

## **Section 5E: Fitness to practise procedure**

### **1. Introduction**

The MA in Music Therapy programme is a Health & Care Professions Council (HCPC) approved programme. Successful completion of the programme confers eligibility to apply to the HCPC register. The register lists the professionals who meet the HCPC standards for training, professional skills, behaviour and health.\*

The School has a duty of care to the public to ensure that MA in Music Therapy students will be safe and suitable entrants to the profession and are fit to practise. All Music Therapy graduates must meet the HCPC's "Standards of Proficiency". In certain circumstances a student's health or conduct during training can raise concerns about their fitness to practise. In such cases the programme has a responsibility to investigate and take any necessary action.

*\* The HCPC's booklets "Standards of Proficiency (Arts Therapists)", "Standards of Conduct, Performance and Ethics", "Guidance on conduct and ethics for students" and "Guidance on health and character" are available on their: [website](#).*

### **2. Possible issues which could cause concern**

- criminal convictions;
- information previously not declared which raises questions of suitability;
- untrustworthiness/dishonesty;
- allegations of inappropriate behaviour;
- psychiatric illness; and
- conduct which might affect public confidence in Music Therapy as a profession.

This is not an exhaustive list.

### **3. Procedure for dealing with a concern**

3.1 If there is, for whatever reason, concern about a student's fitness to practise, this must be reported to the Head of the Music Therapy Department (or deputy in their absence) who will investigate the concern.

3.2 If, as a result of the investigation, the Head of Department considers that there are reasons for calling a meeting of the Fitness to Practise Committee, they will pass, to the committee secretary\*, a written statement with the reason for concern.

*\* The Secretary shall be the Assistant Registrar (Student Experience) or an authorised officer.*

3.3 Except as indicated in 3.4.1 below, once the Head of Department has lodged a concern with the committee secretary, the student may continue with their studies, without affecting the outcome of the hearing, as long as the student is not considered a risk to themselves or others. Any student considered to be a risk will be suspended or excluded under the Principal's emergency powers.\*

*\* Section 5C of the School's Academic Regulatory framework*

### **3.4 Concerns by clinical placement provider**

3.4.1 Where a concern has been raised by a placement provider, the placement provider may ask that the student be removed from the placement without notice.

In the event that the Head of Department considers this a matter for the Fitness to Practise Committee, the allocation of a new placement to the student will be held in abeyance pending the outcome of the Fitness to Practise Committee's deliberations.

3.4.2 Where the Head of Department does not consider the concern a matter for the Fitness to Practise Committee, the student will be allocated a new placement.\*

*\* It should be noted that a new placement may not be available at short notice, and completion of the module may be delayed.*

## **4. Procedure when concern for a student is referred to the Fitness to Practise Committee**

4.1 The committee secretary will refer the concern to the Fitness to Practise Committee. The student will be advised in writing\* that the matter has been referred and will be provided with a copy of the Head of Department's written statement.

*\* To the student's known term-time and home addressees and to their School email account.*

4.2 The Fitness to Practise Committee will comprise:

- The Director of Music or their nominee (in the Chair)
- The Students' Union President (or member of the SU Cabinet)
- A member of the Music Therapy profession (who may be a member of staff if unconnected to the case being heard)
- An independent member who is not a current member of staff or a current student.
- The quorum for the Committee will be three.
- The Secretary to the Committee and the Academic Registrar will be in attendance.

4.3 The Committee will meet to consider the case within 25 working days of referral and the student will be given at least ten days' notice of the Committee hearing.

4.4 The student will be informed of their rights to be heard at the Committee hearing and that they may be accompanied by a friend provided that the Committee Secretary has been notified of the friend's name (and their relationship to the student) at least three days in advance of the hearing. [See also Regulation 2.3 of Section 5]

4.5 The student will be advised of the procedures of the Committee including the calling of witnesses and the consideration of any written statements/documentation. Where the student provides a written statement/documentation this must be submitted to the Committee Secretary at least three days before the meeting to enable proper consideration. Similarly, where the student intends to call witnesses the student is responsible for ensuring the witnesses know about the hearing and that they attend. The Committee Secretary shall be provided with the names of any witnesses at least three days before the meeting.

4.6 The Committee will require the attendance of the student at the hearing (together with any friend) and the Head of the Department along with any witnesses as necessary. However, none of the proceedings outlined in this procedure will be invalidated or postponed by reason of the absence of the student provided that the student has been given written notice of the interview or hearing within the timescales laid down.

4.7 A formal record will be kept of the hearing.

## **5. The hearing**

5.1 The Head of Department and the student (and their friend) shall be present throughout the presentation of evidence.

5.2 Evidence will be taken in the following order:

- a) from the Head of Department
- b) from witnesses called by the Director of Studies
- c) from the student
- d) from the student's witnesses.

5.3 The committee can put questions to anyone at the hearing. Questions from the Head of Department or the student may be put to any witness via the Chair.

5.4 The Head of Department will be invited to make a final statement. The student will be asked to make a final statement.

5.5 The Committee will reach a decision in private and will notify the student in writing within three working days, giving reasons for its decisions.

5.6 The Committee will, by majority vote, have the power to decide either

- i. that there is no cause for concern, or
- ii. that there is cause for concern.

In respect of ii the Committee will also determine:

- i. whether the student's registration on the programme be terminated;
- ii. whether the student's registration on the programme be suspended pending medical treatment or other appropriate remedial action. In such cases a time-limit will be specified and re-admission will be at the discretion of the Chair of the Fitness to Practice Committee. Where the student is not readmitted, the student's registration on the programme will be terminated;  
*or*
- iii. whether the student's continued participation in the programme be subject to specific limitations or additional requirements. If these are likely to involve the student in additional commitment of time or money this will be made clear.
- iv. that whilst there are reasons for concern, these are not serious enough to recommend that the student is not fit to practice. In this case, the committee may recommend to the Principal a course of action to take including a formal warning.

5.7 If the Committee has determined (ii) (a), i.e. termination of registration, where that exclusion related to harm or potential harm to another person, in addition to reporting the student to the relevant professional/regulatory body (i.e. HCPC), the School has a duty to report the student to the DBS (Disclosure and Barring Service).

## **6. Appeal procedures**

6.1 The student has the right to appeal against the decision of the Fitness to Practice Committee. They must lodge that appeal, in writing, with the Dean of Students within 10 working days of the issuing of the Committee's decision. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.

6.2 The Dean of Students will refer the matter to the Principal (or their Deputy), The Principal will allow an Appeal Panel to be established if they are satisfied that either or both of the following criteria might apply:

- i. that there is significant new evidence that could not have been, or for good reason was not, made available at the time of the Fitness to Practice Committee;
- ii. that evidence can be produced of significant procedural error on the part of the School before or during the Fitness to Practice Committee hearing.

6.3 If the Principal determines that there is no case, the student will be notified and issued with a Completion of Procedures letter (see Section 5, paragraph 3).

6.4 An Appeal Panel shall normally be constituted to hear the appeal within 10 working days of the receipt of the appeal.

6.5 The Appeal Panel will normally be chaired by the Principal and will consist of:

- A senior member of the School not so far involved with the complaint or its investigation
- A representative of the Students' Union independent of the case and not from the appellant's department
- A non-School member of the Board of Governors.

A secretary to the Panel will be appointed by the Dean of Students.

The proceedings of the Panel will follow the regulations for a Disciplinary Appeal Panel (see Section 5a, Regulation 9.6 to 9.13).