



## CODE OF PRACTICE ON STUDENT HEALTH AND CONDUCT

*This Code of Practice supplements the University's regulations on 'General University Discipline' and on 'Immediate Temporary Dismissal Associated with Ill Health' through providing procedures for handling those non-academic matters of student health and conduct which may have a bearing on fitness to practise professionally but which do not fall within the ambit of the University's general disciplinary and health regulations.*

*It currently applies only to students following programmes leading to awards recognised by the relevant Statutory Bodies as registrable qualifications for the practice of medicine, dentistry, midwifery, nursing, radiography, other healthcare professions and teaching. It falls into two sections. The first, covered in paragraphs 1-9 below, constitutes a statement of general policy and sets out the 'ground rules' for the Code, including a broad outline of the situations within which students will be considered as falling within its ambit. The second section, covered in paragraphs 10-15, outlines the procedures by which the Parent School and the University will handle individual cases which are brought to their attention.*

*The Secretariat is referred to below as 'the Office'.*

*Students may seek independent advice and support from LUU Student Advice Centre.*

*Website: [advice@luu.leeds.ac.uk](mailto:advice@luu.leeds.ac.uk)*

## POLICY

### Introduction

1. In 1998-9, the University was advised by the then CVCP to have in place arrangements to bar medical students who are unfit to practise for health, behavioural or conduct reasons from proceeding to graduation and automatic entry to the GMC Register. This was because, while the safety of patients (and other members of the public) and care of students are both important, in this context, the protection of the public must be of paramount importance. Subsequently the GDC and other Statutory bodies have required the University to have similar arrangements in place for students following programmes leading to registrable qualifications in other clinical professions such as dentistry, midwifery and nursing. In 2004-05 the Code was extended to include students following programmes leading to Qualified Teacher Status.

2. It is especially important that students following programmes that provide contact with patients (and other members of the public) demonstrate high standards of conduct and behaviour. In later life such students will be placed in positions of public trust. Students following clinical programmes leading to registrable professional qualifications should consult the relevant statutory body's guidance on professional conduct, which sets out the required professional standards and that body's guidance, if any, on health issues which may have a bearing on an individual's fitness to practise and student health and conduct. The Statutory Bodies' current guidance is given on their websites as follows:

GMC - <http://www.gmc-uk.org/>

GDC - <http://www.gdc-uk.org/>



NMC – <http://www.nmc-uk.org/>

HPC - <http://www.hpc-uk.org>

TTA – <https://www.gov.uk/government/publications/teachers-standards>

### Health and Conduct matters covered by the Code

3. In keeping with its responsibility to ensure that students whose health or conduct may lead them to be a risk to the public should not be permitted to graduate with a registrable degree/award, the University reserves the right (within the terms of the regulations on General University Discipline and of this Code of Practice) to terminate the studies of any student who, while enrolled on a programme leading directly to a professional qualification<sup>1</sup> or the right to practise a particular profession or calling, behaves or conducts himself/herself in such a way - even if such behaviour or conduct takes place outside the University - as to render that student a person unfit to be admitted to or practise that profession or calling. This includes, *inter alia*:

- alcohol, drug and substance abuse;
- behavioural problems: including abuse of others, violence or threat of violence, indecency, drug dealing and unprofessional behaviour;
- who conducts himself/herself in such a way as to constitute a criminal offence (including conviction for an offence) where that conduct or offence is such as to render the student unfit to practise any particular profession or calling to which that student's programme leads directly. In this context, it should be noted that a student convicted of certain types of criminal offences, for example, violent or sexual crimes, poses a potential risk to patients, young persons or others;
- whose mental or physical health gives rise to concern about a student's fitness to practise professionally or discharge any duties as a clinician in the long term.

4. The relevant parent Schools have drawn up guidance notes (available from the School) which include information on the range of behavioural, conduct and health matters which may give rise to concern about an individual's fitness to practise professionally; and which also provides information on the School's internal processes for identifying and handling such matters. It should be noted that the list of health and conduct problems provided is not exhaustive; and some students may have a combination of problems.

### Confidentiality

5. Health and conduct matters falling within the ambit of this Code may initially arise during confidential discussions between a student and a member of staff. The University respects students' rights concerning the confidentiality of conversations but recognises that disclosure may be necessary in the public interest where a failure to disclose may expose patients or others to risk of death or serious harm. In such circumstances, staff (and students) have a responsibility to disclose information promptly to an appropriate person or authority in accordance with the procedures set out in paragraph 11 below.

