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## **Low Level Concerns, Fitness to Study and Fitness to Practise Policy**

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## 1. Introduction

Professionalism is a learning and developmental process embedded within the Kent and Medway Medical School (KMMS) curriculum and is provided to support students to develop their professional identity and practice.

- 1.1. The arrangements in this policy apply to all students undertaking a programme leading to eligibility to apply for provisional entry to the General Medical Council (GMC) register including Foundation Year Doctors (FY1).
- 1.2. Whilst undertaking a programme of study, students must adhere to the professional conduct guidance of the General Medical Council (GMC) and Medical Schools Council (MSC) – [Professional behaviour and fitness to practise: guidance for medical schools and their students](#) and [Achieving good medical practice: guidance for medical students](#).
- 1.3. The KMMS undergraduate programme ensures that graduates can display the competence, care and conduct expected of doctors as described in *Achieving good medical practice: guidance for medical students*. Professionalism is heavily emphasised throughout the programme. Although students undertake specific professional development within the first two years, professional identity is gradually formed through exposure to school activities, policies and procedures as well as undertaking clinical practice enable the gradual formation of their professional identity.
- 1.4. The purpose of this policy, and associated procedures, is to ensure that all KMMS students whose behaviours raise concerns are managed equitably. The intention is to provide processes that are transparent and consistent. This means providing students with appropriate support and guidance to continue their studies. In most cases, issues raised can be resolved at low level, however, there will be cases where a lack of student engagement or concerns which cannot be remediated require formal action. The policy includes matters relating to a student's health, circumstances, and conduct, all of which may have an impact on their fitness to practise.
- 1.5. KMMS students are subject to the requirements of the policy from the point of initial registration as a student until graduation. KMMS may be asked to input into a fitness to practise process when the student is undertaking their foundation year 1 training. In such circumstances, any information KMMS holds on the student may be shared with the organisation overseeing the process.

- 1.6. The policy takes account of the perspective of multiple stakeholders. It is intended to ensure that students, the School, both Universities, the GMC as the profession's regulator, and the public are reassured that KMMS students and graduates are fit to practise through appropriate implementation of the associated Low-Level Concerns and Fitness to Practise procedures.
- 1.7. In line with any regulatory requirements, the Dean of KMMS or their nominee, will report concerns that have been found to breach the threshold of professional standards to the General Medical Council. If the student fails to meet the threshold of professional standards and is expelled from the programme because they have been found unfit to practise, their name and personal data will be transferred to the Excluded Students Database. This database is maintained by the Medical Schools Council.
- 1.8. It is the responsibility of KMMS to establish that there is a professional capability or fitness to practise concern. This is called the "burden of proof". For example, where the allegation is that the student was rude to patients during a placement, there is a need to produce the evidence of rudeness and explain how this impairs fitness to practise.

## 2. Health

- 2.1. Students will be expected to make a health declaration on admission and be registered with a local GP as soon as possible within the first term of the first year. Health declarations must be updated yearly.
- 2.2. A student's fitness to study or practise may be impaired for reasons of adverse physical or mental health.
- 2.3. Adverse physical or mental health alone is not usually sufficient to conclude impairment, and students will be actively encouraged to seek support from the KMMS Student Life and Guidance team or specialist support services from the Student Support and Wellbeing team at the University of Kent. However, a student's failure to seek the appropriate help or engage in the process to manage any condition may call into question their fitness to practise (GMC and MSC 2016).

- 2.4. Whilst undertaking the programme, students are required to disclose any relevant changes in relation to their health and seek the appropriate help and engage in the process to manage any condition.

### **3. Professional Conduct**

- 3.1. A student's fitness to practise may be impaired by reasons of misconduct including cautions and convictions and/or deficiencies in professional performance including conduct.
- 3.2. The Statutory and Regulatory guidance outlined below establishes the importance of good character, and that health and social care practitioners must be honest and trustworthy. A judgement regarding good character is based on an individual's conduct and takes account of any relevant criminal convictions i.e., those which are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020). The safeguarding of vulnerable individuals is an underpinning principle during the selection of potential students, continuous monitoring during a programme of preparation and progression onto the Statutory and Regulatory registers.
- 3.3. The GMC helps to protect patients by setting standards for students and doctors. The Medical Act 1983 (as amended) makes public protection the overarching duty of the GMC. This duty includes protecting, promoting, and maintaining the health, safety and wellbeing of the public, public confidence and proper professional standards and conduct for members of that profession.
- 3.4. These standards as set out by the GMC and MSC as well as those described by the universities for enrolled students, will be used as a measure of a student's conduct.
- 3.5. Applicants are required to disclose relevant issues in relation to their good character and conduct at the point of application. If it is later shown that the student had not disclosed any relevant issues, then the offer of a place may be withdrawn.
- 3.6. Professional conduct issues will usually be investigated by the Professionalism and Health Concerns Group. If it is determined that there is a serious or persistent cause for concerns including, but not limited to, the

possibility that a student could put patients or the public at risk, then this would require referral to a Student Fitness to Practise Panel.

#### **4. Student Obligations**

- 4.1. While undertaking a programme, students must disclose promptly and fully to the Programme Director, or nominee, relevant issues relating to their good character and conduct which occur at any time during their programme. Students may wish to be supported by the Student Life and Guidance team or other support services.
- 4.2. Students are subject to a satisfactory Enhanced Disclosure and Barring Service (DBS) and Occupational Health (OH) clearance at point of registration. Students are required to provide full and accurate information. Any undisclosed information that subsequently comes to light may lead to the Universities withdrawing the offer of a place or commencing a formal investigation.
- 4.3. Students must disclose any relevant information that may impact upon their ability to be on the programme. This is not limited to their health and character but includes any other material information. In addition, students must keep the Programme Director informed of any material changes that have the potential to affect their university registration.
- 4.4. A student must consult with the Programme Director as soon as it is known to the student that they have become subject to any criminal proceedings.
- 4.5. A student must seek the appropriate help or engage in processes to manage any condition that may impact on the safety of patients, themselves, or colleagues.
- 4.6. Failure by a student to adhere to professional obligations may result in referral to the Professionalism and Health Concerns Group or instigation of Student Fitness to Practise Panel.