

## Should medical students undergoing SFTP get legal representation?

In light of the release of the [new student fitness to practise guidance](#), jointly developed by us and the Medical Schools Council (MSC), we have seen a lot of discussions on whether medical students going through fitness to practise procedures should seek legal representation. Alongside this, we have seen discussions on whether medical schools should allow or encourage their students to do so.

This was one of the queries recorded during the public consultation on the guidance, and also discussed at the [annual conference on student fitness to practise](#). Medical schools also raise this issue with our [Regional Liaison Service](#).

We have written this piece to address the question both from a medical school and a student perspective. It is important to highlight that we are not providing advice to either party; ultimately the approach to legal representation is up to the medical schools and the students themselves. What we want to do in this piece is to outline relevant information which schools and students might find useful.

### What does the guidance say?

The new guidance addressed mainly to medical schools (*Professional behaviour and fitness to practise*) says:

- *'Medical schools should encourage students to have a supporter or legal representative present at fitness to practise hearings. The students' union may also be an important source of advice and support. Medical schools' fitness to practise procedures should set out how support and representation will work in practice.'* ([paragraph 119](#))

The new guidance for medical students (*Achieving good medical practice*) says:

- *'Your medical school and university will support you during fitness to practise investigations and hearings. You can also contact external organisations such as the BMA or a medical defence organisation, which can also provide support and guidance.'* ([paragraph A12](#))

### Information for medical schools

Individual medical schools are responsible for drafting their own policies and procedures for student fitness to practise hearings, including their approach to the presence of supporters

or legal representatives. The guidance, which is advisory, provides that medical schools should encourage students to have a supporter or legal representative. It is for individual medical schools to draft their own policy on legal representation and for an individual student to decide whether they choose to have a legal representative present, where the medical school policy allows it.

The below are factors which may be relevant to the consideration of whether legal representation is appropriate.

- Seriousness of the concern: might the nature or severity of the concern call for temporary or permanent removal of a student from the course? You can see more details on what types of concerns might lead to suspension or expulsion in [paragraphs 140-146](#) and [Table 2](#) from *Professional behaviour and fitness to practise*.
- Nature of the concern: in other legal fields, where a concern or allegation is of a sexual nature, a legal representative may be required to be present to cross-examine a witness who is an alleged victim, in order to avoid an unrepresented individual having to do so (see rule 36(4) of the [General Medical Council \(Fitness to Practise\) Rules 2004](#)).
- Stage of studies: how close is the student to graduation? The further the student is in their course, the closer they are to becoming a registered doctor - also the greater the investment in time and finances. The impact of any student fitness to practise action may therefore be greater.

### **How should schools handle requests to bring a legal representative?**

- Put a policy in place: for example, that the students are allowed to bring a legal representative or someone else to accompany them, but they must give at least two weeks' notice of this before the committee / panel hearing. The policy should be communicated to students undergoing fitness to practise, and robust processes for implementing it should be in place.
- If a medical school does not allow legal representation, this should be made clear to students and the school should set out reasons for their approach.

## **Information for medical students**

### **Do I need a legal representative if I am involved in student fitness to practise?**

The first thing to do is to speak to your medical school - find out as much as you can about the process and see what support is available to you. Your school wants to run a fair process and get the most appropriate result for the case - they are not out to 'get you'.

If you wish for someone to accompany you to any committee / panel hearings, you should be able to bring a member of your family, a friend, a fellow student, or a student union representative - but always check with your medical school first. You will have been given a

contact when your school gets in touch with you about your student fitness to practise proceedings - they are the best people to check with.

If you are considering seeking advice from a legal representative, you will need to confirm this with your medical school. You may approach a relevant medical defence organisation, if you are already a member or seeking to become a member. The British Medical Association (BMA) also has [further information](#) on this topic, but some organisations that offer medical defence services are:

- [Medical Protection Society student support](#), telephone 0800 561 9090.
- [Medical Defence Union student support](#), telephone 0800 716 646.
- [Medical and Dental Defence Union of Scotland student support](#), telephone 0333 043 4444.

However, make sure you give your medical school plenty of notice if you wish to bring a legal representative to a student fitness to practise committee / panel hearing. And ensure this is in line with your school's policies and processes - by speaking to them.

### **What else do I need to know?**

Our guidance says that medical schools must support students through fitness to practise processes, so there will be services available to you. These could include student support services, support offered by the students' union / university, occupational health service, confidential counselling and others.

You can also read the following parts of the guidance, so you know what to expect from your school and the process in general:

- The [Annex from Achieving good medical practice](#), including information about:
  - student fitness to practise investigations
  - what is a committee / panel
  - what support you will receive
  - factors considered in the process.
- If you want more details on any of those topics, [they are discussed in a lot more depth in the guidance for medical schools](#) (*Professional behaviour and fitness to practise*):
  - Referring to student fitness to practise (paragraphs 74-88)
  - Student fitness to practise investigation (paragraphs 89-113)
  - Student fitness to practise committee / panel (paragraphs 114-146)
  - [Overview of the process](#) (Appendix flowchart).

You can also read our [case studies](#) to see how this guidance is brought to life - these are fictional but developed with experts in medical schools to ensure they are realistic.

## Support from the GMC

We're happy to support medical schools with any sessions you plan to run with students or staff on the new guidance and professionalism in general.

If you are interested in this or have queries about the guidance, you can contact us at [quality@gmc-uk.org](mailto:quality@gmc-uk.org).