



HYMS Student Guidance Notes:

For when you are involved in an Investigation initiated by the Case Management Group or your when your case is escalated to the HYMS Student Fitness to Practise Process.

With many thanks to HYMS students who have contributed to these Guidance Notes to ensure that they include information which is really helpful to students.

If you have any suggestions or ideas on how this guidance can be improved, please do let us know at:-

governance@hyms.ac.uk

This guidance serves to provide support for Students who are going through an investigation process by either the Case Management Group or the Student Fitness to Practise Committee. We realise that the process is extremely worrying and stressful for students and it is hoped that these guidance notes will offer advice and support, and help explain exactly what will happen. The process can on occasions be quite lengthy and the support you need may change through the investigation. At any point when you are experiencing difficulties with the investigation or indeed this is having an impact on your academic and/or clinical work in general, please make sure that you contact someone for help and advice. HYMS and the Universities have an extensive network of support to help all students through difficult times and all of this is in place to ensure that all HYMS students graduate as good doctors.

Help and Support

Any investigation process can be stressful for students to go through and we are keen that you seek support to help you manage the procedure. Take advice from relevant sources – a list of potential areas of support is detailed below:-

HYMS Student Support Office (student.support@hyms.ac.uk)
Academic Lead for Student Support
HYMS Senior Advisors
Your Personal Tutor
The Student Unions at both Hull and York
Your friendship network – sometimes it does help to share problems

Legal Representation

The Student Fitness to Practise process is not a formal legal process but it does follow a formally agreed procedure. HYMS does not allow legal representation for the student within the hearing but it may be that you can receive free advice from your Defence/Protection Society.

Referral to the Case Management Group (CMG)

The Case Management Group monitor and report on all aspects of student issues including health, conduct and behaviour. There are many different reasons why a student case may have been escalated to the CMG – common reasons are health, conduct, probity or professionalism.

If you are referred for an investigation, full details will be shared with you in a letter which will outline reasons for the referral and any conditions placed upon the continuance of studies or supervised practice during the period of the investigation but only if these are required.

Your conduct during the investigation is important. Remember that there are standards of professionalism required throughout your chosen course of study and you will be expected to act accordingly. This means taking the matter seriously, cooperating with the investigation and responding in a timely manner to any communications.

It is important for you to familiarise yourself with both the Code of Practice on Student Fitness to Practise and Conditions of Training Annual Agreement for MB BS students. The Training

Agreement is signed by all MB BS students at the beginning of each academic year and is an extensive and important agreement which ensures that student conduct justifies patient trust in the profession.

These can be found at:-

<http://www.hyms.ac.uk/docs/default-source/codes-of-practice/code-of-practice-on-fitness-to-practise-medicine.pdf?sfvrsn=10>

<http://www.hyms.ac.uk/docs/default-source/codes-of-practice/2016-17-final-version---conditions-of-training.pdf?sfvrsn=2>

Investigation Phase

If having considered your case in some detail senior colleagues in the School wish to explore the matter in more depth, an Investigating Officer will be appointed to gather factual information relevant to the case and to present this impartially. They are responsible for ensuring that any concerns raised about you are investigated in a thorough, fair and prompt way. They will have access to your full student record. It is important that the Investigating Officer is not a current Tutor or Mentor. If you feel that the nominated Investigating Officer is not suitable, the School need to be advised as soon as possible. This can be done by contacting governance@hyms.ac.uk. It is important for any matter of concern to be investigated fully and the subsequent reports and letters can, where applicable, assist the provisional GMC registration process as you will be able to provide evidence that the Medical School fully explored the case.

The Investigating Officer will meet with you and other relevant people to get as wide a range of evidence as possible. You are encouraged to bring along a supporter to the meetings who can be a friend, fellow student, member of staff or Students' Union representative from the Universities of Hull or York. As this investigation is a University process attendance of legal representation is not permitted although students may seek legal advice before and after any discussions which take place. Try and choose your supporter carefully – a best friend may not always be the best suited for the occasion.

You will usually be offered support from a HYMS senior advisor as a matter of course during the process. The senior advisor would not take part in the investigation but would purely be present as support through the process. A student does not have any obligation to accept this support and can of course ask for support from another person. Advise the Investigating Officer who will be accompanying you to the meeting.

Notes will be taken of your discussions with the Investigating Officer and you will be asked to agree their content. Once the Investigating Officer has gathered all of the relevant facts, they will produce a report and make a recommendation.

There are several options open for the Investigating Officer to recommend which may include:-

- no basis for any further action
- evidence that remedial support or therapeutic action should be implemented to support the student

- the need for additional monitoring, supervision or appraisal for the student for a defined duration
- a case for a Fitness to Practise Panel to be held to explore the issues in more detail and which also holds the powers to issue a Warning and/or Sanctions should the Panel decide these are appropriate and proportionate.

