

<b>SUITABILITY FOR PRACTICE PROCEDURE</b>			
<b>Department</b>	Strategic Planning and Student Administration		
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I have carried out an equality impact assessment screening to help safeguard against discrimination and promote equality.			✓
I have considered the impact of the Procedure on the Welsh language and Welsh language provision within the University.			✓

## Suitability for Practice Procedure

### 1. Context

Suitability for practice is the ability to meet professional standards, it is about character, professional competence, and health. The purpose of the suitability to practice process is not to punish the student for wrongdoing. It is to ensure the safety of the student and those around them, including members of the public. Further the policy safeguards public confidence in the profession. The process should be supportive even when the outcome is that the student cannot continue with their studies or may graduate but not receive the professional body recognition.

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; and
- to ensure that students are not awarded a qualification that permits them to practice a profession if they are not fit to do so.

The procedure deals with cases where there is reasonable concern that a student might be unsuitable for the profession for which their studies provide entry<sup>1</sup>. There might be concern either because of issues concerning the student's behaviour and professional practice or because the student's health, either physical or mental, might impact on their professional practice.

<sup>1</sup> See paragraph 3.1 below and 3.4 for existing practitioners

In many cases issues or concerns can be dealt with and resolved informally through discussion between programme team staff and the student. In other instances, it may be appropriate to pursue the matter in a more formal way. The procedure may therefore commence at Stage One or at Stage Two depending on the specific matter, rather than at the informal stage.

In seeking to resolve concerns, Wrexham University will always have due regard to its own procedures and policies and legislation then in force. In such matters Wrexham University will operate on the principle of 'the balance of probability' rather than that 'of beyond reasonable doubt'.

The procedures are not interchangeable with Wrexham University's *Disciplinary Procedure for Students* and care must be taken that the correct procedures are invoked. Where necessary, advice should be sought from the Director of Strategic Planning and Student Administration.

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.

## 2. Purpose

Providers have an important role in supporting students to achieve suitability to practice, in ensuring that students understand why the professional standards are important and what this means for them.

The Suitability for Practice procedure focuses on programmes of study which will provide students with a licence/ability to practice or the eligibility to apply for registration with a regulating body. It seeks to prevent a student, who although academically sound is in some other way unsuitable for professional practice, from being admitted to a particular profession.

One purpose of this procedure is to provide a mechanism for considering a student's behaviour in relation to courses where professional practice is an integral element of satisfactory progression in addition to academic progress.

The procedure normally applies to situations where there are concerns about persistent poor attendance, or allegations which raise questions about the suitability of the student to gain entry to their intended profession. Where there is a need to clarify whether a particular case should be considered under these procedures or another procedure or process, advice should be sought from the Director of Strategic Planning and Student Administration<sup>2</sup>.

The procedure also provides a mechanism for considering any impact a student's health, either physical or mental, may have on the student's capacity for professional practice (sections 4 and 17 to 21 apply).

The aim is to provide consistency, fairness, and transparency in dealing with such allegations.

## 3. Scope

3.1 This procedure applies to students who are formally enrolled on a Wrexham University programme of study which has associated Professional, Statutory and Regulatory Body (PSRB) standards and competencies, and whose professional conduct and practice during the period of academic study is a key element of their satisfactory progress toward an award and toward professional recognition. This includes all students who are enrolled on such Wrexham University programmes of study at partner organisations / institutions or through an outreach arrangement.

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<sup>2</sup> Throughout this procedure all references to the Director of Strategic Planning and Student Administration will be deemed to include her/his representative.



3.2 The procedure shall apply regardless of any suspension/withdrawal of enrolment requested by the student.

3.3 Where a student suspends/withdraws in writing from the University and an allegation under this procedure is in progress, the Director of Strategic Planning and Student Administration shall decide whether 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 Suitability for Practice 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.

#### 3.4 Existing practitioners

Wrexham University offers a range of continuing professional development programmes intended for existing practitioners. For these programmes, the Suitability for Practice Procedure cannot be invoked to prevent a student from entering practice. Instead, they will be used to invoke the following set of actions:

- If the student who is an existing practitioner suspends or withdraws while an allegation under this procedure is in progress, the Director of Strategic Planning and Student Administration will decide whether to proceed with the investigation and whether the student's employer/placement provider and the relevant PSRB should be made aware of the allegations.
- Where an outcome from a Hearing finds that a student has exhibited behaviour which is inappropriate or unacceptable to standards of the profession, then a course of action open to the hearing will include informing the student's employer/placement provider and also the relevant PSRB of the facts of the matter and the outcome of the hearing.
- A further action open to the hearing panel is to terminate the student's studies with Wrexham University.

3.5 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 C.