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<sup>1</sup> The provisions of this Code apply also to MBChB and MChD/BChD, BSc candidates who have been permitted to intercalate periods into their studies including periods spent following intercalated degrees in either this or another University as they remain candidates for a registrable degree during any intercalated period.



### **Timeliness**

6. It is, of course, in a student's own interest that any health or conduct matter which may call into question his or her fitness to practise be identified and a remedy applied at the earliest opportunity. This will enable the University to provide advice and counselling in a timely way and to provide where possible the option of transfer to a non-vocational or other programme not leading to a registrable award.

### **Exit qualifications and alternative academic programmes**

7. Depending on the point at which a student has to terminate his or her programme of study, it may be possible:

- either to confer a non-registrable intermediate/exit qualification, or
- to identify the amount of notional credit (if any) which a student might carry forward. He or she would then be in a position to apply for entry to another programme, perhaps within another School. The student's parent School is under no obligation to arrange such a transfer, but will provide all reasonable support in this connection. Ultimately, however, entry to an alternative programme will be at the discretion of the Head of the parent School for that alternative programme, and after taking into account all the relevant circumstances.

8. Further information on exit qualifications is available from the relevant parent School.

### **Exclusions**

9. The Code does not apply at present to:

- Pre-registration House Officers; as registered medical practitioners, they are subject to GMC fitness to practise procedures;
- Nurses, Midwives and other registered Healthcare Professionals following post-registration programmes who are subject to NMC or HPC fitness to practise procedures.

### **PROCEDURE**

10. Students following programmes leading to awards recognised by the relevant Statutory Bodies as registrable qualifications for the practice of medicine, dentistry, midwifery, nursing, other healthcare professions and teaching who:

- are alleged to have offended in a manner which would cause their case to be heard, either summarily or by the University Committee on Student Discipline, under the regulations for General University Discipline will in the first instance be considered under those regulations. If the alleged offence is such that it does not fall to be heard summarily, the University Committee on Student Discipline will hear the case jointly with the University Committee on Student Health and Conduct;
- are suffering serious ill health and declining to seek medical help and advice or that treatment is insufficiently effective to the extent that their circumstances fall for consideration under the regulations for Immediate Temporary Exclusion associated with Ill Health will in the first instance be considered under those regulations.



If under either of these regulations the decision for a case considered summarily under the regulations for General University Discipline or under the regulations for Immediate Temporary Exclusion associated with Ill Health does not address issues relating to the student's fitness for professional practice, it may require a hearing of the case in respect to those professional issues by the University Committee of Student Health and Conduct under the procedures stated in 13 below.

### Raising concerns

11. The procedure for raising concerns about a student's health and/or conduct, which raises fitness to practise issues is as follows.

11.1 Member of staff/student advises the School's designated officer (as identified in the School's guidance notes) about a student whom they believe has a health or conduct problem;

11.2 The School's designated officer interviews the student concerned. Where the student fails to attend the interview without good cause ('good cause' being interpreted as it is under the examination regulations) the case will be referred to the School's Student Health and Conduct Panel where action will be taken accordingly.

11.3 If the student's health/conduct **does not** raise serious concerns about his/her fitness to practise either:

- (a) no further action will be taken, or
- (b) the School's designated officer may refer the student for counselling and/or help as appropriate and his/her progress monitored as necessary.

11.4 If the student's health/conduct **does** raise serious concerns about fitness to practise the School's designated officer will report to the School's Student Health and Conduct Panel and the Dean of the relevant School will be informed. The School's Student Health and Conduct Panel will convene a hearing and the student will be required to appear before it.

The Panel may proceed initially under paragraphs (a) to (d) below or subsequently or directly under 11.5 below.

- (a) the School's designated officer will refer the student for treatment or counselling as required;
- (b) the School will seek and act upon psychiatric/occupational health/other experts' reports as necessary;
- (c) the student may be suspended temporarily;
- (d) the student may be required to complete a period of recapitulation and/or such other exercises as the School sees fit.

11.5 If the student's health/conduct **does** raise serious concerns about fitness to practise **but** the School's Student Health and Conduct Panel considers that the student's health/conduct cannot be resolved in accordance with 11.4 above, the case will be referred to the University Committee on Student Health and Conduct (see paragraph 12 below) with a recommendation that the student be excluded from the programme of study.

11.6 In the case of 11.5, the Chair of the School's Health and Conduct Panel will inform the student that his/her case is being referred to the University Committee on Student Health and Conduct in accordance with paragraph 11.5. The School will send to the student and to



the Office a report setting out the case and the request for exclusion from the programme together with any supporting papers. These papers will be made available to the University Committee on Student Health and Conduct.

