

## **University of Nottingham**

### **Faculty of Medicine and Health Sciences**

#### **Exceptional Fitness to Practise Procedures in Response to Covid-19 Restrictions**

In accordance with University and Government guidance, many staff in the Fitness to Practise process have undertaken to work from home. Despite this, the Faculty of Medicine and Health Sciences recognises the need to continue to support the Fitness to Practise process where at all possible.

Recent guidance from several of the regulatory bodies has indicated that they will be pausing or otherwise limiting as much Fitness to Practise activity as possible for a period of time, except where there is an immediate risk to patient safety or where the student is due to graduate.

In light of this guidance, the Fitness to Practise Board and Secretariat recognise that there may be limitations on Fitness to Practise activity that can be undertaken, particularly in those circumstances where NHS placement input into the investigation or committee activity is necessary.

Where it is necessary and/or possible to continue with Fitness to Practise activity, and in light of the changes to working locations, the Faculty of Medicine and Health Sciences Fitness to Practise procedures will thus be subject to amendments as laid out below.

The intention of these amendments is to enable the Fitness to Practise process to continue to run as closely as possible to the Procedures laid out as in the University's Quality Manual, and in accordance with the responsibilities that the University has to ensure adherence to the codes of relevant professional bodies.

Students with a disability may request reasonable adjustments to be made to these Exceptional Procedures in order to access them effectively. Any such requests should be made to [ss-fitnessstopractise@nottingham.ac.uk](mailto:ss-fitnessstopractise@nottingham.ac.uk) and the consideration and outcome of the request should be documented.

In exceptional circumstances, such as a student being technologically unable to engage in the Fitness to Practise Procedure in accordance with the amendments below, any investigation or meeting will be postponed until such time as the University is able to resume normal business. The student will be made aware of the impact that any time delay may have on their studies.

#### **Principles**

1.
  - a. Where an immediate patient safety risk is identified every effort must be made to engage with all Fitness to Practise activity without delay.
  - b. Where there is no immediate patient safety risk and limitations that would prevent the Fitness to Practise activity being undertaken fairly and thoroughly become apparent, Fitness to Practise activity should be paused until such time as the current Government restrictions are sufficiently relieved as to allow full engagement with the Fitness to Practise process.
  - c. Students must be kept fully informed of any delay in accordance with the Faculty of Medicine and Health Sciences Fitness to Practise Procedures.

## Investigations

2. As part of the arrangements for conducting an Investigation meeting using alternative video/online arrangements:
  - a. All parties (student/witness, investigating officer, supporter and note-taker) must confirm that they agree to the meeting being conducted remotely using video/online methods.
  - b. All parties who are to participate in this manner must have suitable equipment (with both audio and video) and a private location available, which can be free of distractions.
  - c. The student must be aware that if they agree to proceed with the meeting being conducted using video/online methods, the method/format cannot be used as grounds for a later appeal.
  - d. No recordings of the Investigation meeting must take place by any party; no evidence based on recordings of the meeting will be permissible in any later stage in the process.
  - e. The student will continue to be entitled to a supporter, who can access the meeting either in the same physical location, or by joining the online/video meeting from their own location. The supporter must be an individual as outlined in Paragraph 2.5 of the Faculty of Medicine and Health Sciences Fitness to Practise Procedure. Specifically, family members are not considered appropriate supporters for a student being considered under the Fitness to Practise process. Any supporter will be subject to Paragraphs 1a, 1b and 1c.
  - f. The Investigation meeting should be scheduled at a time that is reasonable to the time zone in which the student is located, and will take into account, where possible, the limitations of any personal circumstances, such as childcare arrangements.
3. The Investigation meeting should generally be conducted in accordance with the standard Faculty of Medicine and Health Sciences Fitness to Practise Procedures with the following technological considerations:
  - a. Any investigation meeting must be conducted using video conferencing software authorised by the University. If there is no agreement on a common platform/application that can be used, the meeting should be postponed.
  - b. The technology must support video and audio connections and as part of agreeing to conduct the investigation meeting remotely, the parties must confirm that they have relevant equipment and that it is plugged in to maintain battery life.
  - c. The Investigation meeting must be conducted using both video and audio throughout the call.
  - d. If there is a failure in the connection/technology attempts should be made to re-connect. In the event of a serious or protracted breakdown in the connection or quality of the connection of more than 20 minutes the meeting should be

halted and re-arranged by email. However, if it is clear before 20 minutes are up that re-connection cannot be made or is unlikely, the meeting should be halted and re-arranged by email.

e. A test call will be offered to all parties prior to the meeting to ensure suitable technological provision.