## 4. Suspension<sup>3</sup>

4.1 Where a member of staff has significant concerns about the suitability for practice of a student, particularly in the context of a professional placement, such concerns must be drawn to the attention of the Dean of Faculty or, in their absence, the Director of Strategic Planning and Student Administration. In such a case, the Dean of Faculty or the Director of Strategic Planning and Student Administration may recommend to a member of the Vice-Chancellor's Board that a student should be suspended from their University studies for a period of **up to 28 days** whilst their suitability for practice is investigated. The Member of the Vice Chancellor's Board shall decide whether the student shall be suspended and the period of suspension. 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.

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<sup>3</sup> Also see Emergency Procedure for suspension from practice placement for the purpose of investigation- to be found at the end of this document.

4.2 The student may in certain circumstances at the discretion of the member of the Vice Chancellor's Board be permitted to continue to attend lectures and engage in academic study but be suspended from engaging in professional practice.

4.3 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.

4.4 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 place<sup>4</sup>.

4.5 When a student is suspended in accordance with this procedure, the allegation will be referred immediately to Stage Two of the procedure for Conduct cases or to a Suitability for Practice Panel (Health).

4.6 The student has the right to make representations, including oral representations, against a decision that they should be suspended (including any suspension from residential accommodation) to the Director of Strategic Planning and Student Administration, who shall refer the matter for consideration to a person nominated by the Vice Chancellor. The student has the right when meeting with the Director of Strategic Planning and Student Administration to be accompanied by a friend or member of staff or a representative of the Students' Union if making the representation in person.

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

4.8 Should the Suitability for Practice procedure not be concluded by the end of a 28-day period of suspension, then the Member of the Vice Chancellor's Board will decide whether the suspension should be continued and the student will be notified in writing of that decision.

## **5. Proceedings of external agencies**

5.1 Where misconduct giving rise to concerns about suitability for practice 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.

Where initial investigation of the case is necessary to clarify whether 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.

5.2 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, following consultation with the Director of Strategic Planning and Student Administration. The student will be informed that the PSRB or employer has been informed.

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<sup>4</sup> Paragraphs 34.1 and 34.2 of the Terms and Conditions of Residence apply.



5.3 Any period of suspension while external proceedings are underway shall be determined by a Member of the Vice Chancellor's Board considering the likely period of time that the ESA may need to conclude its proceedings. As a guide, usually a Member of the Vice Chancellor's Board shall determine that the period of suspension shall be the same as 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.

5.4 Once the outcome of the proceeding of the ESA is known, the Director of Strategic Planning and Student Administration, in consultation with the student's Dean of Faculty, shall decide whether the Suitability for Practice procedure should be instigated. In reaching a decision, they shall have regard to the decision of the ESA.

## **SUITABILITY FOR PRACTICE (CONDUCT)**

### **6. Examples of Unsuitable Behaviour**

Examples of unsuitable behaviour in relation to Suitability for Practice include:

- i Exploiting the vulnerability of a patient/client/pupil or other person
- ii Establishing an inappropriate personal relationship with a member of staff or client/patient/pupil in the context of the practice setting;
- iii Committing offences against children and vulnerable adults (including those with issues related to mental health);
- iv Exhibiting bullying, aggressive or harassing behaviour;
- v Drug, alcohol or solvent abuse;
- vi Acting in a violent manner or threatening violence on or away from University premises;
- vii Committing a misdemeanour which is also a criminal offence;
- viii Intimidating a fellow student or patient/client/pupil or other person;
- ix Repeated inappropriate or unprofessional behaviour towards others;
- x Falsification of records;
- xi Failure to comply with a previously imposed penalty or recommended action under this procedure;
- xii Breach of the provisions of any rules or regulations of either the University or any other organisation to which a student may be subject e.g., breach of data protection legislation, breach of health and safety regulations.
- xiii Any other circumstance which may call into question a student's fitness to be admitted to and to practice the profession or vocation for which they are studying, with reference to any professional code of conduct or equivalent, such circumstances may include continued absence and/or academic misconduct.

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 Suitability 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 suitability for practice 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.

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

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 Suitability for Practice 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 (to be determined by a Stage Two panel).

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.

## **7. The Procedure: Informal Stage (Conduct)**

Where a student's behaviour in relation to their practice gives cause for concern, then those areas of concern will be logged at programme and academic department level. Such notes and associated correspondence will be used in the context of a meeting, usually with the Programme Leader, aimed at helping the student to address specific areas of concern. It will be helpful if staff refer explicitly to the professional body's criteria for professional practice where such criteria are in place. The student would not normally be expected to be accompanied, but if they would prefer to be accompanied then that should be permitted. The student may seek support from the department of Student and Campus Life where necessary, and any reasonable adjustments will be implemented. It is for the Programme Leader to decide whether a letter should be issued to the student following the meeting. The meeting is meant to be helpful, and the formality of a letter may be considered to be counter productive. The Associate Dean of Faculty/Subject Lead must be informed of the informal stage by the Programme Leader.

Where issues are not resolved at the informal stage, then matters will progress to either stage of the formal procedure depending on the circumstances.

## **8. The Procedure: Stage One (Conduct)**

8.1 A case may be referred directly to Stage Two, at the discretion of the Director of Strategic Planning and Student Administration, where it is unlikely to be resolved at Stage One.

