

Excluded Students Database

Protocol for sharing information on students found unfit to practise on courses leading to entry to a registered profession.

1. **Basis for sharing and intended use-** *Basis for which the information is to be shared; restrictions on the uses/ application of the information*

1.1 It is necessary to share fitness to practise information between schools¹ in order to

a) protect the public² from risk.

b) prevent fraudulent applications to courses which lead to entry to a registered profession in the UK.

Currently there is no mechanism to ensure that other schools are made aware of students who have been excluded from a school on fitness to practise grounds. Those students may then reapply to other schools. Sharing limited information about these individuals is relevant to decisions at the point of admission to schools and has an essential anti-fraud purpose. To protect the public from risk, it is not sufficient to rely on an individual freely and frankly disclosing fitness to practise against him or her. Sharing information is necessary to ensure that important fitness outcomes are available at the point of admission to a school.

1.2 By sharing certain information between schools, a school is able to determine whether an applicant has been found unfit to practise by another UK school so that it may consider the outcome of the previous student fitness to practise hearing alongside any evidence of remediation when making a decision about admission to the school.

1.3 The Medical Schools Council, Dental Schools Council, Pharmacy Schools Council, Veterinary Schools Council and participating schools will not use the data supplied for any purpose other than that set out in this protocol.

2. **What information will be shared and how-** *Specified limits on the amount and the nature of the information to be shared; specified number of individuals who need access to the information*

2.1 As a matter of good practice schools should ensure that students understand how their personal data are being processed. This can be in the form of a signatory to acknowledge their understanding of the protocol. Consent is not required and should not be sought, as the legal basis for processing personal data is necessary for the performance of a task carried out in the public interest³.

¹ In this document 'schools' refers to higher education institutions with courses leading to entry to a registered profession including and not limited to medical, pharmacy, veterinary and dental schools.

² In this document 'the public' refers to, but is not limited to, patients, carers, and owners of animal patients.

³ Data Protection Act 2018, Schedule 1, Part 2, Paragraphs 10-12, 14.

- 2.2 Information about students who have been through a fitness to practise hearing and found unfit to practise will be held and may be shared between UK schools and the General Medical Council (GMC).
- 2.3 Information about students who have been found unfit to practise by school staff, but who left the school voluntarily, may be shared between UK schools and the GMC **provided that a formal fitness to practise hearing has taken place and a judgment recorded, and subject to any appeal, with the student notified and given a fair opportunity to participate at each stage of the process.** This may include cases where fitness to practise hearings have been held 'in absentia' with the student informed of the hearing in advance and of the eventual outcome. Only once any appeals process has been completed will the student's details be added to the database. The details of students who do not progress or graduate for academic reasons will not be included on the database.
- 2.4 The information that may be included so that a student may be identified is set out below:
- Known name(s) including any changes of name by Deed Poll⁴
 - Current gender and gender at birth
 - Date of birth
 - Name of the school which the student was excluded from
 - UCAS ID
 - Photograph
 - A copy of the outcomes letter at the end of fitness to practise proceedings
- 2.5 This information, with the exception of the outcomes letter, will be available to authorised users of the database. The outcomes letter will not be available automatically but access can be requested through the database on the basis that a school has matched an applicant or student with a record on the database. Any request for access to an outcomes letter must be made by a senior official of the school and will be considered by the Database Administrator. Access to an outcomes letter will be granted for 48 hours before it is revoked. At this point a copy of the outcomes letter can be downloaded onto the user's local drive. The user will delete this copy if the applicant turns out not to be the student that has applied to the school.
- 2.6 Deans, or equivalent, of each school will be invited to nominate two representatives who will be given access to the database, normally the Fitness to Practise lead and the Admissions Dean or their chosen representative.
- 2.7 Wherever a fitness to practise outcome is made against a student, a UK school shall be responsible for providing the information outlined in 2.4 above. Every effort must be made by them to ensure that the data collected and submitted are correct and up-to-date. It is the responsibility of the nominated school lead to contact the Database Administrator as soon as they become aware of any errors or necessary amendments to records in the database.
- 2.8 If a school receives a request under the Freedom of Information Act 2000 to disclose information about the database, it should notify and consult with the Database Administrator where an appropriate course of action will be agreed.
3. **Rehabilitation and appeals** – *grounds for removing a student record from the database*

⁴ This will include the name that the student has registered with, previous names such as maiden name, and known alternatives. This will allow a search of the database to pick up any alternative names including variations on spelling.

