LEICESTER MEDICAL SCHOOL
MB ChB HEALTH AND CONDUCT COMMITTEE

Introduction

It is a GMC requirement that, when a University places the names of students on a pass list to graduate for the degrees of MB ChB, the University is confirming that these students are fit to practise. The relevant advice is contained in The Annex, paragraphs 2 of the GMC’s guidance entitled Achieving good medical Practice: guidance for medical students.

1. Functions of the MB ChB Health and Conduct Committee

The overall function of the MB ChB Health and Conduct Committee (HCC) is to consider and investigate matters referred to it concerning a student’s health and conduct, as directed by:

i) The University of Leicester’s regulations and policies, such as those on attendance, plagiarism, conduct and discipline, and criminal offences (these, for example, may include issues raised by Criminal Record Bureau enhanced disclosures and self-disclosures). See: Senate Regulations

ii) The GMC’s guidance and regulatory framework relating to undergraduate medicine. These are: Achieving good medical Practice: guidance for medical students and Professional behaviour and fitness to practise: guidance for medical schools and their students. These documents cover both conduct and health. The circumstances when Medical Schools should consider fitness to practise procedures for a student with health conditions are documented in paragraph 81 of and Professional behaviour and fitness to practise: guidance for medical schools and their students.

The Committee may, depending on the circumstances of each case, investigate, review and consider the student’s health, conduct and discipline issues (including attendance), and then determine the consequences and course of action to be applied in relation to each student:

• About whom a report of unprofessional behaviour or unsatisfactory conduct has been received;
• About whom notification of a criminal offence, conviction, caution, warning or reprimand has been received;
• About whom reports of unsatisfactory attendance have been received;
• Whose health is of concern; or
• Who has had to take time out of the Programme for health, attendance or conduct reasons. In such cases, the Committee will consider the most appropriate point at which the student is permitted to rejoin the Programme.
• Who has been before a Fitness to Practise Panel and the Panel has required monitoring/review by the HCC
• The HCC will also consider referrals of students on the MA in Social Work, the Doctorate in Clinical Psychology and programmes in Operating Department Practice where the relevant School deems this appropriate.
2. Membership of the Health and Conduct Committee

The membership of the Committee will be drawn from a pool of 10-12 personnel selected from University of Leicester staff and non-University of Leicester staff working in the NHS who have an honorary contract with the University of Leicester, and from lay people who will be required to familiarise themselves with the relevant University and GMC guidances. The Chair will be the Director of Undergraduate Medical Education who will appoint a Deputy Chair if the Chair is unavailable. The Chair will invite members to attend a meeting depending on the nature of the problem under investigation.

Members of the Pastoral Support Unit, Professionalism Support Unit, Academic Support Unit, Welfare Support Unit and members of the Fitness to Practise Committee will not be members of the HCC.

For each meeting the committee will comprise at least five members, constituted as follows:

- a Chair; who will normally be non-voting
- a Phase 1 representative;
- a Phase 2 representative; and
- at least two other members drawn from the pool above.

At least one member of the Committee will be a registered medical practitioner. Where a student on the MA in Social Work, the Doctorate in Clinical Psychology or a programme in Operating Department Practice is being considered, a representative from the relevant School will join the Committee.

The Chair will remain consistent across all committee meetings, where possible. In his/her absence, a Deputy Chair will act as Chair of the Committee. A meeting will be quorate if five members are in attendance; if the Chair is counted to achieve quoracy, he/she will be permitted to vote if the votes of the other four members are not decisive.

A summary of the Committee’s activities and recommendations will be submitted annually to the MB ChB Board of Studies for noting and the summary will also be sent to the Fitness to Practice Committee. Formal minutes of the HCC will be kept within Leicester Medical School and on the file of the student to which the minutes pertain.

3. Procedure for referral to the HCC

(a) Initial notifications will be made by e-mail or telephone to the Secretary to the HCC. Such initial notifications will be received from, among others:

- The Professionalism Support Unit
- The Academic Support Unit
- Senior Medical School staff
- NHS staff with teaching responsibilities
- NHS Trust staff
- Student self-declarations
- Other students
- Patients/members of the public
- The School of Operating Department Practice
- The School of Social Work
- The School of Psychology

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The Chair of the HCC will decide whether to request a formal report for consideration. This formal report will not be compiled by a member of the HCC, Fitness to Practise Committee or an individual any involved in any way with the reason for referral. The report will normally be produced by an academic member of staff. Formal reports to the Chair of the HCC will be made in writing and a copy of the report will be sent to the student. The Chair will respond in writing to the referrer. The student will receive a copy of this correspondence.

If, after considering the formal report, the Chair decides there is a prima facie case to be heard by the full HCC, the student will be informed in writing by the secretary to the HCC as soon as possible thereafter. Students will be given at least 15 working days written notice of the date of the meeting. Each summons letter will clearly state the reason(s) for the referral, as well as the date and time of the HCC meeting, the composition of the committee and enclose all relevant documents; it will also invite the student to attend in person, and offer the student the option to submit a written statement no later than 5 working days before the Committee meeting. Documents sent to the student will include a copy of his/her student file, highlighting any relevant matters.