8.2 Where the procedure at the Informal Stage has not proved effective then a formal 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 at a stated time and place. Reports may be received as appropriate (e.g. from a placement provider) to be used within the meeting. The student will be provided with copies of any documents to be used in the meeting. In advance of the Stage One meeting the student should be:

- informed that they may elect to be accompanied;
- provided with specific evidence of concerns and previous correspondence setting out those concerns;



- provided with a copy of the specific code of practice/programme guidance/professional requirements to which the specific issue relates;
- provided with a copy of the Suitability for Practice procedures;
- 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.

The student may submit a statement in writing to be entered into the audit trail. This will typically augment rather than replace discussions.

8.3 The Panel for the Stage One meeting shall comprise:

- the Chair (normally an Associate Dean of Faculty or staff with appropriate seniority and experience);
- a tutor from the programme team.

The Presenting Officer (normally the Programme Leader) shall attend to present the case.

If the student is accompanied, the Chair will determine whether the person accompanying the student may address the meeting. The person accompanying the student normally may speak only in addition to the student; normally they may not speak in place of the student. The Chair will inform the student of the reasons for invoking the Stage One procedure. The meeting will include the opportunity for the student to present their own position orally, in relation to the matters of concern, whether or not a written statement has been submitted as provided for above.

Possible outcomes from Stage One may be:

- i The concerns are not upheld and no further action is required.
- ii The concerns are upheld and one of the following is agreed;
  - a) a set of actions is identified to operate at programme level to ameliorate the situation, with continuation of studies, under specified arrangements, which include formal monitoring;
  - b) necessary reasonable adjustments required by the Disability Discrimination Act are made in consultation with the student and relevant department of Student and Campus Life, and these are kept under review;
  - c) Where a penalty imposed by another procedure means that the student is not able to complete the programme, suitability for practice concerns will be noted and held on the student's record.
  - d) the situation cannot be resolved and/or there is sufficient concern for the matter to be referred to Stage Two for consideration by a 'Suitability for Practice Panel (Conduct)';
  - e) an adjournment is introduced to allow further investigation; such adjournment to be **no longer than 10 working days**.

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

8.4 The student will be informed 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.

Where the outcome is a) and the student is concerned about the outcome, then the student should arrange to discuss the matter with the Director of Strategic Planning and Student Administration or their nominee, who will seek to resolve the issue in consultation with the Dean of Faculty. It may be determined that the matter be referred to Stage Two, for consideration by an independent panel.

8.5 In the case of (a) 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:

- a) to review the success or otherwise of the prescription and to formally modify it/strengthen it;
- b) 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;
- c) to review the situation at the conclusion of the timeline.

8.6 In the case of (b) the matter will be reported **within five working days** to the Director of Strategic Planning and Student Administration who will appoint a Registry Officer who will arrange for a Suitability for Practice Panel (Conduct) to be established.

## 9. Referral of a case from Stage One to Stage Two (Conduct)

In referring an allegation to the Suitability for Practice Panel (Conduct), the Presenting Officer (nominated by the Dean of Faculty) will prepare a *Submission to the Suitability for Practice Panel (Conduct) Stage Two*. The Submission must include:

- i The specific allegation against the student relating to his /her practice;
- ii 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;
- iii The time(s) and date(s) at which the alleged behaviours/misdemeanours took place;
- iv A dated audit trail of actions taken to deal with the matter;
- v Any representations from the student;
- vi Any reports from the practice setting relevant to the allegation;
- vii The report of the Stage One meeting, where applicable;
- viii 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.

The same procedure will apply where a case is referred directly to Stage Two, without a Stage One hearing.

## 10. Roles, Rights and Responsibility within Stage Two (Conduct)

### 10.1 The Role of the Procedural Officer in Stage Two

The Officer will be the nominee of the Director of Strategic Planning and Student Administration. They:

- i will consider the Submission to the Suitability for Practice Panel (Conduct);
- ii may advise the Associate Dean of Faculty or Presenting Officer that further development of the Submission to the Suitability for Practice Panel (Conduct) be undertaken, if in their opinion, there are omissions in the evidence, or that the Submission does not fulfil the requirements set out above;
- iii may consult with the Dean of Faculty and with the Director of Strategic Planning and Student Administration as to further action where in their opinion the Submission does not clearly demonstrate there is a case to be answered;
- iv may advise that specific witnesses be invited to attend the Suitability for Practice Panel (Conduct);
- v will be responsible for making the arrangements for a meeting of the Suitability for Practice Panel (Conduct);
- vi will contact the student to give notice of the date of the Hearing. The date of the Hearing should normally be set for **no later than 30 working days** following conclusion of Stage One;
- vii will ensure that the student is given a **minimum of 10 working days'** notice of the date of the Hearing;
- viii will ensure that any reasonable adjustments are implemented with the support of the Student and Campus Life where necessary;
- ix will ensure that the student is provided with the Suitability for Practice Procedure;
- x will seek to ensure the independence of the members of the Panel and the fairness of the Hearing;
- xi will ensure that a report of the proceedings is produced and approved by the Chair;
- xii will ensure that reasonable steps are taken to safeguard the academic position of the student pending the outcome of the Suitability for Practice (Conduct) 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.

