

STUDENT GUIDANCE NOTES

MBBS/MSc Physician Associate
Students/Postgraduate Students

These guidance notes have been prepared for all students who are involved in any investigation whether this is initiated by the Case Management Group, Student Fitness to Practise Committee, Academic Cases Committee, Fitness to Study or a Complaints' Panel

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This guide serves to provide support for Students who are going through an investigation process within the School. It is intended to outline exactly what will happen during what can be an extremely worrying and stressful time. The process is sometimes lengthy and the support/advice you need may change through the investigation. At any point if you are experiencing difficulties with the investigation or indeed this is having an impact on your academic and/or clinical work, please make sure that you contact someone for help and advice. The School and the Universities have an extensive network of support to help all students through difficult times.

HELP AND SUPPORT

Take advice from relevant sources, including:

- Hull York Medical School Student Support Office (student.support@hyms.ac.uk)
- Student Life and Wellbeing Officer within the School
- Senior Advisors
- Personal Tutor
- The Student Union at both Hull and York
- Your friendship network – sometimes it does help to share problems
- Code of Practice on Student Fitness to Practise
- Code of Practice on Academic Misconduct
- Code of Practice on Investigation and Determination of Student Complaints – in rare cases an Investigation may be required as part of a formal complaints process
- Code of Practice on Fitness to Study

REFERRAL TO THE CASE MANAGEMENT GROUP (CMG)

The CMG is a core group of senior staff within the School who meet monthly to consider student concerns. The CMG monitors and reports on a range of student issues. There are many different reasons why a student case may have been escalated to the CMG – common reasons are related to academic issues, health and/or conduct, dishonest behaviour 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.

Conducting yourself professionally 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 the following documents which may be applicable to your investigation:-

- Code of Practice on Student Fitness to Practise
- Code of Practice on Academic Misconduct
- Conditions of Training document for MBBS/PA students – this is an extensive document which ensures that student conduct justifies patient trust in the professions.
- Code of Practice on Investigation and Determination of Student Complaints
- Code of Practice on Fitness to Study

These can be found at:-

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

It is also useful for Medical/PA students to be aware of the following GMC Guidance

Documents:-

Professional behaviour and fitness to practise

Achieving good medical practice: guidance for medical students

Investigation Phase

If, having considered your case in some detail, experienced 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 in a chronological and evidenced report. They are responsible for ensuring that any concerns raised about you and/or by you, are investigated thoroughly, fairly and promptly. The Investigating Officer 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. It is important for any matter of concern to be investigated fully and the subsequent reports and letters can, where applicable, assist the provisional registration process with your professional body 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 collate a wide range of evidence. 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. Please do let the Investigating Officer know who will be supporting you before the meeting as a matter of courtesy. Try and choose your supporter carefully – a best friend may not always be the best suited for the occasion. During the process you may be asked personal and confidential questions, the responses for which you may not wish to share with a friend or peer. A note taker will also attend the meeting in order that the Investigating Officer can concentrate on the responses to questions without the need to take notes. The meeting may also be recorded but once the notes are typed and agreed, the recording is destroyed.

As this investigation is a University process, attendance of a legal representative is not permitted, although students may seek legal advice before and after any discussions which take place.

You will usually be offered support from a School's Senior Advisor or member from the Student Support Team as a matter of course during the process. The supporter 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. It can be helpful to gain support from someone familiar with the process.

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 information they will produce a report.

The CMG considers the Investigating Officer's report and may conclude that:-

- ① No further action is required
- ② Request further meetings/monitoring
- ③ 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.
- ④ Refer to Academic Cases Committee.
- ⑤ Refer the case to the Student Fitness to Practise Committee under the provisions of the Code of Practice on Student Fitness to Practise.
- ⑥ Refer to the Fitness to Study process

You will receive a formal communication from the Case Management Group advising of the outcome of the investigation and further action proposed (if any). You will also receive at this point a copy of the Investigating Officer's report.

