

## Reg. 34 Regulation for the Determination of Fitness to Practise



(1) There shall be Fitness to Practise Committees of the Senate which shall consider the fitness to practise of candidates for admission and registered students for the degrees of the MA/SW, Diploma and Postgraduate Diploma courses in Specialist Social Work (Adults) and Specialist Social Work (Children and Young People, their Families and Carers), MB ChB, the PGCE, the Diploma in Person Centred (Rogerian) Counselling and Psychotherapy and the Foundation Degree or BA in Person Centred Counselling and Psychotherapy.

(2) (a) The Fitness to Practise Committee for the degrees of MA/SW, Diploma and Postgraduate Diploma courses in Specialist Social Work (Adults) and Specialist Social Work (Children and Young People, their Families and Carers), the PGCE, the Diploma in Person Centred (Rogerian) Counselling and Psychotherapy and the Foundation Degree or BA in Person Centred Counselling and Psychotherapy shall consist of one member of the Committee on the Admission of Students to Courses of Study and not fewer than two additional members who are practitioners in the relevant field appointed by the Vice-Chancellor from a panel of not less than 18 members appointed annually by the Senate on the recommendation of the Head of the School of Health and Social Sciences, the Director of the Institute of Education and the Director of the Centre for Lifelong Learning, noting that a minimum of 6 members of the panel should be recommended by each. The practitioners appointed to the panel should not be members of staff in the department in which the student is registered.

(b) The Fitness to Practise Committee for the degree of MB ChB shall consist of two lay members one of whom will act as Chair, the Chair of the Committee on the Admission of Students to Courses of Study, the Dean of the Warwick Medical School, two members of clinical academic staff of the Warwick Medical School, a member of clinical academic staff who is a practising psychiatrist, a senior clinician from a local NHS Trust who has undergraduate teaching responsibilities, a junior doctor. A panel of up to four members who are practitioners in the medical field and who are not members of staff of the University should also be established to serve both as substitutes for the Fitness to Practise Committee or on the Fitness to Practise Appeals Committee as set out in clause 11 below. Members of both the Committee and the Panel will be appointed annually by the Senate.

(3) In all cases, the student shall be notified in writing of the issue of fitness to practise and be invited to make written representations to the Committee.

(4) In cases referred to the Committee under Regulation 6.3(3) or 6.4(c) Regulations Governing Admissions to Programmes of Study:

(a) Where the candidate has not yet enrolled at the University and the offer has not yet been made to the candidate:

(i) If the Committee determines the candidate is not fit to practise, the recommendation for the application of the candidate to be rejected for the degree course to which s/he has applied shall be referred directly to the Vice-Chancellor. If the Vice-Chancellor wishes to uphold the recommendation to reject the candidate, the decision shall be made on behalf of the Senate.

(ii) If the Committee determines the candidate is fit to practise, the application will be referred to the Committee on Admission of Students to Courses of Study for consideration.

(b) Where the candidate has been made an offer of a place but has not yet enrolled at the University:

(i) If the Committee determines the candidate is not fit to practise, the recommendation to revoke the offer to the candidate for the degree course to which s/he has applied shall be referred directly to the Vice-Chancellor. If the Vice-Chancellor wishes to uphold the recommendation to revoke the offer, the decision shall be made on behalf of the Senate.

(ii) If the Committee determines the candidate is fit to practise, the case will be referred to the Committee on Admission of Students to Courses of Study, or in appropriate cases to the Chair of that Committee, for consideration.

(5) In cases referred under Regulation 34(4)(b) or where evidence (including issues of behaviour, attitudes, dishonesty, criminal conduct or illness likely to pose a risk to the student themselves, their colleagues or patients), which was not previously considered under Regulation 6.3 Regulations Governing Admission to Programmes of Study, comes to light regarding the fitness to practise of a student during the registration of a student on the MA/SW, Diploma and Postgraduate Diploma courses in Specialist Social Work (Adults) and Specialist Social Work (Children and Young People, their Families and Carers), MB ChB, the PGCE, the Diploma in Person Centred (Rogerian) Counselling and Psychotherapy and the Foundation Degree or BA in Person Centred Counselling and Psychotherapy, the Committee may decide:

(a) That the student is fit to practise and inform them accordingly,

(b) To suspend the registration of the student or withhold the award of the student for a period of normally no longer than 60 days until additional evidence is available, in which case the Committee will reconvene to consider the evidence,