### 10.2 The Rights and Responsibilities of the Student in Stage Two

- i 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.
- ii There will be full disclosure of all material to all involved in the Hearing. In particular, the student should have access to exactly the same material as the Panel.
- iii 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.

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.

If the request is permitted, 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. 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.

- iv 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.

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.

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

### **10.3 The Role and Responsibilities of the Academic Department in Stage Two**

- i It is the responsibility of the Associate Dean of Faculty to nominate the person to present the case (the Presenting Officer).
- ii It is the responsibility of the academic department to prepare the case as determined in these procedures.
- iii It is the responsibility of the academic department to identify its witnesses to the Procedural Officer.
- iv It is the responsibility of the academic department to provide to the Officer and to the student relevant extracts from any relevant professional code of practice that relates to

the student's programme which the student's misdemeanour has contravened, and which may indicate that the misdemeanour may prevent the student from being accepted into the profession for which they are preparing.

#### **10.4 The Role and Remit of the Suitability for Practice Panel (Conduct)**

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

- i To establish so far as possible the facts of the case;
- ii To consider the case submitted in respect of the allegation of professional misbehaviour or misdemeanour and the student's suitability for practice;
- iii To determine whether the allegations have been substantiated;
- iv To consider the code of professional conduct relevant to the misdemeanour provided by the academic department;
- v To determine whether the student is suitable for practice and the outcome for the student with reference to section 13;
- vi Where a case is being referred from another procedure and allegations of misconduct are already proven, the remit of the panel is to consider iv and v.

#### **11. Membership of the Suitability for Practice Panel (Conduct)**

The normal expectation is that the Suitability for Practice Panel (Conduct) will be constituted as follows.

- A member of staff with the appropriate expertise to discharge the responsibilities of Chair of Suitability for Practice (Conduct) 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 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. Membership of the Panel may include a representative of a service partner in addition to the external professional representative; consideration will be given to the guidance of the appropriate professional body in determining the membership of the Panel. (NB For example, a representative of a service partner will be required for NMC accredited programmes, in accordance with NMC guidance). Normally the external member will not have had any previous involvement with the student and will not be a member of staff at the placement where the alleged misdemeanour took place.

In addition, there will be:

- The Procedural Officer who will offer advice on the proceedings and act as secretary where necessary.

No staff member or external member of the Panel will have had direct previous involvement in the case.

## 12. Proceedings of the Suitability for Practice Panel (Conduct) (The Procedure: Stage Two)

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

The conduct of the Suitability for Practice Panel (Conduct) is at the discretion of the Chair but would normally proceed as follows.

- i The Panel will commence with a private meeting of its members.
- ii In its initial private meeting, the Chair will advise the Suitability for Practice Panel of its remit.
- iii The Chair will invite the Presenting Officer, the student and the person accompanying them (where advised) to join the panel meeting.
- iv The Chair will invite the Presenting Officer to present their case.
- v The Panel members will be invited to ask questions of the Presenting Officer.
- vi The student will be invited to present their case.
- vii The Panel members will be invited to ask questions of the student.
- viii Any further witnesses will then be called to respond to questions put to them by the Panel and/or the student.
- ix The witness will be required to withdraw from the meeting.
- x 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.
- xi The student, their representative or person accompanying the student and the Presenting Officer will withdraw from the meeting.
- xii The Panel will deliberate its findings.

In exceptional cases the Hearing can be suspended for **5 working days** for additional work to be undertaken.

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

If the student has previously been the subject of the Suitability for Practice Procedure, 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 repeat behaviours to be considered when such behaviours are relevant to the current case.

## 13. Outcomes of the Suitability for Practice Panel (Conduct)

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.

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



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.

The deliberations of the Suitability for Practice Panel (Conduct) may lead to the outcomes identified below. The Panel may, at its discretion, vary the outcomes to suit the individual case where appropriate and necessary and multiple outcomes may be selected.

- i The allegation(s) against the student are not upheld and where relevant continuation of studies is to be permitted;
- ii The allegation(s) against the student are partially or fully upheld. One or more of the following outcomes will be agreed:
  - a formal warning may be issued;
  - continuation of studies may be permitted in conjunction with special supervision or study or a programme of action agreed by the Panel;
  - any necessary reasonable adjustments required by the Disability Discrimination Act are made in consultation with the student and relevant department of Student and Campus Life, and these are kept under review;
  - suspension of studies for a specified period;
  - termination of studies on the specific programme, with the possibility of transfer to another (non-professional) programme;
  - expulsion from Wrexham University.

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.

The Dean of Faculty 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.

