

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 or a Complaints' Panel

Contents

● Help and Support	Page 3
● Referral to the Case Management Group	Page 4
● Referral to the Student Fitness to Practise Committee	Page 10
● Appeal Process	Page 12
● Declaration to Professional Bodies	Page 13
● Frequently Asked Questions	Page 14

This guide serves to provide support for Students who are going through an investigation process by either the Case Management Group (CMG) or the Student Fitness to Practise (SFtP) Committee. 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 of 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)
- Director of Student Support, Dr Alison Blakeborough
- Senior Advisors
- Your 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 Integrity and Conduct
- 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

REFERRAL TO THE CASE MANAGEMENT GROUP (CMG)

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 academic, health, conduct, dishonesty 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 Integrity and Conduct
- 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

These can be found at:-

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

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. This can be done by contacting

student.support@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 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 get a wide a 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.

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 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.

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.

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

- No further action is required
- Request further meetings/monitoring
- 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.
- Refer to a Panel Hearing
- Refer the case to the Student Fitness to Practise Committee under the provisions of the Code of Practice on Student Fitness to Practise.

You will receive a formal communication from the Case Management Group advising of the outcome of the investigation and further action proposed (if any)

Referral to a Panel Hearing

Following the formal investigation you may be requested to appear before a panel established by the Case Management Group.

Every panel has a Hearing Secretary. This will be a member of staff from the School who will organise the Panel meeting, supply you and the Panel with meeting papers and notify you of the date, time and venue. 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 takes 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.

At least 21 days in advance of the Hearing you will receive all of the 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, Panel members, Head of Quality & Standards and the Investigating Officer. 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.

Be prepared to do some research if necessary. Ensure you are familiar with all aspects of the appropriate regulations and GMC guidance if applicable.

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. It is your right to make a written submission to the Panel. This must be sent to the Hearing Secretary, no later than seven 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.

Be aware of the recommendations that the Panel is empowered to make. These are always as outlined in the relevant Code of Practice for your investigation.

[Panel Hearing](#)

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.

Do not arrive late for the Hearing, this will only serve to increase your anxiety and 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 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.

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.

The Head of Quality and Standards will set out the reasons for the Hearing followed by the Investigating Officer summarising 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 you 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.

You may be called back into the Hearing to hear the decision or you may be informed of the outcome by formal letter from the Chair of Panel. This letter sets out the decision in more detail and a copy of this will also be sent to the Student Support Office, Investigating Officer and

Panel members. The Secretary to the Panel will write a report to the Board of Studies which will include the panel's decision and recommendation. You will have the opportunity to comment on the draft report before it is sent to Board of Studies.

Once the Board of Studies has considered the report, you will receive the final outcome letter.

REFERRAL TO THE STUDENT FITNESS TO PRACTISE COMMITTEE

The referral process to the Student Fitness to Practise Committee (SFtP) 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 you are 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 case can be referred direct to the SFtP Committee for more serious cases or alternatively go through the investigation process of the Case Management Group.

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.

If you are referred to a Panel Hearing, the administration process is the same as described for the Case Management Group (Page 7). The Chair of the Panel is normally the Chair or Deputy of the SFtP Committee. You will have had sight of the papers at least 21 days in advance of the Hearing in order to prepare. An Agenda sets out how the meeting will progress and it is always possible to request a break in the proceedings via the Chair if this is required.

The Secretary will prepare a report to the Board of Studies and you will have the opportunity to comment on the accuracy. It is important to be aware of the powers of the Panel as detailed on the Code of Practice on Student Fitness to Practise.

APPEAL PROCESS FOLLOWING SFTP HEARING

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 you are applying for provisional registration that an Investigation/Hearing has taken place. It is important to be open and transparent with the GMC as they may require additional information about your case.

Your attendance at Student Fitness to Practise may also be mentioned by members of staff in references and the Transfer of Information 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.

At the time of writing PA students do not have a professional regulatory body although this may change in the near future. 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.

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.

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