure, please do email us on quality@wrexham.ac.uk.

16 Appendix A – To follow

17 Appendix B - Requirement of Admission to BA (Hons) Social Work – Process for Consideration of Enhanced DBS disclosures

The information on the Enhanced DBS and any self-declaration made voluntarily relating to this will be treated as confidential – that is, shared only on a need-to-know basis, in line with Data Protection legislation.

For those with conditional offers where there is a matter of concern such as a conviction confirmed by an Enhanced DBS disclosure:

- The relevance of any declared information will be determined in the first instance by a member of the Social Work Programme Team in liaison with the Associate Dean with responsibility for Social Work or designated colleague. In line with SCW registration practices, any matters of concern will be considered using the following criteria:
 - o The relevance of the offence to social care work.
 - o The seriousness of the offence.
 - o The length of time since the offence.
 - o Whether the applicant has a pattern of offending. (SCW, 2019 Guidance).

Any issues deemed to need further consideration will be discussed with a representative of a local authority partner who is a member of the Programme Management Board.

If it is judged that the disclosure warrants discussion under a risk assessment process, this will be carried out by a panel comprising, the Associate Dean with responsibility for Social Work or designated colleague, a member of the Social Work Programme Team, a partner Local Authority Training Officer and a Local Authority Manager. The following criteria will form the framework for discussion:

- Whether the applicant's situation has changed since the offence was committed.
- The circumstances surrounding the offence; the applicant's explanation for the offence.
- Evidence of rehabilitation or training.
- Evidence submitted by the applicant of their good character.
- The applicant's commitment to working safely in social care.
- Upholding the trust and confidence of people who access care and support, and carers. (SCW, 2019 Guidance).

In addition, the Code of Professional Practice for Social Care (SCW, 2017) with which candidates are required to show familiarity at interview and which forms the framework for registration with SCW, will be used as a framework in considering the above points.

This panel will take place within four weeks of the Enhanced DBS Disclosure being seen by the university representative, and prior to the candidate's enrolment, and will determine risk management in relation to the assessed Practice Learning Opportunities.

The panel's decision is made on behalf of the partnership, and if found suitable by the Risk Assessment Panel for practice learning, the candidate may be hosted by any of the local authorities, subject to the usual considerations of geography and prior involvement with the authority.

If the candidate is found not suitable by the Panel, they will be informed of the reasons for this decision according to the above criteria and given the opportunity to make an appeal against the decision within 10 working days. In this case, a second Risk Assessment Panel, will be convened at the earliest opportunity with a different membership.

The second panel has a different remit, in that the local authority represented will undertake to host the candidate on PLOs if they are deemed suitable. This is to avoid a conflict of interest between the candidate and the hosting authority represented on the first panel.

If the decision that the candidate is not suitable is upheld by the second panel, the candidate will be referred back to the Admissions team, and an alternative academic programme may be offered to the candidate in a related subject area. The Dean of Faculty will be informed of this decision.

The following is the outline of guidance that will be sent to candidates to the address given on their UCAS application prior to the Fitness to Practise Meeting:

The Risk Assessment Meeting - What you need to know

The meeting will be chaired by the Associate Dean and the panel will also include a member of the Social Work Programme Team who will take notes, a manager from a partner Local Authority and a Practice Learning Opportunity coordinator.

The purpose of the meeting is to assess whether our partner local authorities would be willing to accept you for the Practice Learning Opportunities. You will not be able to complete the professional social work qualification without these opportunities.

You can bring someone to support you at the meeting, but you will need to advocate for yourself. The panel will be using Social Care Wales' 2019 Suitability Guidance https://socialcare.wales/cms_assets/file-uploads/Suitability-guidance-1612.pdf and the Code of Professional Practice for Social Care (SCW, 2017) to make a decision about your suitability for the Programme <https://socialcare.wales/cms-assets/documents/Code-of-Professional-Practice-for-Social-Care-web-version.pdf>.

You may bring additional information in your support to the meeting, such as references or documentation relating to your declaration. It may be appropriate to bring a copy of your most recent DBS certificate, for example.

If you have a protected characteristic under the Equality Act 2010, please inform the panel should you wish reasonable adjustments to be made (such as the location of the meeting, the provision of information in alternative formats).

The panel will ask you to explain in more detail the content of your DBS Enhanced Disclosure.

After the meeting, you will be informed of the panel's decision **within 10 working days**.

If you disagree with the panel's decision you will be given a right to appeal within **10 working days** of your receipt of the decision.

Follow-up to the Meeting

Following the meeting, the LA Manager will confirm the panel's decision with their LA. This represents agreement to host the student on behalf of the three local authorities. Once the decision has been finalised, the Dean of Faculty and SCW will be informed. Should an appeals process be necessary, it will take the same format but be held in a different LA, with a different representative from the university chairing the panel.

Non-Disclosure of information

If information comes to light subsequent to the above process, and it appears as if the candidate has been wilfully misleading or dishonest, it may be necessary to invoke the university's Fitness to Practise procedure, and a referral to Social Care Wales' Fitness to Practice team will also be considered.