A report of the meeting, approved by the Chair, shall be retained on the student's record. The Secretary will inform the student and the Dean of Faculty 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.

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



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.

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.

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.

A referral should be made when a student has:

1. Been cautioned or convicted of an offence; or
2. 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
3. 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)

#### **14. Stage Three - Appeal stage: Procedure for Appeal against a decision of a Suitability for Practice Panel (Conduct)**

14.1 A student wishing to appeal against a decision of a Suitability for Practice Panel (Stage 2) should submit a statement of appeal in writing, **within 10 working days** of receiving notification of the decision of the Panel.

14.2 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.

14.3 An appeal may be made on the following grounds:

- that fresh material evidence is available which, for good reason, was not brought to the attention of the Panel and which the student believes had a bearing on the matters under consideration;
- that there was material irregularity in the proceedings of the Suitability for Practice Panel (Stage 2);
- that the decision reached was unreasonable in the light of the available evidence;
- in respect of an appeal against the penalty imposed, that extenuating circumstances exist which, for good reason, were not brought to the attention of the Panel;
- that the penalty was disproportionate in the circumstances.

14.4 The Director of Strategic Planning and Student Administration will pass the Statement of Appeal to a member of the Vice Chancellor's Board not previously involved in the case, who will determine if there are grounds for an appeal. Where the member of the Vice Chancellor's Board considers 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 Suitability for Practice 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 Suitability for Practice Panel. In such circumstances, the student must be invited to attend together with the Presenting Officer 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 14.6 below will apply).

14.5 Except where the case is referred back to the Suitability for Practice Panel, an Appeal Panel will be convened to consider the appeal. The Appeal Panel shall comprise:

- a Chair who will be a member of the Vice Chancellor's Board not previously involved in the case;
- 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 and not previously involved in the case;
- 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.

Membership of the Panel may include a representative of a service partner in addition to the external professional representative; consideration will be given to the guidance of the appropriate professional body in determining the membership of the Panel. Normally the external member will not have had any previous involvement with the student and will not be a member of staff at the placement where the alleged misdemeanour took place.

The Director of Strategic Planning and Student Administration or their nominee shall attend to provide regulatory guidance, an additional secretary may be appointed.

14.6 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.

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).



If the request is permitted, 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.

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.

14.7 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.

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.

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

14.8 The documentation submitted to the Appeal Panel may include (in addition to the Statement of Appeal and the Report of the Stage 2 Suitability for Practice Panel Hearing) the documentation presented to the Stage 2 Suitability for Practice Panel, the transcript of the hearing (where it was recorded), any details of outcomes of previous Suitability for Practice 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 five working days** before the agreed date of the appeal hearing.

14.9 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.

14.10 The appeal shall be conducted in the same way as the Suitability for Practice Panel (see paragraph 12). 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.

14.11 The Chair of the original Stage 2 Suitability for Practice 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.

14.12 The Presenting Officer who attended the original Stage 2 Suitability for Practice Panel shall if requested by the Appeal Panel, be available to attend the hearing.

14.13 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. Where the Appeal Panel is satisfied that the decision of the Suitability for Practice Panel was within the band of reasonable responses which the Appeal Panel could have selected, the original decision shall be upheld. 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 Suitability for Practice 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.

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

## **SUITABILITY FOR PRACTICE (HEALTH)**

### **15. The Procedure: Informal Stage (Health)**

Where a student's health, either physical or mental, gives rise to concern in relation to their capacity to practice, then those concerns will be logged at programme and academic department level. A meeting will be held with the student to discuss the issues, what support can be offered to the student and any reasonable adjustments that can be made to assist the student in professional practice. It will be helpful if staff refer explicitly to the relevant professional body's criteria for professional practice, where such criteria are in place. The student should not normally expect to be accompanied, but if they would prefer to be accompanied then that should be permitted. The student may seek support from the department of Student and Campus Life where necessary and any reasonable adjustments will be implemented. The student may be referred to Occupational Health or another health care practitioner for assessment or may be referred to Student and Campus Life for further advice and support. The University will provide appropriate support for the student, but the ability of the student to provide safe and effective care must be the primary consideration. It is for the Programme Leader to decide whether a letter should be issued to the student following the meeting. The meeting is meant to be helpful, and the formality of a letter may be considered to be counter-productive. The Dean of Faculty must be informed of the informal stage by the Programme Leader.

Where issues are not resolved at the informal stage, then matters will progress to the formal procedure for health issues.

### **16. The Procedure: Health Issues**

#### **16.1 Membership of the Suitability for Practice (Health) Panel**

Where concerns around a student's health, either physical or mental, are not resolved at an informal level then a panel shall be convened to consider the issues. The panel shall comprise:

- a member of staff who has been approved by Academic Board as having the appropriate expertise to discharge the responsibilities of Chair of Suitability for Practice (Health) Panel;
- a member of University staff in the relevant profession or an allied profession;
- an external representative of a service partner in the relevant profession. Normally the external member will not have had any previous involvement with the student
- a senior University staff member who belongs to a different profession
- the Student Support Manager or the Inclusion Manager, unless at least one other member of the Panel has had disability equality training.