A referred student should reply to the Secretary to the HCC by email, by return, or as soon as possible thereafter, to indicate his/her intention to attend the meeting.

If the student chooses to submit a supporting statement, including any mitigating circumstances, or if he/she wishes to bring in one or more witness, he/she should send in a supporting statement and the names of the witnesses who will be attending, along with the witness statement(s). Under normal circumstances, the Chair will not accept a witness statement if the witness does not attend the meeting. The student must provide the contact details of all those providing supporting statements so that the Secretary can check their validity. All of this information must be submitted to the Secretary of the HCC at least 5 working days before the Committee meeting. This will ensure that all the papers (the bundle) will be circulated to the Panel and the student in advance of the meeting. The HCC will generally not consider supporting statements from family or friends, but will consider documentary evidence from general practitioners and/or other healthcare professionals.

NB: In accordance with GMC recommendations, the School does NOT accept GP certification where the GP is a relative of the student concerned.

The Secretary to the HCC is responsible for checking that all relevant documentation/evidence (the bundle) has been made available to the student and to Committee members prior to the meeting. The Committee will receive no written material that has not been made available to the student.

The Chair may determine that a hearing should be postponed or adjourned if any written evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.

It is strongly recommended that any student referred to the HCC seeks and obtains advice from their Personal Tutor, the Pastoral Support Unit or a relevant experienced clinician prior to attending.

Students are expected to attend the HCC, but they may choose not to do so. If a student chooses not to attend, the HCC will consider the reasons for referral and, where available, any written submission presented by the student, and will make a decision in absentia.

The HCC is keen to hear the student’s point of view in the student’s own words, and therefore students are encouraged to attend. In addition, the student will be permitted to bring to the meeting a supporter of his/her choosing; this may be a current member of the University of Leicester (staff or student), a family member/friend, or someone from a relevant professional association or union (e.g. the MPS or MDU).

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4. Procedure of the HCC meeting

(a) Usually, the Chair, who has the discretion to vary these arrangements, will introduce himself/herself and members of the Committee, and will explain the powers of the Committee, as set out in Section 5 (below). The Chair makes an opening statement regarding the matters referred to the HCC, and the student is then invited to make a statement. The Chair and Committee members may ask questions of the student to clarify the student’s situation.

(b) If there are witnesses, the Chair will invite them to make a statement, or read out their already-submitted witness statement, and the Chair will explain that the Panel may wish to hear directly from a witness in his/her own words. A witness shall only appear before the Panel in the presence of the student, and will leave the meeting with the agreement of the Chair. Under normal circumstances, the Chair will not accept a witness statement if the witness does not attend the meeting. The only exception to this rule will be when a medical student or group of medical students has raised concerns about a fellow student, and has not given consent for his/her/their name(s) to be revealed, but wants to submit a witness statement to the Committee. In these circumstances, the Chair will decide on the weight to give such evidence.

(c) If, at the first appearance before the HCC, there are doubts about matters of fact, then the student involved and/or the HCC may request an adjournment and the Committee will reconvene at a later date.

(d) The student (and his/her supporter) will be asked to leave the room while the HCC discuss the case in private, considering the information presented and the potential outcomes.

(e) If for any reason the Committee requires further clarification on any aspect of the case, from any provider of the information before it, and this can be obtained from the parties present at the meeting, then all the parties must be invited back into the meeting while the questioning takes place. They will then leave the meeting together. If any information is not available at the time, the Panel may adjourn, and recall the meeting as soon as it has the relevant information. Any additional information will be sent to the Panel and the student 5 working days in advance of the new date for the meeting.

(f) In the event that two or more students are involved in a single incident that has led to an appearance before the HCC each student will appear individually before the Committee. However, in order to optimise conformity of process the Committee Secretary will try if possible to convene the same Committee members to hear all of the students’ cases. This may not always be possible.

(g) The HCC will normally make a decision on the day of the meeting and, usually, will inform the student of the outcome at the end of the meeting. The decision will be confirmed in writing within 5 working days, and sent by either e-mail or recorded delivery to the student’s address during term time, and to the student’s home address during the vacation period. It is the student’s sole responsibility to ensure that his/her residential address records are kept up to date. The student will receive full written reasons for the decision in terms that the student should easily be able to understand. The letter will also state whether the student has to declare his/her attendance to the GMC and/or Foundation School via the National Transfer of Information process.

5. Outcomes of the HCC meeting

Having carefully considered the circumstances, the HCC makes a decision based on the following four categories (‘Conduct & Behaviour’, ‘Attendance’, ‘Health’ and ‘Progression’) and selects outcomes
Outcomes of the HCC are:

(i) Conduct & Behaviour¹ (including outside the University and clinical environment² and criminal offences)

• No case to answer.
• The student will receive a verbal reprimand at the meeting that is minuted and remains on his/her student file throughout his/her Undergraduate studies.
• The student will receive a formal written warning in the form of a letter that will remain on his/her student file. The letter will state the reason for the referral to HCC, and the consequences of further breaches of appropriate conduct and behaviour.
• The student will be referred to Head of Department with a recommendation that the student be referred to the Academic Registrar for consideration of student misconduct under Senate Regulation 11.
• The student will be referred to the Fitness to Practise Committee should the HCC consider that the student's fitness to practise may be impaired or if the HCC consider that the student is unfit to practise. If a student is referred to the Fitness to Practise Committee they will be allocated a 'mentor' who will be an academic member of staff of their department who is not directly involved in the case. The role of the mentor is to guide the student through the Fitness to Practise process.