REFERRAL TO THE STUDENT FITNESS TO PRACTISE COMMITTEE

The referral process to the Case Management Group is designed to ensure that students have the opportunity to obtain support and guidance before a matter becomes a fitness to practise concern. However, in cases where a very serious concern is raised, the matter may be referred directly to the Student Fitness to Practise Committee who will take responsibility for the appropriate investigation and, if necessary, the setting up of a Panel Hearing. If there has been a serious event regarding a student which may have implications for safety of patients, staff or students, a Critical Incident may be imposed. This may involve a temporary suspension or limitation placed upon the continuation of studies. If you are the subject of a Critical Incident, the Code of Practice on Student Fitness to Practise advises of the action that can be taken.

The SFtP Committee is concerned with matters relating to conduct, behaviour, attitudes and values as well as issues relating to the health of students where these may impact on patient care. It is imperative that the School has in place a robust and consistent mechanism to ensure that all graduates applying for registration with a licence to practise are fit to practise and the safety of patients is of paramount importance.

A referral may go through the investigation process of the Case Management Group initially or, for more serious cases, may be referred directly to the SFtP Committee.

When a case is referred to the Student Fitness to Practise Committee without being part of the CMG process, it will firstly be considered by the Chair and/or Committee. The Committee will consider the referral to decide if an Investigation is required. The Investigation process will be conducted in the same way as for a CMG investigation outlined on page 4 of these guidance notes.

When the Investigating Officer's report is received, the SFtP Committee may make the following recommendations:-

- No further action is required
- That remedial support or therapeutic action be implemented
- That additional monitoring, supervision, or appraisal is arranged
- Where there are concerns of a more serious nature, the Committee will decide that a Fitness to Practise Panel Hearing 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 School 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.

Panel Hearing

At least 21 days in advance of the Hearing you will receive a letter and all of the paperwork for the Hearing. All attendees at the Hearing will receive the same paperwork – the panel has no additional information to the student. The letter outlining the details of the Hearing will contain some important information about deadlines for evidence and notification of a supporter so ensure you read it and respond as appropriate. It is a good idea to acknowledge receipt of the papers to demonstrate your engagement with the process.

You are encouraged to bring a supporter with you to the Hearing. This can be a friend, fellow student, students' Union representative or member of staff of Hull York Medical School. You should advise the Hearing secretary of your supporter's identity at least seven days prior to the Hearing. Legal support is not permitted.

Arrive in good time for the Hearing; this will help you to approach the meeting calmly and to give a good account of yourself and to demonstrate appropriate professional behaviour.

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

An anteroom will be available for you and your supporter. Make sure you bring the Hearing Papers with you, and you are familiar with their content and have read them thoroughly. You may also find it useful to prepare some notes to ensure you say everything you need to.

Remember the Panel is neutral, its' members will make their decision based on the documentation provided to them and what they are told by you and the Investigating Officer. It is usual for a Panel to consist of a Chair and two other members and should always have at least one member who is a registrant of the GMC.

The Reasons for the Hearing will be discussed. The Investigating Officer will then usually present a summary of their report. Both you and the Panel will then be given the opportunity to ask for any clarification. If there is anything you feel is unclear or 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 hears directly from you. Your supporter will not respond to questions for you but can remind you and prompt if needed.

Once all the questions have been asked and answered, you will be given the opportunity to 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 the information you think is pertinent to the case. Your supporter will also be given the opportunity to add comments.

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

Honesty is a key consideration 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 process.

Once all questions and statements have been concluded, you, your supporter and the Investigating Officer will be asked to withdraw while the panel comes to a decision.

The Student Fitness to Practise Panel may, following consideration of the case, and in the interest of safeguarding patient safety in the short and long term, recommend to the Hull York Medical School Board of Studies the outcomes outlined in the Code of Practice on Student Fitness to Practise:-

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

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

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

That a Warning(s) may be issued to the student.

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'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. It may also be necessary in exceptional cases to consider notification to the national excluded

student database managed by the Medical Schools Council (currently this database is only applicable to medical students).

If a student breaches any aspect of the outcome and/or recommendations of the Panel Hearing, the case will be referred back to the Student Fitness to Practise Committee.

Following the Hearing, you will receive a written summary of the discussions of the Panel to be checked for factual accuracy. This summary will not include any reference to the decision or recommendations of the Panel, but will constitute a record of the discussion. You will have three working days to comment on the factual accuracy.

