



ESO

European School  
of Osteopathy

## **Student Fitness to Practise Policy and Procedures**

## Contents

		<b>Page</b>
1.0	Introduction	3
2.0	Definition of Non-Fitness to Practise	4
3.0	Initiation of Procedures	4
4.0	The Fitness to Practise Investigation	5
5.0	Referral to the ESO Fitness to Practise Panel	6
6.0	Procedure for calling a Fitness to Practise Panel	6
7.0	Procedure of the Fitness to Practise Panel Meeting	7
8.0	Role of the Fitness to Practise Panel	8
9.0	Powers of the Fitness to Practise Panel	8
10.0	Appeals against the decision of the Fitness to Practise Panel	9
11.0	Support for the Student during and after the process	11
12.0	Auditing	11
13.0	Contact Us	11

## 1.0 Introduction

Student Fitness to Practise procedures are intended to help ensure patient safety and public trust in the profession, and, where possible, to support the remediation of students. The European School of Osteopathy (ESO) has a responsibility to ensure that students are fit to practise as student osteopaths, and are likely, in due course, to meet the standards required by the General Osteopathic Council, subject to their entry regulations.

The outcome of any hearing held pursuant to these procedures is solely concerned with patient safety and public trust in the profession and are not intended to constitute a punishment to the student.

Students are recommended to read the General Osteopathic Council document, "Student Fitness to Practise – guidance about professional behaviours and Fitness to Practise for osteopathy students", <https://www.osteopathy.org.uk/news-and-resources/document-library/training/guidance-professional-behaviours-and-ftp-students/>.

The ESO Student Fitness to Practise Policy is informed by the General Osteopathic Council's 'Student Fitness to Practise Guidance for Osteopathic Educational Institutions', <https://www.osteopathy.org.uk/news-and-resources/document-library/training/sfpguidanceforei/>, and in addition and where appropriate, the policies relevant to the awarding university, [https://bucks.ac.uk/\\_data/assets/pdf\\_file/0021/9543/Fitness-to-practise-Procedure.pdf](https://bucks.ac.uk/_data/assets/pdf_file/0021/9543/Fitness-to-practise-Procedure.pdf).

The Student Fitness to Practise policy and procedures are normally considered relevant to the Clinical elements of the programme, whether that be in the training Clinic or the clinical elements of the taught programme. Student behaviours which cause concern outside the Clinical elements will normally be dealt with under the Student Fitness to Study or Student Disciplinary procedures. On referral, the Academic Registrar or their nominee, will consider which procedures to apply. See the VLE – [ESO policies and procedures/Student Matters/Policies and Regulations](#)

## 2.0 Definition of Non-Fitness to Practise

- 2.1 Student Fitness to Practise procedures are designed, primarily, to consider if:
  - 2.1.1 The student is medically unfit to practise within the programme, either by physical or psychological impairment.
  - 2.1.2 There is substantive evidence that the student is unlikely to demonstrate the attitudes, behaviour and values expected within the osteopathic profession.
- 2.2 Relevant grounds would include, though are not limited to:
  - 2.2.1 Matters which might affect patient, staff and student safety.
  - 2.2.2 Matters which may affect the trust which the public places in the profession.

## 3.0 Initiation of Procedures

- 3.1 The Academic Registrar (or their nominee) should be informed of any case where a student has acted in such a way, or is subject to a health problem, that may constitute non-fitness to practise. Such notification may come via the Student Attendance and Support Committee (SASC), from any member of staff / faculty or from a student. In the latter case the person making this information known should identify themselves, as information offered anonymously will generally not be considered. The person informing the Academic Registrar (or their nominee) of the alleged non-fitness to practise should complete the form (Appendix 1).
- 3.2 In the event of a patient making a complaint about a student, the outcome of the patient complaint might be an alleged non-fitness to practise case concerning the student. In this case the Head of Clinic or other clinic tutor should refer the case to the Academic Registrar (or their nominee) and complete the form outlining the incident (Appendix 1)
- 3.3 Following an incident of alleged misconduct, the case should be referred to the Academic Registrar (or their nominee). The Academic Registrar may, on consideration of the evidence, choose to utilise either the Student Fitness to Practise procedure or the Student Disciplinary procedure, or Student Fitness to Study procedure.
- 3.4 In the interest of fairness, no single incident of misconduct for any individual student shall be considered under more than one set of ESO rules or regulations.
- 3.5 At this stage, in respect of the Fitness to Practise regulations, it may be decided by the Academic Registrar (or their nominee) that the allegations are serious enough, or that it is in the best interest of the student, that they should be temporarily suspended from the clinical and potentially other components of the programme.