If the outcome is anything other than 'no case to answer' or a verbal warning, the student is required to disclose the fact that they have attended a meeting of the Health and Conduct Committee, and the circumstances leading to it, to the GMC when applying for registration, and to their Deanery via the National Transfer of Information (TOI) process, prior to commencing Foundation Training. In the case of a verbal warning the decision regarding declaration to the GMC and/or TOI process will be made on a case-by-case basis.

(ii) Attendance

• No case to answer
• The student will receive a verbal reprimand at the meeting that is minuted and remains on his/her student file throughout his/her Undergraduate studies.
• The student will receive a formal warning letter that he/she risks being in neglect of his/her academic/apprenticeship obligations. This warning will remain on his/her student file. The letter will state details of the reason for the referral to the HCC and

¹ Good Medical Practice details the behavior and conduct required of (paragraphs 1 to 4), including the need to act with honesty and integrity (paragraphs 65 to 71).
² "Students must be aware that their behaviour outside the clinical environment, including in their personal lives, may have an impact on their fitness to practice. Being able to provide good clinical care is fundamental to becoming a doctor. This objective should guide a student’s behaviour in both their clinical and academic work. This is set out clearly in both Good Medical Practice and Achieving good medical Practice: guidance for medical students."
the consequences of a further referral to this Committee on the grounds of misconduct, misbehaviour or non-attendance.

- The student will be found to be in neglect of academic/apprenticeship obligations and referred to the Head of Department, who will deal with the matter as detailed in Senate Regulation 11.
- The student will be referred to the Fitness to Practise Committee should the HCC consider that the student’s fitness to practise may be impaired or if the HCC consider that the student is unfit to practise. If a student is referred to the Fitness to Practise Committee they will be allocated a ‘mentor’ who will be an academic member of Medical School staff who is not directly involved in the case. The role of the mentor is to guide the student through the Fitness to Practise process.

If the outcome is anything other than ‘no case to answer’ or a verbal warning, the student is required to disclose the fact that they have attended a meeting of the Health and Conduct Committee, and the circumstances leading to it, to the GMC when applying for registration, and to their Deanery via the National Transfer of Information (TOI) process, prior to commencing Foundation Training. In the case of a verbal warning the decision regarding declaration to the GMC and/or TOI process will be made on a case-by-case basis.

(iii) Health

- No case to answer
- Referral to Student Welfare Unit and/or Pastoral Support Unit for ongoing support
- Referral to Occupational Health for advice/assessment
- Referral to Occupational Health for regular review (this may be required in complex cases and may involve a case-conference-style approach using a team of relevant staff)
- Referral to Occupational Health for monitoring (in the case of alcohol or drug abuse)
- The student will be referred to the Fitness to Practise Committee should the HCC consider that the student’s fitness to practise may be impaired or if the HCC consider that the student is unfit to practise. If a student is referred to the Fitness to Practise Committee they will be allocated a ‘mentor’ who will be an academic member of Medical School staff who is not directly involved in the case. The role of the mentor is to guide the student through the Fitness to Practise process.

NB: It is a requirement that a student acts on the reasonable recommendation(s) of the HCC in relation to matters of health. Not to do so will be deemed unprofessional, and may result in disciplinary action. (Achieving good medical Practice: guidance for medical students, paragraphs 34 and 35)

(iv) Progression (where a student’s health, attendance or conduct may preclude their progression to the next stage of the Programme)

- No action required, so student permitted to progress as per Programme regulations
- Student permitted to progress, subject to conditions agreed by the HCC
- Student permitted to progress, subject to completion of outstanding elements of the Programme at the next available opportunity
- Requirement to suspend studies and complete outstanding elements of the Programme before agreeing a reintegration plan and progression to next stage

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If the outcome is anything other than ‘no action required’ the student is required to disclose the fact that he/she has attended a meeting of the Health and Conduct Committee, and the circumstances leading to it, to the GMC when applying for registration, and to his/her Deanery via the National Transfer of Information process, prior to commencing Foundation Training.

6. **Appeals against the Decision of HCC**

1) Students referred to a University Disciplinary Panel who wish to appeal a decision made by such a panel should follow the procedure in Senate Regulation 11.

2) In the case of medical students who are required by the HCC to take a period of suspension of studies, but where the student does not accept the suspension, then, as suggested by the GMC, the Medical School may use its Fitness to Practise procedures to handle a disagreement. This is a neutral measure to ensure the decision is made in a fair and impartial manner. See paragraph 106 of Supporting medical students with mental health conditions