Once the CMG has considered the report they may wish to accept one of the recommendations above or alternatively they may issue a Caution where a student's behaviour departs significantly from the expected standards but does not reach the threshold for referral to fitness to practise procedures or refer your case to the Student Fitness to Practise Committee under the provisions of the Code of Practice on Student Fitness to Practise:-

<http://www.hyms.ac.uk/docs/default-source/codes-of-practice/code-of-practice-on-fitness-to-practise-medicine.pdf?sfvrsn=10>

You will receive a formal communication from the Case Management Group advising of the outcome of the investigation.

If at the outset of the expression of concern about a student's behaviour, the Case Management Group feel the case is considered to be more serious in nature, they have the opportunity to refer the case directly to the HYMS Student Fitness to Practise Committee for investigation. The investigation will follow the process as indicated above.

Referral to Student Fitness to Practise Committee

When a case is referred to the Student Fitness to Practise Committee it will firstly be considered by the Chair and/or Committee. The Committee will consider the referral in detail and decide if a Hearing of the case is required.

The Student Fitness to Practise Committee is not a court of law nor is it a hearing of a professional body such as the General Medical Council. It is a HYMS Committee set up to consider whether students are fit to practise and whether there are any special measures needed to support and guide students through their studies.

When the case has been considered by the Committee, the student will receive a letter advising of the outcome and further action proposed (if any).

Referral to a Panel Hearing

Every Student Fitness to Practise Panel has a Hearing Secretary. This will be a member of staff from HYMS who may have supported the Investigating Officer during the Investigation phase. The Secretary will organise the Panel meeting, supply you and the panel with meeting papers and notify you of the date, time and venue of the Panel. The Secretary will be present during the hearing and will make a note of what is said, but is not a member of the Panel and plays no part in the decision making. The Hearing Secretary is a key point of contact for you and is the person to approach with any queries.

Papers for the Panel Hearing

At least 21 days in advance of the hearing you will receive the hearing papers via email. It is good practice to acknowledge receipt of the email so the Hearing Secretary is aware all has been received. The same papers will also be sent to the Chair and Panel members. If you require hard copies of the documents, contact the Hearing Secretary who will be able to arrange this for you. The papers will include the Investigating Officer's report, together with evidence gathered.

You will also be advised of the composition of the panel, it is very important that no member is a current tutor, mentor or supervisor. If this is the case, it is vital to contact the Hearing Secretary as soon as possible.

Make sure you read your papers carefully and also bring them with you to the Panel Hearing. Make notes on the papers to help you support your case. During the hearing, panel members may ask questions about and refer to documents within the papers and you will find it useful to be able to refer to the documents during the hearing.

If you have any points that you disagree with or any questions arising from the papers, you can include these in your written submission.

Written Submission

It is your right to make a written submission to the Panel. This must be sent to the Hearing Secretary, no later than 7 days prior to the date of the hearing. Once received, this will be circulated to and read by the Panel and Investigating Officer. You are strongly encouraged to use this opportunity to set out your full response to any allegations or concerns. You may find it useful to receive support and guidance when completing this submission.

The Panel may wish to hear:-

- Whether or not you accept any allegations, criticisms or concerns;
- What explanations you have for your actions;
- Favourable information such as previous good behaviour or evidence that your behaviour has improved;
- In cases of ill health; how you plan to manage your health problems in future;
- How you plan to change your behaviour in the future (if you accept that change is needed)
- Information about extenuating circumstances (events beyond your control, like a health problem, financial or accommodation difficulties or personal difficulties);
- Do you need any help progressing with the course;

If you are in doubt whether something is relevant to the case or not, it is better to mention it as the Panel cannot take into account information which it has not received. New material produced on the day may not be considered or may cause a delay to proceedings.

You should not feel under pressure to accept any allegations which you feel are untrue or incorrect, but if you accept that the allegations are fair, then it is helpful to acknowledge this in your written

submission, what steps you have taken to improve or correct the position and what you will do in the future to prevent similar problems occurring.

It is also possible to submit testimonials – the best people to approach are individuals who can provide an objective opinion about you and who have had direct contact with you during your studies. Friends and relatives and fellow students do not usually meet the criteria and are not recommended. It is possible to approach people who know you in a capacity that has nothing to do with your studies, particularly someone who has employed you. The writer of the testimonial should advise in their report if they are aware of the circumstances of the case. Testimonials should include the date, name, address and contact details of the author, should if possible be signed and should explain how the author knows you.

The Powers of the Fitness to Practise Panel

The Panel is able to recommend to the HYMS Board of Studies one or more of the following:-

The student be permitted to continue the programme of study. Stipulation of any special supervision must accompany such a recommendation.

That a Warning(s) is issued to the student.

That Sanction(s) or Condition(s) may be imposed upon the student as part of their programme of studies.

That the student be suspended from the programme for a specified period up to one year. Stipulation of conditions of readmission must accompany such a recommendation.

