

HYMS Student Fitness to Practise Panel Hearings

Guidance Notes: The Role of Chair and Panel Members

Academic Year 2017-18

HYMS Student Fitness to Practise Hearings

The Role of the Chair and Panel Members

This guidance provides support to the Chair and Panel Members of Hearings to enable them to fulfil this important role for HYMS. The guidance draws on HYMS experience over the past decade, as well as and best practice across the sector. The purpose is to clarify the requirements of this role to ensure a consistent and rigorous approach. The safety of patients is of paramount importance to the Student Fitness to Practise Committee whilst at the same time being constantly aware of the support and welfare of all HYMS students. This need to balance both of these priorities applies equally to any Panel Hearing acting on behalf of the HYMS Student Fitness to Practise Committee.

It is vitally important that all Panel Members are acquainted with the Regulations, Policies and Codes of Practice which contribute towards a student's studies at HYMS. These can be found at:-
<http://www.hyms.ac.uk/about-us/regulations-policies-and-codes-of-practice>

1. Purpose of the Panel

The purpose of a Panel Hearing is to satisfy HYMS' duty to the public – “to have robust and consistent mechanisms to ensure that all graduates applying for registration with a license to practice are fit to practise medicine” (HYMS Code of Practice on Fitness to Practise 2016). This corresponds to the GMC instruction that medical schools “identify types of behaviour that are not safe, and to take appropriate action to help students improve their behaviour; or if this is not possible or is unsuccessful to make sure they do not graduate as Doctors”. (GMC “Professional behaviour and fitness to practise” (2016) Available online at:-

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

2. Before a Hearing

- Read all documentation sent by the Hearing Secretary and note any problems, inconsistencies and if necessary raise any queries that arise from the presentation of the documents.. If the student has submitted witness statements, you will need to consider what weight these may carry e.g. from a doctor, a parent or peer etc.
- Prepare potential questions for the Investigating Officer and the student based on the material presented.
- Be aware of the powers of the Panel ie

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) are 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.

- Identify areas of agreement and disagreement arising from the papers.
- Be prepared to do some research if necessary. Ensure you are familiar with all aspects of the appropriate regulations and GMC Guidance.
- Be aware of who will be present at the Hearing – usually this is the student, their supporter, the Investigating Officer, Secretary of the Student Fitness to Practise Committee and the Head of Quality and Standards to provide procedural advice.

3. During a Panel Hearing

- Make sure the fitness to practise proceedings are fair and proportionate - know and understand good practice of equality and diversity.
- The meeting is likely to be stressful for the student so any intimidating behaviour must be avoided. Ensure there is a box of tissues in the room!
- It is important that you are patient, polite and objective.
- It is imperative to keep an open mind during the hearing and be willing to listen carefully to everything that is said. You may find it beneficial to take notes.
- Keep in mind the balance between patient/service user and public safety and the overall interests of the student with the need to maintain trust in the profession.
- Be prepared to ask for appropriate expert advice especially in cases involving health or impairment issues.
- If at any time during the hearing, the prospect of Informal Resolution emerges and the Panel considers that an Informal Resolution is appropriate, the consent of the student should be sought for that process to be re-opened.

4 Panel Procedure

- The Chair and Panel Members will meet at least 30 minutes in advance of the student and Investigating Officer arriving. It is useful to use this time to identify questions and agree who will ask specific questions.
- Chair to introduce the Panel members and administrative staff to the student, and explain the powers of the Panel.

