

GUIDANCE NOTES

The Role of the Chair and Panel
members

Case Management Group
Student Fitness to Practise Committee
Student Complaints Panel

August 2018

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This guide serves to provide support to the Chair and Panel members of Hearings to enable them to fulfil this important role for the School. The guidance draws on School 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 students. This need to balance both of these priorities applies equally to any Panel Hearing.

It is imperative that all Panel members are acquainted with the Regulations, Policies and Codes of Practice which contribute towards a student's studies at Hull York Medical School. These can be found at:-

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

The most important Codes for Panel Hearings are:-

- Code of Practice on Student Fitness to Practise
- Code of Practice on Academic Integrity and Conduct
- Code of Practice on Investigation and Determination of Student Complaints

PURPOSE OF THE PANEL

A Panel is established for either the Case Management Group (CMG), Student Fitness to Practise Committee or following receipt of a Student Complaint.

Academic Integrity Learning in an academic environment requires mutual trust and responsibility from everyone involved. Underlying this is acceptance of a common set of values, often referred to as academic integrity. Elements of academic integrity include Honesty, Responsibility, Fairness, Respect and Trust. If a student breaches these values, which may include plagiarism, they are referred for Investigation.

Student Fitness to Practise – It is the School's duty to have a robust and consistent mechanism to ensure that all graduates applying for registration with a licence to

practise are fit to practise. It is necessary for the School to 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 that do not graduate.

Complaint - it is the duty of the School to provide students with a transparent and accessible process by which they may raise concerns and complaints.

BEFORE A HEARING

- All documentation is circulated to the Panel by the Hearing Secretary prior to the Hearing date.
- Read all documentation and note any problems and inconsistencies.
- If the student has submitted any written evidence, you will need to consider what weight these may carry eg from a Doctor, a parent or peer etc.
- Prepare potential questions for the student and Investigating Officer based on the material presented
- Be aware of the powers of the panel – this will depend on the Code of Practice that is being followed.
- 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, codes, polices and GMC Guidance where appropriate.
- Be aware of who will be present at the Hearing – usually this is the student, their supporter, the Investigating Officer, Secretary to the Hearing and the Head of Quality and Standards to provide procedural advice.

DURING A PANEL HEARING

- Ensure the 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 – always ask the student to notify the Chair if they need to take a break at any time.
- 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 particularly with regard to PA and MBBS students.
- 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.

PANEL PROCEDURE

- The Chair and Panel members will need at least 30 minutes in advance of the student, supporter 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.
- Ask the Head of Quality & Standards to present the Reasons for the Hearing paper.
- 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.
- 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 any comments
- Chair to ensure that the Panel Members and student have nothing further to add.

- The student, Supporter and Investigating Officer are asked to withdraw – the Panel can decide to give the student the verdict on the day or may do this by letter
- Chair to facilitate deliberations by the Panel taking into consider the relevant Code of Practice and GMC guidance where applicable.
- 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. For MBBS and PA students – consider whether the decision made balances the need to protect patients and maintain public confidence in the professions. 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 measureable.
- 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, if the student has remained at the site, they can return along with the supporter and investigating officer to receive the result.
- The student can be informed of the outcome (not the reasons in any detail), explaining that a letter will follow to confirm the decision. 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.

GUIDANCE ON THE DELIBERATION PROCESS

In coming to a decision, the Panel may take into consideration some of the guidance below, for Fitness to Practise cases:-

- 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 acted dishonestly, fraudulently or any way designed to mislead or harm others.
- How well is it 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.

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 Manager, Investigating Officer and Panel members.
- 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 will produce a report for 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 Board of Studies to contact the student to advise on the approved outcome and also where appropriate and applicable, to inform of the appeal process.

GUIDANCE DOCUMENTS

- Code of Practice on Student Fitness to Practise - <https://www.hyms.ac.uk/staff-and-students/regulations-policies-and-codes-of-practice>
- Code of Practice on Academic Integrity and Conduct - <https://www.hyms.ac.uk/staff-and-students/regulations-policies-and-codes-of-practice>
- Code of Practice on Investigation and Determination of Student Complaints - <https://www.hyms.ac.uk/staff-and-students/regulations-policies-and-codes-of-practice>
- GMC professional behaviour and fitness to practise - (http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp)

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

Hull York Medical School

Hull

University of Hull
Hull, HU6 7RX

York

University of York
York, YO10 5DD

www.hyms.ac.uk