Following agreement of the summary, and normally within 10 working days, you will receive a report agreed and jointly issued with the Board of Studies regarding the decision.

It can be stressful to attending a Hearing and then have a negative outcome. It is important to think about what you will do in the light of difficult news. It can be helpful to have told someone else about your Hearing, even if they are not your supporter on the day. Your supporter will be given time in a private space with you immediately after the Hearing but you can always contact support at a later date. Try to think about who you can talk to afterwards and how you plan to get home. Remember that the School's Student Support Team will continue to be available to you in the days that follow, whatever the outcome.

REFERRAL TO THE ACADEMIC CASES COMMITTEE (ACC)

The Case Management Group may receive an Expression of Concern relating to a student's ability to engage appropriately with the programme or an allegation of plagiarism. In such cases, an option available to the CMG is referral to the Academic Cases Committee.

The ACC exists to hear cases of students of the School relating to fitness to study and allegations of academic misconduct.

The Fitness to Study process ensures that any individual is able to participate fully and satisfactorily as a student on a HYMS programme or module in relation to academic studies and more broadly in the life of the School community.

All forms of academic misconduct are dealt with by the ACC including but not limited to, plagiarism, self plagiarism, collusion between students taking assessments and cheating.

If a student is referred for an investigation or hearing, the process is exactly the same as described for CMG and FTP on pages 4 and 7.

Reference:-

Code of Practice on Academic Misconduct

Code of Practice on Fitness to Study

APPEAL PROCESS FOLLOWING HEARINGS

When you receive the formal outcome letter from the Board of Studies this will include details of your right to appeal.

Details on how to make an appeal can be found at:-

<https://www.hyms.ac.uk/staff-and-students/regulations-policies-and-codes-of-practice>

DECLARATIONS TO PROFESSIONAL BODIES

FOLLOWING A FITNESS TO PRACTISE

INVESTIGATION/HEARING

You should be aware that unprofessional behaviour during your programme of study or serious health issues that affect fitness to practise, may result in a professional body refusing to grant provisional registration with a licence to practise. This is the case even if the circumstances in question occurred before or early in the medical school

In January of each year the School is required to make a declaration to the General Medical Council of all MBBS students who are due to graduate in July of that academic year who have been the subject of Fitness to Practise investigations.

It is also necessary for all MBBS students to advise the GMC when applying for provisional registration that an Investigation/Hearing has taken place. It is important to be open and transparent with the GMC as they will require additional information about your case. It is imperative that you prepare for provisional GMC registration at an early stage. Examples of the information required by the GMC is listed below:-

All documentation associated with a Hearing (Good Practice to keep a folder with all correspondence so it is easy to locate when required).

References from members of staff at the Medical School – make good use of Tutors and Mentors to ensure you are prepared to provide this information.

The GMC usually make contact with students who have an FTP history in March/April prior to graduation so it is important to be prepared.

Your attendance at Student Fitness to Practise may also be mentioned by members of staff in references and the STEP Form to your accepting Foundation School for MBBS students.

If an MBBS student is excluded from the course, their details will be added to the Excluded Student Database which is held by Medical Schools Council.

It has recently been announced that the General Medical Council will become the professional regulatory body for Physician Associates, although no date has yet been identified for this to begin. All students are encouraged to be open and transparent with employers with regard to fitness to practise proceedings.

It is not currently a requirements for students to declare a Case Management Group investigation or Caution.

FREQUENTLY ASKED QUESTIONS

Am I suspended whilst waiting for the Hearing?

If this is the case, you will already have been told this by the School 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 where milder penalties are considered to be inadequate or inappropriate.

Will Tutors, Supervisors, Mentors or Teachers be informed of my referral to the SFtP 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 you are unclear about anything during the process, it is important to ask. There will always be support and guidance for students through this process. You will find the process easier if you do get support. In producing these Guidance Notes, we have had assistance from students who have been through an investigation process. Any suggestions for improvement would be appreciated.

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

Achieving good medical practice

Professional behaviour and fitness to practise

Hull York Medical School

Hull
University of Hull
Hull, HU6 7RX

York
University of York
York, YO10 5DD

www.hyms.ac.uk