- Chair to ask the student to identify their supporter (if applicable)
- Chair to confirm that the student and Panel have received all documentation.
- If witnesses are to be called, ensure they are allowed an opportunity to be interviewed in the appropriate part of the agenda.
- Chair to ask the Investigating Officer to present a summary of the case.
- Allow the opportunity for Panel members to question the Investigating Officer
- Allow the opportunity for the student to question the Investigating Officer whilst ensuring there is a clear and relevant line of questioning.
- Allow the Investigating Officer the opportunity to make a final statement.
- Chair to manage the questioning of the student by the Panel ensuring that it is the student who answers questions directly (supporters may support the student with answers but not present answers on the student's behalf).
- Enquire whether the student has any witnesses to present. Each in turn may be questioned by the Student, the Investigating Officer and the Panel.
- Give the student the opportunity to make a final statement.
- Give the supporter the opportunity to make a final statement.
- Chair to ensure that the Panel Members and Student have nothing further to add.
- Require the student, supporter and investigating officer to withdraw whilst the Panel deliberates.
- Decide whether it is possible to make a decision immediately or whether any issues need clarification before a decision can be made.
- Chair to facilitate deliberations by the Panel taking into consideration the Code of Practice on Student Fitness to Practise and GMC Guidance. Notes will be taken of the deliberation process which summarise the main discussions when the decision is made.
- Summarise the main reasons relied upon for the decision, and record any minority decisions. If a vote is taken and is a tie, the Chair has the deciding vote. Consider whether the decision made balances the need to protect patients and maintain public confidence in the profession. It is also vital that the Panel are able to give clear reasons for taking the actions they are recommending, and that the recommendations are workable, appropriate, reasonable and measurable.
- Ensure that all procedural steps have been taken in reaching a decision. The Panel may take advice as to the feasibility of their proposed recommendation.
- Once a decision has been reached, request the student, supporter and investigating officer to return.
- Inform the student of the outcome (not the reasons in any detail), explaining that a letter will follow to confirm the decision within a few days and that the reasons for the decision will be detailed in the outcome letter. The Chair should not allow any debate at this stage but can take questions relating to the outcome.

Note:

Be aware that the hearing can be adjourned at any time should additional documents/information become available.

If the student fails to attend the hearing, the Panel is entitled to reach a decision in their absence. The Panel should satisfy itself that all reasonable attempts have been made to inform the student of

the Hearing, that the student has been given adequate opportunity to attend and that, as far as can reasonably be ascertained, the student has declined to attend.

5. Guidance on the deliberation process

The decision should be based on the balance of probabilities.

- In coming to a decision, the Panel may take into consideration –
 - The maturity of the student and year of study
 - The likelihood of repeat behaviour
 - The level of insight and remorse displayed by the student
 - Has the student behaved dishonestly, fraudulently or in any way designed to mislead or harm others.
 - How well it is perceived the student would respond to support/remediation
 - Is the student's health or impairment compromising patient safety?
 - Whether the student's behaviour has harmed patients or put a patient at risk of harm
 - Whether the student has shown a deliberate or reckless disregard of professional and clinical responsibilities towards patients or colleagues
 - Has the student abused a patient's trust or violated a patient's autonomy or other fundamental rights.

6. After the Hearing

- It is the responsibility of the Chair and Secretary to produce an outcome letter fully detailing the reasons supporting the determination of the Panel. The outcome letter should include details of how the recommendations of the Panel will be put to the Board of Studies. A copy of the outcome letter should be forwarded to the Student Support Office, Investigating Officer and Panel members. The letter should be sent as soon as reasonable following the hearing.
- The Hearing Secretary will forward copies of the hearing notes for members to consider accuracy. These notes are used administratively to prepare a paper for Board of Studies.
- The Secretary of the Student Fitness to Practise Committee will produce a report for the Board of Studies and circulate this to the Chair, members of the Panel and the Student to approve the content.
- It is the responsibility of the Chair of the Board of Studies to contact the student to advise on the approved outcome of the Board of Studies and also where appropriate and applicable, to inform of the appeal process.

7. Guidance Documents

HYMS 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>)

GMC Achieving good medical practice (http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp)

GMC: Tomorrows Doctors

(http://www.gmc-uk.org/education/undergraduate/tomorrows_doctors.asp)

GMC: Professional behaviour and fitness to practise (http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp)

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