No panel members will have had direct previous involvement in the case.

In addition, there will be a Procedural Officer who will ensure that reasonable steps are taken to safeguard the academic position of the student pending the outcome of the Suitability for Practice (Health) 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.

## 16.2 The Procedure

- i. The academic department shall nominate a member of staff to present information to the panel regarding the student's health and the possible impact on professional practice (investigator). The member of staff may seek advice from a placement provider regarding reasonable adjustments that can be made in a practice setting and present this information. A written statement regarding the student's health and the possible impact on professional practice, with supporting evidence, shall be submitted to the officer.
- ii. The student shall be:
  - informed in writing by the officer of the reasons for concern;
  - given a **minimum of 10 working days'** notice of the date of the meeting;
  - shall be informed of their right to be accompanied at the meeting by one other person;
  - 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;
  - provided with a copy of the professional code of practice or equivalent;
  - provided with a copy of the Suitability for Practice Procedure;
  - provided with all documentation to be considered by the Panel;
  - informed of their right to present to the Panel any documentation they consider relevant, including a statement from:
    - their GP;
    - a medical consultant who has been involved in helping him/her to manage their health condition or disability;
    - a specialist practitioner who has been involved in providing care to the student.
- iii. 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.

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).

If the request is permitted, 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. 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.

- iv 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.

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.

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

- v The panel will be concerned to treat students fairly and equitably, in accordance with the Equality Act (2010). It will 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.
- vi At the meeting, the Chair will inform the meeting of the reasons for referring the matter to the Suitability for Practice (Health) procedure.
- vii The member of staff (investigator) will present information regarding the student's health and the possible impact on professional practice. The panel and the student may ask questions of the member of staff (investigator).
- viii The meeting will include the opportunity for the student to present their own position orally, whether or not a written statement has been submitted. Members of the Panel will be invited to ask questions of the student.
- ix The Chair may invite any other person to attend the meeting to make a statement and to answer any questions posed by the Panel or the student. This person will then withdraw from the hearing.
- x Once statements have been heard and questioning has been concluded, the member of staff presenting information (investigator) and the student and their representative or person accompanying him/her will be asked to withdraw from the hearing.
- xi The Panel will deliberate its findings, with reference to the code of conduct or equivalent for the profession.
- xii If the student has previously been the subject of the Suitability for Practice Procedure, the previous outcome(s) will be shared with the panel members in the current case once the final decision has been made and the panel members are ready to impose sanctions. The sharing of previous outcome(s) will enable the cumulative impact of the repeat health issues to be considered when such health issues are relevant to the current case.

### **16.3 Outcomes of the Suitability for Practice Panel (Health)**

- i The Panel may decide that:

It does not have sufficient information to make a decision and may refer the student therefore 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 may seek information from a specialist practitioner who has experience of the health issue that is affecting the student. The Panel will be reconvened when the further information is available;

- ii Or the Panel may decide that:

- the student may be permitted to continue on their programme; this may be subject to monitoring arrangements being put in place to ensure that the student continues to be able to practice safely and effectively;

- necessary reasonable adjustments required by the Disability Discrimination Act are made in consultation with the student and relevant department of Student and Campus Life, these adjustments will be kept under review;
- the student may be required to suspend their studies for a specified period. In this case, the student will not be permitted to re-commence their studies until a Suitability for Practice Panel (Health) has been convened and has satisfied itself that it would be appropriate for the student to re-commence the programme.
- the student may be required to withdraw from the programme. Transfer to another (non-professional) programme may be permitted.

The Panel shall decide whether to recommend to the Assessment Board that the student receive any exit award for which they have gained appropriate academic credits. The Panel is not authorised to recommend that academic credit be withheld or withdrawn.

- iii The student will be informed in writing of the decision of the Panel **within five working days** of the hearing.
- iv Should the student be required to suspend or withdraw from the programme, the University may be required or consider it appropriate to report this to the relevant PSRB. Where the student is employed in a professional context, the University may inform the student's employer. The Dean of Faculty will be responsible for notifying the PSRB and/or employer. The student will be informed that the PSRB or employer or placement provider has been informed.
- v Should the student be required to withdraw from the programme, the Programme Leader should counsel the student, or arrange for them to be counselled, regarding alternative programme and career opportunities.
- vi Should the student be required to withdraw from the programme, then arrangements will be made for the student to receive any academic award for which they have met the appropriate requirements, provided that the award does not confer any right to practice professionally.
- vii The student will have the right to appeal against the decision of a Suitability for Practice (Health) Panel.

## **17. Appeal stage: Procedure for Appeal against a decision of a Suitability for Practice Panel (Health)**

17.1 A student wishing to appeal against a decision of a Suitability for Practice Panel (Health) should submit a statement of appeal, **within 10 working days** of receiving notification of the decision of the Suitability for Practice Panel.