- (c) To recommend to the Board of the Faculty of Social Sciences for the MA/SW that the candidate be transferred to the MA in Applied Social Sciences as s/he is unfit to practise,
- (d) To recommend to the Board of the Faculty of Social Sciences that the candidate for the Postgraduate Certificate in Education be transferred to the Postgraduate Certificate in Educational Studies as s/he is unfit to practise,
- (e) To recommend to the Board of the Faculty of Medicine that the candidate for the MB ChB degrees be transferred to the BMedSci degree as s/he is unfit to practise,
- (f) To recommend to the Board of the Faculty of Social Sciences for the MA/SW, Diploma and Postgraduate Diploma courses in Specialist Social Work (Adults) and Specialist Social Work (Children and Young People, their Families and Carers), MB ChB, the PGCE, the Diploma in Person Centred (Rogerian) Counselling and Psychotherapy and the Foundation Degree or BA in Person Centred Counselling and Psychotherapy, or to the Board of the Faculty of Medicine for the MB ChB, that notwithstanding the academic performance of the student, the degree of the student be withheld as s/he is unfit to practise,
- (g) To recommend to the Continuation of Registration Committee as set out in [Regulation 36](#) Governing Student Registration, Attendance and Progress for the MA/SW, Diploma and Postgraduate Diploma courses in Specialist Social Work (Adults) and Specialist Social Work (Children and Young People, their Families and Carers), MB ChB, the PGCE, the Diploma in Person Centred (Rogerian) Counselling and Psychotherapy and the Foundation Degree or BA in Person Centred Counselling and Psychotherapy, that the registration of the candidate be terminated on the grounds that s/he is unfit to practise.
- (6) In cases referred to the Committee under [Regulation 36](#) Governing Student Registration, Attendance and Progress, the Committee's recommendation as to whether or not a candidate is fit to practise shall be referred to the Continuation of Registration Committee.
- (7) In all cases, the recommendations of Fitness to Practise Committee shall not be communicated to the student until the final decision is made by the appropriate body as set out in 34(4)-(6) above.
- (8) If the Fitness to Practise Committee decides that a student is not fit to practise as set out in (5)(c) to (e) above, the student may appeal against the Committee's decision, within ten days of the date of the letter of formal notification, via the Academic Registrar for consideration by a Preliminary Review Panel comprising two of the following: a Pro-Vice-Chancellor; the Chair (or Deputy Chair) of the Board of Graduate Studies; the Chair (or Deputy Chair) of a Faculty Board or Faculty Graduate Studies Committee.
- (9) The Preliminary Review Panel will consider the appeals of students against decisions made by the Fitness to Practise Committee where:
- (a) There appears to be evidence of unfair discrimination or bias in the conduct of the Fitness to Practise Committee.
  - (b) The student has relevant evidence that s/he was not able to present at the meeting of the Fitness to Practise Committee.
  - (c) There appear to have been procedural irregularities in the conduct of the Fitness to Practise Committee.
  - (d) There appears to be other evidence that the decision of the Fitness to Practise Committee is flawed.
- (10) The Preliminary Review Panel may decide:
- (a) that a prima facie case for appeal exists, in which case the appeal shall be referred to a Fitness to Practise Appeals Committee.
  - (b) to reject the appeal if the Panel concludes that the evidence provided does not constitute grounds for appeal as set out in (9) (a) to (d) above.
- If the appeal is rejected the appellant shall be notified of the reasons for the decision.
- (11) The Fitness to Practise Appeals Committee shall be appointed by the Vice-Chancellor (or nominee) and shall comprise one member of the Preliminary Review Panel, one member drawn from the panel appointed by the Senate under [Regulation 37](#) Governing Taught Postgraduate Courses and two practitioners in the relevant field drawn from the panel appointed under 2(a) or (b) above. No member of staff in the department concerned nor a member of the original Fitness to Practise Committee which considered the case of the appellant should serve on the Appeals Committee.
- (12) The Fitness to Practise Appeals Committee may seek advice on the interpretation of professional guidelines from the professional body or department concerned. Any such correspondence should be made available to the appellant.
- (13) The Fitness to Practise Appeals Committee is charged with considering the appeal against the decision of the original Fitness to Practise Committee and, if the appeal is upheld, considering the fitness to practise of the appellant. The Appeals Committee may decide:
- (a) To uphold the appeal, in which case the Appeals Committee should then determine whether or not the appellant is fit to practise.
  - (b) To reject the appeal, in which case the decision of the original Fitness to Practise Committee stands. The appellant shall be notified of the reasons for the decision.
- (14) The decision of the Appeals Committee is final.

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