- 3.6 If the student is suspended from the clinical components of the programme they will be informed immediately during a meeting with the Academic Registrar (or their nominee) and provided with written confirmation of the suspension and the terms of the suspension, along with details of the allegation. The student will be informed of his/her right to be accompanied to this meeting by a friend, relative or other supporter, including the Student Welfare Officer. This, however, will not be a reason to delay this meeting and suspension will nevertheless take effect if the student fails to attend the meeting.
- 3.7 The student will be given a hard copy of the Student Fitness to Practise Policy, the GOsC's Student Fitness to Practise – guidance about professional behaviour and Fitness to Practise for Osteopathy Students document and the allegation form.
- 3.8 At this, and any of the following stages, the Student and ESO may agree that fitness to practise is compromised and enter into an undertaking with the ESO to engage in a process of remediation, the outcome of which may or may not lead to the Student Fitness to Practise procedures being invoked. This process will be overseen by a member of the Executive Team or their nominee, in close consultation with Head of Clinical Education or Clinic Co-ordinator and the student welfare team.

## **4.0 The Fitness to Practise Investigation**

- 4.1 The purpose of the investigation will be to determine:
- 4.1.1 whether there is a case of non- fitness to practise or
  - 4.1.2 whether the matter can be resolved without the need for referral to the Fitness to Practise Panel.
- 4.2 A nominated member of staff or faculty will conduct the investigation. This will comprise a gathering of information from all relevant sources, interviewing all witnesses as they deem appropriate to the case and interviewing the student concerned. The student will be informed of the date, time and place of the interview. They will be invited to attend accompanied, if so desired, by a friend, relative, Student Welfare Officer, or other independent supporter.
- 4.3 The investigation, including production of the minutes, should be completed within 21 days of the first meeting.
- 4.4 An independent note taker must be present to record all meetings.
- 4.5 When the preliminary investigation has been completed, the Academic Registrar (or their nominee) will prepare a report on the case.
- 4.6 In cases where it is determined that the evidence indicates a possible Student Fitness or Study or Disciplinary matter, rather than Student Fitness to Practise, then one of the former two proceedings may be instituted.

## 5.0 Referral to the ESO Fitness to Practise Panel

- 5.1 The ESO Fitness to Practise Panel has scope to assess all allegations of non- Fitness to Practise
- 5.2 The Fitness to Practise Panel may be drawn from members of clinic, teaching or administrative staff. It will be chaired by a member of the Executive Team or their nominee. and will comprise two other Panel members as above.
- 5.3 A secretary will be present at the meeting and will take minutes.
- 5.4 No person who has previously had any involvement in the case shall be present as a member of the Fitness to Practise Panel.
- 5.5 The quorum for any meeting of the Fitness to Practise Panel shall be three.

## 6.0 Procedure for calling a Fitness to Practise Panel

- 6.1 The Secretary to the Panel will be responsible for informing the student (with no less than 21 working days' notice) in writing of the time and place of the Fitness to Practise Panel meeting. The student shall be notified of his/her right to be accompanied by a friend, relative or other supporter. The Secretary will supply the student and the Fitness to Practise Panel with copies of any documentation or statements to which reference may be made during the meeting. These will include the following in all cases:
- A copy of the Student Fitness to Practise procedure, including indicative sanctions available to the Panel.
  - A copy of the notice to the student regarding the Fitness to Practise matter.
  - A copy of any letter or other documentation received from the student in response to the allegations of non-fitness to practise.
  - Any other relevant documentation.
  - GOsC fitness to practise guidance, and, where appropriate, the GOsC suite of guidance on the management of diversity, health impairments, and equality or diversity issues.
- 6.2 The student may submit a written statement or other documentary evidence in support of their case based upon the issues raised at the investigative interview. This statement must be received by the Secretary at least a week before the Panel hearing date, in order that it may be included in the documentation to be sent in advance to the Fitness to Practise Panel members. Character statements may also be submitted.
- 6.3 All parties may invite witnesses relevant to the case to present verbal evidence at the hearing. The names and contact details of any such witnesses shall be made available to the Secretary of the Fitness to Practise panel at least seven days prior to the hearing.