3.1 Students who are successful in appealing a fitness to practise judgment will have their record removed from the database. In such circumstances, the school should contact the Database Administrator in writing, setting out the circumstances and requesting that the record is deleted. The Database Administrator will then confirm when this has been completed.

4. Security and retention - *methods of assuring the security of the information, and appropriate timescales for the further sharing and retention of the information*

4.1 The information noted in section 2.4 above, along with a copy of the outcomes letter will be stored in a secure online database accessible only by an approved login and password. Only the individuals nominated by each school will be allowed access to the database. The database will automatically log each query made, so that use of the database can be monitored and audited.

4.2 Deans of each school or their chosen representative will be asked on an annual basis to confirm the names and contact details of their two representatives that have access to the database.

4.3 The information will be held securely in the online database for 10 years rolling and then destroyed.

4.4 External penetration tests will be carried out on a periodic basis to ensure that the database cannot be accessed by unauthorised third parties.

4.5 The Database Administrator will actively monitor the database and any unusual patterns of activity will be investigated. Any deliberate breach of security may lead to access privileges for that person and/or medical school being withdrawn.

5. Transparency- *Ways to ensure that students understand the type of Fitness to Practise information that can be shared and with whom*

5.1 Schools should include a statement in the offer letter to students explaining that a check will be made on the database, for information about any future fitness to practise outcomes to be stored in the database, and that the offer is conditional on the student having disclosed any previous fitness to practise outcomes against him or her. Consent is not required, and checks should be made against the database when the acceptance of the offer has been obtained. This procedure will allow schools to use the database prior to students registering on the course. Schools may use this wording; *'In the interests of patient and public safety, and to prevent fraudulent applications to courses which lead to entry to a registered profession in the UK, we wish to share some of the information provided in your application form with the Medical, Dental, Pharmacy, Veterinary Schools Councils, and General Medical Council in order to verify your fitness to practise. If a fitness to practise outcome is made against you in the future, this information and a copy of the decision against you will also be stored on a central database which is accessible only to other schools with courses leading to entry to a registered profession in the UK and the General Medical Council. It is used only for proper fitness to practise purposes to protect patients and the public, and to prevent fraudulent applications. This offer is conditional on you having disclosed any previous fitness to practise outcomes against you, and your consent being given to this use of information. You have a right of access to any information held about you on the database and to correct any errors. If you wish to*

exercise the right, please contact your Fitness to Practise lead.⁵

5.2 Schools should also ensure that they obtain signed agreement from the student to acknowledge their understanding of how their personal data will be processed, at the point at which they join the course, for their information to be included on the database in the event of them being excluded. Students may also be reminded by their school at the point of annual registration, that in the event of being deemed unfit to practise by the school certain information will be shared with other schools in the interests of patient and public safety, and to prevent future fraudulent applications to courses which lead to entry to a registered profession in the UK, and that they have a right of access to any information held on the database and a right to correct any errors.

5.3 Where a student is removed from the course a school's student fitness to practise outcomes letter should include a statement on what information may be shared and with whom. For example; *'In the interests of patient and public safety, and to prevent fraudulent applications, this outcome letter may be shared with other schools with courses leading to entry to a registered profession in the UK and the General Medical Council as it contains information pertinent to your fitness to practise.'*

5.4 Schools should review their fitness to practise procedures to include appropriate measures to address a situation where a student with a fitness to practise concern leaves voluntarily before a conclusion has been reached. All cases that reach a hearing should come to a formal decision and conclusion even if the student in question leaves voluntarily before the hearing has concluded. The student must be given a full opportunity to participate in the hearing, even if he or she leaves voluntarily.

Please sign and return the form below to the Database Administrator, Emma at emma.horan@medschools.ac.uk

If you have any queries about this protocol or the database please do not hesitate to contact us.

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To be signed by the school Dean or appropriate senior representative

I confirm that my school will abide by the requirements in this document. My nominated users are identified below.

Name of the school:.....

⁵ The point at which an official offer is made through UCAS could be an appropriate point to include a version of this wording stating that the offer is based on consent to have their details included on the database if they are excluded.

Dean of the school or nominated deputy (print):.....

Signature:.....

Date:.....

Name of the Admissions Lead (print):.....

Email address:

Telephone number:

Signature:.....

Date:.....

Name of the Fitness to Practise Lead (print):.....

Email address:

Telephone number:

Signature:.....

Date:.....