That the student undertakes a defined piece of academic work, for example a reflective assignment. Stipulation of conditions of outcome to allow progression following this must accompany such a recommendation.

That the student's programme of study is terminated. Such a recommendation must include the opinion of the Panel on whether any restriction should be placed upon future registration in a health professional programme within either the University of Hull or the University of York.

At the Panel Hearing

You are encouraged to bring a supporter with you to the hearing – this can be a friend, student, member of HYMS staff or a Student Union Representative from the Universities of Hull and York. Legal support is not permitted. You should advise the Hearing Secretary who you will be supported by at least 7 days prior to the hearing.

Do not arrive late for the hearing as this will increase the anxiety that you will be feeling and also create a bad impression.

It is impossible to predict how long a Panel hearing will last, make sure you are available for as long as is needed.

An ante-room will be made available for you and your supporter.

Make sure you bring your hearing papers with you. You will have received these from the Hearing Secretary at least 21 days before the meeting. Make sure you read them thoroughly and are familiar with them. As part of the hearing papers you will have been told who will be sitting on the Panel. There should be no one on the Panel that you have had significant contact with. If you feel that this is not the case then let the Hearing Secretary know immediately.

The Panel is neutral and will be making their decision based on the documentation provided to them and what they are told during the hearing by yourself and the Investigating Officer.

The Investigating Officer will present their case first. Both you and the Panel members will then be given the opportunity to ask any clarifying points of the Investigating Officer. If there is anything you feel is unclear or is inaccurate, now is the time to raise it. The Investigating Officer does not discuss the case with members of the panel except in the Hearing when you are present.

The Panel members will then have the opportunity to ask you questions. It is really important that the Panel hear directly from you. Your supporter will not respond to the questions for you but can remind you and prompt you if needed.

Once all questions have been asked and answered, you will be given the opportunity to say anything that you wish to say or further clarify any points that may have arisen during the hearing so far. This is your chance to make sure that you have given the Panel all of the information that you think is relevant and pertinent to the case. At this point, your supporter will also be given the opportunity to add any comments that they wish to make.

It is understandable that you may find the hearing stressful. If things are getting difficult and you would benefit from a break, just ask and the Chair of the Panel and they will happily accommodate this. If you need time to compose yourself this is absolutely fine.

Honesty and probity are key considerations for the Panel and at the heart of good professional practice. It is imperative that you are open and honest at all times during the SFTP process.

Once all questions and statements have been concluded, you, your supporter and the Investigating Officer will be asked to withdraw from the room whilst the Panel discuss the case and reach their decision.

The Outcome

Once the Panel have reached their decision you and your supporter will be asked to re-join the Panel. You will be told the decision reached by the Panel. You will not be permitted to make any further statements or representations at this stage but can ask questions if required.

You will receive a formal letter from the Chair of the Panel within a few days after the hearing which will set out the decision in more detail. A copy of this letter will also be sent to the HYMS Student Support Office, Investigating Officer and Panel members. The Panel makes a recommendation to the

HYMS Board of Studies of the action to be taken. After the hearing the Secretary will write a report to Board of Studies and once this recommendation has been discussed, you will be notified of the outcome and also the right to appeal.

Details on how to make an appeal are found at:-

<http://www.hyms.ac.uk/about-us/regulations-policies-and-codes-of-practice/codes-of-practice>

GMC Declaration

If you have been referred to the Student Fitness to Practise process it will be necessary to advise the GMC when you are applying for provisional registration. The GMC will probably require further information about your case. Your attendance at Student Fitness to Practise may also be mentioned by members of HYMS staff in references and the Transfer of Information form to your accepting Foundation School.

If a student is excluded from the course – their details will be added to the Excluded Student Database which is held by the Medical Schools Council. This database allows Medical Schools to share information on students who have been excluded from their School on Fitness to Practise grounds.

Frequently Asked Questions

Am I suspended or interrupted while waiting for the hearing?

If this is the case, you should already have been told this by HYMS through a formal letter. If there are any restrictions on what you can do, you will also have already been informed.

Can I continue on the programme after the hearing?

This will be a decision for the Panel and Board of Studies. The Panel will consider a range of sanctions and will only discontinue studies were milder penalties are considered to be inadequate or inappropriate.

Will Tutors, supervisors, mentors or teachers be informed of my referral to the FTP process?

Some key members of staff may have to be advised but this is kept to a minimum. It may be appropriate for you to advise your Tutor in order that they can understand why you may be stressed during the process.

If there is anything you are unclear about during any part of the procedure, it is important to ask. There will always be support and guidance for students through this HYMS process. You will find the process easier if you do get support.

The General Medical Council has produced the following documents which may be useful:-

Professional behaviour and fitness to practise

http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp

Achieving good medical practice

http://www.gmc-uk.org/education/undergraduate/achieving_good_medical_practice.asp

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