17.2 An appeal will not normally be permitted to proceed where a student did not attend the Suitability for Practice Panel (Health), unless they can demonstrate to the satisfaction of the Director of Strategic Planning and Student Administration that they were prevented from attending by circumstances beyond their control, supported by documentary evidence. The failure to provide a soundly based and evidenced reason for non-attendance at the Suitability Practice Panel (Health) will normally result in the Appeal being rejected.



17.3 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.

The grounds for an appeal will be one or more of the following:

- matters which, for good reason, were not brought to the attention to the Suitability for Practice Panel (Health) and which they believe had a bearing on the matters under consideration;
- matters of material irregularity in the proceedings of the Suitability for Practice Panel (Health).

17.4 The Director of Strategic Planning and Student Administration will pass the appeal statement to a member of the Vice Chancellor's Board not previously involved in the case, who will determine if there are grounds for an appeal.

Where the member of the Vice Chancellor's Board considers that the grounds for an appeal has been met, the appeal will be dealt with under one of the arrangements identified below, which will be selected by the member of the Vice Chancellor's Board on consideration of the Statement of Appeal:

- a full re-hearing by a new Appeal Committee.
- reconvening of the Suitability for Practice Panel (Health).

17.5 The Chair of the original Suitability for Practice Panel (Health) shall, if requested by the Appeal Committee, be available to attend the Appeal Committee.

17.6 The Investigator who attended the original Suitability for Practice Panel (Health) shall, if requested by the Appeal Committee, be available to attend the Appeal Committee. Other members of the original Panel may be asked to attend at the discretion of the Chair of the Appeal Panel.

## **Re-hearing**

17.7 The Appeal Committee has the power to consider the appeal by way of a rehearing. The parties will be notified of the decision of the member of the Vice Chancellor's Board in this respect in good time prior to the hearing.

17.8 Where the appeal is to be considered by way of a rehearing, the membership shall comprise:

- a chair who will be a member of the Vice Chancellor's Board not previously involved in the case;
- a member of the Students' Union or their nominee who is a member of the Students' Union executive and not previously involved in the case;
- an external member with appropriate experience at a senior level in the relevant profession.

The Director of Strategic Planning and Student Administration or their nominee shall attend to provide regulatory guidance, an additional secretary may be appointed.

17.9 The documentation which was available to the Suitability for Practice Panel (Health) including any details of outcomes of previous Suitability for Practice Procedures that were considered in relation to sanctions imposed by the panel, and any additional information pertinent to the exercise will be presented to the Appeal Committee.



17.10 If the student fails to attend the appeal hearing without sound and justifiable reason which has been notified to the Secretary of the Appeal Committee by the start of the hearing, the hearing will proceed in their absence.

17.11 The Appeal Committee shall adjourn to consider its decision and shall seek legal advice if so advised by the Officer. Where the Appeal Committee is satisfied that the Suitability for Practice Panel (Health) decision was appropriate, the original decision shall be upheld. Where the Appeal Panel does not uphold the original decision, it may reach any of the other decisions that were available to the original Panel meeting (see 18.3) or in exceptional circumstances, it may refer the case for re-hearing by a differently constituted Suitability for Practice Panel (Health).

The decision shall, whenever possible, be communicated to all parties **within 5 working days** of the appeal hearing.

17.12 Where the Appeal Committee does not uphold the decision of the original Panel and the relevant PSRB, and/or the student's employer, has been notified of the decision of the Suitability for Practice Panel (Health), then the PSRB, and/or the employer, shall be notified of the outcome of the appeal hearing.

## **18. Training, Monitoring and Review**

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.

## **19. Nominees**

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).

## **20. Confidentiality**

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.

## **21. Addendum**

This procedure will be made available electronically from the MyUni (Moodle) portal.

## **Office of the Independent Adjudicator for Higher Education (OIA)**

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review internal processes relating to student procedures. Wrexham University is a member of this scheme. If you are unhappy with the outcome of this procedure you may be able to ask the OIA to review your complaint. 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>



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, the University will issue you with a Completion of Procedures Letter automatically. 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>

## **EMERGENCY PROCEDURE: SUSPENSION FROM PRACTICE PLACEMENT FOR THE PURPOSE OF INVESTIGATION**

### **1. Context**

Organisations providing placements have a statutory duty of care. Whilst there is reciprocity in the arrangements between Wrexham University and providers of placements, such organisations’ primary responsibilities are to the State and to the public.

### **2. Purpose**

These emergency procedures may be invoked in response to a situation arising in a student’s placement where the allegations relating to a situation are sufficiently severe.

Suspension shall be limited to the extent that is necessary to protect the public, Wrexham University in general or particular members of Wrexham University, or its partner organisations and agencies and shall not be used as a penalty.

### **3. Scope**

This procedure applies to students who are formally enrolled on a Wrexham University programme of study who undertake placements or professional practice as part of their studies, and whose professional practice during the period of academic study is a key element of their satisfactory progress toward an award. This includes all students who are enrolled on a Wrexham University programme of study at a franchise partner or through an outreach arrangement.