11.7 Within 10 working days of the date of the letter and receipt of the case papers from the School, the student will submit a written statement to the Office. The statement will address his/her health/conduct and the School's recommendation.

### **University Committee on Student Health and Conduct**

12. As noted in **paragraph 11.5** above, if a student's health/conduct raises serious concerns about his/her fitness to practise professionally, which cannot be resolved through counselling or treatment and where the School Health and Conduct Panel so decides, his/her case will be referred to the University Committee on Student Health and Conduct.

This is a Committee of the Council whose Chair shall be appointed by the Council for a term of three years, renewable. The Committee shall be constituted of members of the academic staff of the University who shall be no fewer than three nor normally more than five in number and who shall neither have any direct or indirect connection with the allegation in question nor with the student(s) concerned other than that at least one member shall be a fully registered practitioner in the profession for which the student is studying. The University Committee on Student Health and Conduct will consider only individual cases, referring matters of policy to other committees as necessary.

### **Modus operandi**

13. In considering individual cases that are brought to its attention, the Committee shall have regard, *mutatis mutandis*, to relevant clauses within the General University Disciplinary Regulations.

### **Hearing**

14. For individual cases, as soon as reasonably practical a meeting of the University Committee on Student Health and Conduct will be convened to hear the case. The Committee may proceed as it determines subject to the following:

- (a) The student(s) will be heard in person except if the student does not attend without good cause ('good cause' being interpreted as it is under the examination regulations) the case may be heard in his or her absence. In these circumstances the student's right of appeal from the decision of the Committee to the Vice-Chancellor or his/her nominee is forfeit.
- (b) The student may be accompanied by a single supporter of his or her choice who may or may not be a member of the University (but the supporter cannot represent the student, cannot attend if the student is not present in person and cannot be a co-accused or witness to the alleged offence).
- (c) The student may put his or her case and the Committee may require the student to answer questions unless the Chairman permits otherwise.
- (d) All papers available to the Committee shall be made available to the student.
- (e) The Committee may not permit plea bargaining nor discussion of any penalty with anyone who is not a member of the Committee.



- (f) All hearings shall be held in private and shall remain confidential.
- (g) The Committee shall not be bound by the strict rules of evidence.
- (h) The Committee shall give its findings at the earliest opportunity.

14.1 If the University Committee on Student Health and Conduct judges that the student's health and/or conduct **does not disbar** him/her from professional practise, the student may remain on the programme. His/her progress may need to be monitored.

14.2 If the University Committee on Student Health and Conduct judges that the student's health and/or conduct **does disbar** him/her from professional practise, he or she will be removed from the programme. The student will be offered career counselling and, where appropriate, either an intermediate/exit qualification or the option to apply for entry to another, non-vocational programme.

### **Appeals**

15. Appeals from the findings of the School under 11.1 to 11.4(a) to (d) above may be made to the University Committee on Student Health and Conduct. Such appeals must be made in writing to Ms Rebecca Dearden not later than 10 working days after the decision of the School has been issued. The student will not appear before the University Committee on Student Health and Conduct unless that Committee so decides. The Committee's decision will be final.

16. Appeals from the findings of the University Committee on Student Health and Conduct may be made to the Vice-Chancellor or his/her nominee (except as provided in paragraph 13(a)). The deadline for the receipt of any such appeal by the Office is 20 working days from the date of the letter notifying the student of the Committee's decision.

### **Advice, contacting the Office and receipts**

17. The Office will be pleased to give procedural advice but will not comment on or offer advice upon any part of the case itself.

18. The Office cannot undertake to receive documents by hand. Papers for submission should be posted or sent by email in sufficient time to arrive within the time limits.

### **Contact details of the Office are as follows:**

The Secretariat  
Level 11, E C Stoner Building, University of Leeds, Leeds LS2 9JT

Tel: 0113 343 1276

Fax: 0113 343 3925

Email: [studentcases@leeds.ac.uk](mailto:studentcases@leeds.ac.uk)

Web site: [www.leeds.ac.uk/secretariat/student\\_cases.html](http://www.leeds.ac.uk/secretariat/student_cases.html)



Receipt of documents will be acknowledged but only through the student's University email account unless another email address has been provided for the purpose. It is recommended that appellants use their email account. Where an appeal has been properly submitted [see 15, above], the Office will request that the student's email account remains until the appeal is considered by the University.

Under certain conditions the Office of the Independent Adjudicator may agree to review a case following a final decision of the University. The appropriate Complaint Form should be used, which can be downloaded from the OIA's web site [www.oiahe.org.uk](http://www.oiahe.org.uk), where further details can be found.

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