### **Virtual Panel**

4. Virtual Panels will be conducted in accordance with the standard Faculty of Medicine and Health Sciences Fitness to Practise Procedures.

### **Committee Meetings**

5. As part of the arrangements for conducting a Committee meeting using alternative video/online arrangements:
  - a. All parties (chair, committee members, student, witnesses, investigating officer, supporter and members of the secretariat) must confirm that they agree to the Committee meeting being conducted remotely using video/online methods.
  - b. All parties who are to participate in this manner must have suitable equipment (with both audio and video) and a private location available, which can be free of distractions.
  - c. The student must be aware that if they agree to proceed with the Committee meeting being conducted using video/online methods, the method/format cannot be used as grounds for a later appeal.
  - d. No recordings of the Committee meeting must take place by any party; no evidence based on recordings of the meeting will be permissible in any later stage in the process.
  - e. The student will continue to be entitled to a supporter, who can access the meeting either in the same physical location, or by joining the online/video meeting from their own location. The supporter must be an individual as outlined in Paragraph 2.5 of the Faculty of Medicine and Health Sciences Fitness to Practise Procedure. Specifically, family members are not considered appropriate supporters for a student being considered under the Fitness to Practise process. Any supporter will be subject to Paragraphs 5a, 5b, 5c and 5d of this document.
  - f. The Committee meeting should be scheduled at a time that is reasonable to the time zone in which the student is located, and will take into account, where possible, the limitations of any personal circumstances, such as childcare arrangements.
6. Committee meetings should be undertaken with the following technological considerations:
  - a. Any Committee meeting must be conducted using video conferencing software authorised by the University. If there is no agreement on a common platform/application that can be used, the Committee meeting should be postponed.

- b. The technology must support video and audio connections and as part of agreeing to conduct the Committee meeting remotely, the parties must confirm that they have a relevant equipment and that it is plugged in to maintain battery life.
  - c. The Committee meeting must be conducted using both video and audio throughout the call.
  - d. If there is a failure in the connection/technology attempts should be made to re-connect. In the event of a serious or protracted breakdown in the connection or quality of the connection of more than 20 minutes the meeting should be halted and re-arranged by email. However, if it is clear before 20 minutes are up that re-connection cannot be made or is unlikely, the Committee meeting should be halted and re-arranged by email.
  - e. The Chair of the Committee meeting will have the discretion to decide if connection/technology has broken down to such an extent that the meeting should be halted and re-arranged.
  - f. A test call will be offered to all parties prior to the meeting to ensure suitable technological provision.
7. The following changes to the conduct of the Committee meeting will be required:
- a. The Chair of the Committee meeting will check at the start of the call that all parties have suitable technological provision and are in a private location away from distractions.
  - b. When the student is required to leave the call, or should the student need a rest break or to consult with their supporter, the Investigating Officer will leave the call first. The Chair will confirm this has happened. The student and their supporter will then leave the call.
  - c. The Investigating Officer and the student will both be contacted, either within the chosen video conferencing software or by email, five minutes prior to any resumption of the meeting to notify them of any request to return to the call.
  - d. Papers for the meeting will be circulated digitally only, and in accordance with the timeframes outlined in the Faculty of Medicine and Health Sciences Fitness to Practise Procedures. This will be to University (or NHS Trust, where applicable) email accounts.

### **Linked Documents**

Faculty of Medicine and Health Sciences Fitness to Practise Procedures

<https://www.nottingham.ac.uk/academicservices/documents/qmdocuments/fitness-to-practise-for-medicine-and-health-sciences-oct-2019.pdf>