- 6.4 The Academic Registrar (or their nominee) and/or other members of staff connected with the case will provide a written report, including any written witness statements, outlining the allegations and identifying the evidence that they have drawn upon in making their report. All the evidence submitted to the Secretary of the Fitness to Practise Panel will be included in the bundle of papers presented at the meeting.
- 6.5 The Secretary will provide the student with a copy of all documentation to be considered by the Fitness to Practise Panel, at least a week in advance of the hearing.
- 6.6 All information submitted in relation to the Fitness to Practise Panel hearing will be dealt with confidentially and will only be disclosed to those parties involved in the investigation and judgement of the allegation, or as necessary to progress the case, or as required by law.
- 6.7 The Chair of the Fitness to Practise Panel in consultation with the secretary shall have the discretion to delay the date of the hearing at the request of either of the relevant parties, if feasible, for such period as is deemed appropriate given the circumstances of the case.

## **7.0 Procedure of the Fitness to Practise Panel Meeting**

- 7.1 The Fitness to Practise Panel hearing is a closed meeting and will be held in camera.
- 7.2 If the student fails to attend the hearing without a reasonable explanation, and the Panel is satisfied that the student has received due notification, the hearing may continue in the student's absence. Any declaration or statement that the student has supplied shall be considered. The Chair may decide what may be considered a "reasonable explanation".
- 7.3 The student has the right to be accompanied by a friend, relative or other supporter. The student should inform the Secretary whether he/she will be represented and, if so, whether such person has a legal qualification. The ESO reserves the right to seek legal assistance in such cases.
- 7.4 The report shall be presented by the Investigator who will present the evidence gathered and submitted as part of the Fitness to Practise investigation. The Panel may question the Investigator.
- 7.5 The student has the opportunity to question the investigator on any aspect of the evidence produced. If any evidence is presented to the Panel from any person not called by the student, the student has a right to question that person.
- 7.6 The investigator will then leave the meeting but be available at the request of the Panel, should the need arise later in the proceedings but only in the presence of the student.
- 7.7 The student may present such oral evidence in support of their case as he/she wishes. In support of his/her case, the student may present those witnesses previously nominated to the Secretary under clause 5.3.

## 8.0 Role of the Fitness to Practise Panel

- 8.1 The Panel may question the student, the Investigator and any witnesses present, in order to determine the validity of the evidence presented.
- 8.2 At any time during the proceedings the Panel may, at its discretion, adjourn for private discussion, or require the room to be vacated. The Secretary to the Panel may be invited to remain to advise the Panel on procedural matters. No other parties may be present.
- 8.3 When the Panel is satisfied that their questioning is complete, and all parties have had a full opportunity to convey all relevant information to the Panel, the student and all witnesses will be required to withdraw from the hearing in order for the Panel to consider the case in camera.
- 8.4 At any time during the hearing, the student may acknowledge that the Fitness to Practise allegations raised against him/her are valid, in part or in their entirety.
- 8.5 In reaching its decision, the Panel will consider the balance between patient and public safety, the interests of the student, and the need to maintain trust in the profession.
- 8.6 The Panel's decision will be communicated to the student verbally and in the form of a short statement the same day as the hearing. A full report will be issued within twenty-one days of the decision being reached.
- 8.7 Alternatively, the Panel may decide to adjourn the hearing and request occupational health, psychological assessments or other reports, where it has determined that it does not have sufficient information to enable it to determine on the facts before it. Where a student refuses to submit to an occupational or other health assessment, then the Panel at its discretion can impose an interim suspension from clinical practice order and refer the case for consideration under the ESO Disciplinary procedures.

## 9.0 Powers of the Fitness to Practise Panel

The possible outcomes of a student Fitness to Practise Panel include:

- a. Fitness to practise is not impaired and there is no case to answer.
- b. The Panel may refer the matter to the Student Fitness to Study or Student Disciplinary procedure. The Panel may impose an interim suspension from Practise or Study.
- c. The student's fitness to practise is found to be impaired, and a formal sanction is given. These might include one or more of the following:



Formal Warning	This allows the ESO to indicate to a student that that their behaviour represents a departure from the standards of expected osteopathic students and should not be repeated.
Undertaking	An undertaking may be entered into where the ESO and the student agree that fitness to practise may be compromised and may include restrictions on clinical practice or behaviour and an agreement to medical treatment or remedial teaching. An undertaking can be entered into before the formal investigation or Fitness to Practise panel meets. If the undertaking is not upheld, the matter will proceed to Fitness to Practise.
Conditions	The Fitness to Practise Panel set specific conditions to allow the student's continued participation on the programme. This will include a remedial action and support plan to address the areas of concern and the process for monitoring and review.
Suspension	Suspend the student from the clinical or other aspects of the programme for a specified time, with clear evidence needed to be allowed to resume studies.
Expulsion	Expulsion from the Programme is the most serious sanction and will require the student to be withdrawn from their studies as it is the only way to protect patients, staff and students.