### **4. Responsibilities**

Such a situation may arise out of office hours. For this reason, the Dean of Faculty should delegate responsibility to specific individuals to invoke the emergency procedures. An expectation is that the action taken under delegated responsibility will be endorsed by the Programme Leader and the Dean of Faculty no later than the following working day. The Director of Strategic Planning and Student Administration should be consulted.

A recommendation that the student be suspended must then be referred for decision by a member of the Vice Chancellor’s Board, under the terms of section 4 of the Suitability for Practice procedure, within 36 hours of the original suspension under the Emergency Procedure. Should the member of the Vice Chancellor’s Board not uphold the original decision, then the student should be permitted to return to practice/placement, provided that this can be arranged. The academic department will use its best endeavours to re-instate the student or to identify an alternative placement opportunity.



## 5. Procedure

Suspension from studies will not automatically follow from suspension of placement.

A written record of events will be maintained by the person who invokes the emergency procedure. This will be used in later parts of the process and must be made available to the student.

Suspension may be from all premises or activities, including placement with an agency or organisation, or may be limited to specified places or activities, for instance to allow the student to attend for the purpose of an examination.

The decision to suspend any Bursary or Grant associated with the programme of studies is not to be used as a penalty within these procedures. The basis on which external funding should be suspended will be set out in the terms of the specific bursary and should be identified in programme procedures and described in the student handbook. Decisions to suspend a bursary or grant must adhere to those procedures, and students should be made aware of such regulations in their handbooks.

## Appendix A

### Investigating matters of conduct:



1. Suitability concerns raised within the Faculty
2. Do the concerns relate to Conduct or Health
  - a. Health – Refer to Appendix 2 diagram
  - b. Conduct – Proceed to next
3. Can the concern be dealt with informally?
  - a. Yes, implement Informal Stage of the procedure and inform the Faculty Dean
  - b. No, implement Stage One of the Formal Procedure
4. Has the support at the Informal Stage resolved the concerns?
  - a. Yes, completion of procedure
  - b. No, progress to Stage One of the Formal Procedure
5. Stage One Panel to be convened (at Programme Level)
6. Stage One outcome to be issued
7. Have the issues been resolved at Stage One?
  - a. Yes, completion of procedure
  - b. No, progress to Stage Two of the Formal Procedure

8. Stage Two Panel to be concerned (at Institution Level (Quality and Regulations))
9. Stage Two outcome to be issued
10. Does the Student wish to proceed to the Appeal Stage?
11. Appeal submitted within 10 working days of the outcome letter
12. Have the grounds for Appeal been met?
  - a. Yes, a member of Vice Chancellor's Board will select how the appeal is progressed from the following options
  - b. No, completion of procedure
13. Appeal is referred back to the original panel at Stage Two
  - a. Original decision upheld
  - b. New decision applied
14. New Appeal Panel to be convened
  - a. Original decision upheld
  - b. New decision applied

**Appendix B**

Investigating matters of health:



1. Suitability concerns raised within the Faculty
2. Do the concerns relate to Conduct or Health
  - a. Conduct – Refer to Appendix 1 diagram
  - b. Health – Proceed to 3
3. Can the concerns be addressed informally?
  - a. Yes, implement Informal stage of the procedure and inform Faculty Dean
  - b. No, implement Suitability for Practice (Health) Formal Procedure
4. Has the support at the Informal Stage resolved the concerns?
  - a. Yes, completion of procedure
  - b. No, progress to Suitability for Practice (Health) Formal Procedure
5. Suitability for Practice (Health) Panel to be convened
6. Outcome issued
7. Does the student wish to proceed to the Appeal Stage?
  - a. Yes, a member of Vice Chancellor's Board will select how the appeal is progressed from the options below.
  - b. No, completion of procedure
8. Appeal is referred back to the original Suitability for Practice (Health) panel
  - a. Original decision upheld
  - b. New decision applied
9. New Appeal Panel to be convened
  - a. Original decision upheld
  - b. New decision applied

## Appendix C

### 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:

1. 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:
  - a) the relevance of the offence to social care work;
  - b) the seriousness of the offence;
  - c) the length of time since the offence;
  - d) 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.

2. 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:
  - e) whether the applicant's situation has changed since the offence was committed;
  - f) the circumstances surrounding the offence;



- g) the applicant's explanation for the offence;
- h) evidence of rehabilitation or training;
- i) evidence submitted by the applicant of their good character;
- j) the applicant's commitment to working safely in social care;
- k) 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 points j and k above.

3. 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.
4. 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.
5. 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 ten working days**. In this case, a second Risk Assessment Panel, will be convened at the earliest opportunity with a different membership.
6. 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.
7. 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 Suitability 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](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 Suitability for Practice procedure, and a referral to Social Care Wales' Fitness to Practice team will also be considered.