## 10.0 Appeals against the decision of the Fitness to Practise Panel

- 10.1 A student who wishes to appeal against a decision of the Fitness to Practise Panel, may do so to an Appeals Panel, no later than twenty one days after the date of the report was sent to the student of the Fitness to Practise Panel's decision.
- 10.2 No person who has previously had any involvement in a case shall be present as a member of the Appeals Panel. The Appeals Panel will comprise three members; two of which will be drawn from members of clinic or teaching faculty or administrative staff and chaired by the Principal. The Appeals Panel will be supported by a secretary who will produce minutes.

- 10.3 A student appealing against the decision of the Fitness to Practise Panel must submit his/her appeal to the Academic Registrar (or their nominee) within twenty-one days of the Fitness to Practise Panel hearing.
- 10.4 The student may only appeal on the following grounds, which shall be specified in the Letter of Appeal:
1. New evidence has come to light that the student had no access to at the time of the Fitness to Practise hearing. This new evidence on the face of it calls into question the validity of the original determination and sanction of the Panel.
  2. A procedural irregularity (or several) occurred within the scope of the whole course of the proceedings (or prior) that has had the potential to skew the outcome of the hearing.
  3. The sanction imposed is unduly punitive and not proportional to the level or risk posed by the student to the clinical environment or pursuant in protecting the public or good name of the profession.
  4. Reasonable adjustments have not been applied to support the student or those that were applied were insufficient within the context of the size and resources available to the ESO.
- 10.5 The Academic Registrar (or their nominee) shall obtain, before the appeal hearing, a statement in which is set out a summary of the sanctions applied to the student, the procedures which were followed by the Fitness to Practise Panel and the grounds for its decision. A copy of this statement shall be sent to the student twenty-one days in advance of the hearing of the Appeals Panel. The Appeals Panel shall convene a hearing as soon as practicable (and in any event no later than six weeks after the receipt of the appeal). The student may present his/her case, call witnesses or present any written documents. The student may be accompanied by a friend, relative or other supporter who may speak on his/her behalf. The Appeals Panel may question any witnesses called or challenge any written document submitted in evidence.
- 10.6 The Appeals Panel shall have the right to call for any evidence or to summon and question any witnesses that it deems appropriate at any stage. The Appeals Panel shall consider all evidence submitted as relevant to the complaint. At the conclusion of the hearing the Chair shall ask the student if he/she wishes to make any further statement in support of his/her case.
- 10.7 The Appeals Panel shall have the power to confirm, quash or vary the decision appealed against, which may include the power to increase any sanction imposed.
- 10.8 The decision of the Panel shall be communicated to the Chair of the Fitness to Practise Panel and the Student, in writing and within seven working days of the hearing.
- 10.9 In certain circumstances there may be the possibility of registering at the ESO if subsequent evidence suggests a student may now be fit to practise (e.g. professional Psychologist's report). Such requests should be submitted in writing to the Secretary of the Fitness to Practise Panel in the first instance, with a view to reconvene the Panel.

## 11.0 Support for the Student during the process

The ESO recognises the Student Fitness to Practise procedures will be unsettling and potentially stressful for students involved. In exercising its duty of care, the ESO will ensure that the Student Welfare Team remains available to provide support and guidance throughout the process. Should the Student be required to suspend their studies, the ESO will maintain contact, offer guidance and support and assist with re-joining the programme if this option is offered by the Panel. If a student is required to withdraw permanently, the ESO will offer guidance as to alternative study options which might be available.

## 12.0 Auditing

Policy Name:	Student Fitness to Practise Policy and Procedure		
Owner:	Academic Registrar		
Approver:	Academic Board		
Audience:	Students		
Storage Location:	VLE –Student Matters		
Effective Date:	February 2020		
Review Date: <i>(unless other revisions are required prior to this date)</i>	February 2021 or sooner should the need arise		
Version:			
Equality Impact Assessment	Are there any implications for a protected characteristic group as defined by the Equality Act 2010 in this policy?		
	<input type="checkbox"/> Positive impact	<input type="checkbox"/> Negative impact	<input checked="" type="checkbox"/> Neutral
Details: <i>(provide details if there is either a positive or negative impact)</i>			

## 13.0 Contact Us

### Business Address

Boxley House  
The Street  
Boxley, Maidstone  
Kent ME14 3DZ

### Contact Information

Antony Charles  
Academic Registrar  
T: +44 1622 671558  
E: academicregistry@eso.ac.uk

### Further Information

If you have further questions regarding this document or require further information; please contact the Academic Registrar.