

Fitness to Practise

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1.0	06/07/2022	General update to the Policy.	Matthew Clark (Senior Registry Officer)	Approved

Fitness to Practise Policy

1. Purpose and Scope

- 1.1 The University has courses that have professional body requirements, and fitness to practise procedures are in place so those qualifying and applying for registration with a professional body are fit to practise in their chosen field.
- 1.2 The course specifications will address key practice knowledge, understanding and skills in order to ensure students are enabled towards fitness to practise.
- 1.3 This policy sets out what the University will consider issues that call into question a student's fitness to practise (FtP).

2. General Principles

- 2.1 The University is committed to ensure that the procedures are carried out fairly and are proportional to the matter under consideration.
- 2.2 Information relevant to fitness to practise procedures will be kept confidential, as far as possible.
- 2.3 The University reserves the right to refer the matter to an alternative policy, for example fitness to study, if the student's fitness to practise is not impaired or does not meet the necessary threshold.
- 2.4 The relevant professional body will have the standard and required details of what is deemed as fitness to practice.
- 2.5 Students subject to this policy may be accompanied at meetings or hearings by a friend or supported by member of the Student Union. The student will be required to answer questions about what has caused the fitness to practise concerns.

3. Concern

- 3.1 A concern can be raised by a member of staff, another student or a member of the public. The concern should note the reason for the referral, any actions taken and be accompanied by evidence.
- 3.2 Upon receipt of the concern the Director (Content) will commence an investigation. This can be completed by the Director, or they can appoint an investigating officer.
- 3.3 The investigating officer reserves the right to confirm the parameters of the investigation. They will normally contact the student to gain their perspective of the incident and whether they accept or contest the allegation.
- 3.4 If the allegation(s) or information disclosed indicate a risk to the student, other students, staff members, or the general public, then actions to mitigate/suppress the risk should be taken as a matter of urgency. Where there is actual imminent threat, action to remove that threat should be taken immediately.
- 3.5 The investigation shall consist of a review of all information and evidence to determine the next steps.

3.6 Upon conclusion of the investigation the following could occur:

- a. Allegation not proven, no further action; or
- b. Referral to a formal hearing.

3.7 Students may be accompanied at meetings or hearings by a friend, other supporter, or member of the Student Union. The student will be required to answer questions about what has caused the concern.

4. **Fitness to Practise Panel**

4.1 Once an issue is identified, an investigation takes place with evidence gathered, and an investigation report is written normally within three weeks of the issue being identified. The fitness to practise panel is then ordinarily convened within three weeks of the conclusion of the investigation.

4.2 The Head of Student Support oversees and arranges a Panel and manages the communication with the student. The student will receive a letter inviting them to attend the Panel, with at least 10 working days' notice, the letter will include the following information:

- a. The reason the student has been referred to the Panel;
- b. The time, date and location of the panel, this will normally be held via video conferencing;
- c. The membership of the panel;
- d. The date by which the student will be sent the evidence and material that will be presented to the panel;
- e. Instruction that the student has the right to make further written submissions and provide evidence in support of their case to the panel. This should be received at least 2 working days prior to the date of the hearing;
- f. That the participant may be accompanied by any person of their choosing, e.g., a friend or a lay representative.

4.3 A student who intends to be accompanied or represented must inform the Head of Student Support of the name of the person accompanying or representing them in writing in advance of the meeting.

4.4 The composition of the panel will include as a minimum:

- a. Associate Provost for the related area of study (Chair);
- b. Senior academic member of staff who has an understanding of the area of study;
- c. Senior member of professional services.

4.5 A minute taker is appointed, normally from the Student Support team. The Chair must approve the minutes before they are shared with the student.

4.6 Members of the Panel should not have had any involvement in the initial investigation.

4.7 A student would usually be required to attend the hearing, though the Chair may consent to them being absent if they deem there to be a reasonable explanation. Whether or not the student is in attendance, the student may make written submissions in their defence and/or mitigation.

- 4.8 If a student fails to attend without reasonable explanation, the Panel will normally proceed in the student's absence.
- 4.9 The student does not have a right to an alternative date but has a right to apply to postpone the hearing if they have exceptional circumstances and can evidence this. The Panel must be fair and reasonable in deciding whether or not to grant a postponement or proceed in the student's absence. A student who cannot attend can make written submissions.
- 4.10 All documents to be considered by the Panel will be distributed by the Head of Student Support to all panel members and the student no later than 5 days in advance of the panel.
- 4.11 The Panel may ask a witness to attend or provide a written statement. Witnesses will be given reasonable notice should they be asked to attend the hearing and their role will be fully explained to them.
- 4.12 The Chair will outline the procedure that the hearing will follow, which will involve at least the following:
- a. Inform all parties that the content of the whole hearing is confidential and professional rules will be observed. If the content involves discussion of practice, then any service users or third parties will be referred to by pseudonyms to preserve confidentiality;
 - b. Introduce the panel and explain the presence of each person;
 - c. The investigating officer may be in attendance to present the case and evidence in support;
 - d. The student will be provided an opportunity to present their response. Any evidence must be given by the student and not their representative;
 - e. Where a witness is in attendance, they may be asked questions by the panel and the student;
 - f. The Chair will present the final concluding remarks.
- 4.13 Once the Chair is satisfied that all parties have had the opportunity to convey information to the panel the student and any other attendees will be asked to withdraw from the hearing.
- 4.14 If the panel members are unable to agree on a decision, the outcome will be decided via a majority vote.
5. **Outcomes**
- 5.1 If the Panel finds that there is no fitness to practise issue or the student is deemed as being not impaired it may:
- a. Take no further action than to record the finding; or
 - b. Refer the student to another University policy; and/or
 - c. Make recommendations to the student as to their further progress on the course.
- 5.2 If the Panel finds that the student's fitness to practise is impaired, it may take any of the following actions:
- a. Written warning with recommendations as to the student's future conduct;
 - b. Written warning with conditions for presence on the course and/or placement;

- c. Recommendation that the student is placed on a break in studies for a fixed period of time and confirm the conditions and/or pending a certain outcome;
- d. Recommendation that the student is unable to progress on the course as they are unfit to practise and cannot redeem the situation. In such cases no award for the student's progress on the course so far will be made.

5.3 The student will be notified, in writing, of the outcome in no later than 5 working days. The letter will confirm the available next steps.

6. Appeals

6.1 The student can submit an appeal if they are dissatisfied with the outcome and believe their circumstances meet the available appeal grounds, as set out in the Academic Appeal regulations. A student has 10 working days, from the date of the outcome, to submit an appeal application.

7. Examples of issues that might result in initiation of procedures under this policy

7.1 The below is not exhaustive:

- Criminal or related matters;
- Conviction of criminal offences;
- Domestic circumstances and alleged offences where the police have been called, or where there are safeguarding issues involved;
- Falsification of academic records;
- Extensive or repeated academic malpractice;
- Extensive or repeated attendance issues;
- Inappropriate use of social media;
- Employment in a role outside the course that might compromise professional identity or reputation of self or the profession;
- Issues that cast doubt on a participant's honesty or integrity;
- Inappropriate behaviours or actions with other students, staff or colleagues (e.g., threatening behaviour, discriminatory language, dishonesty);
- Harassment or bullying behaviour;
- Inappropriate behaviours or actions with children and/or families during the practice and/or contrasting learning experience;
- Practice that is so lacking in competence that it is deemed to put children, families or staff at risk;
- Non-disclosure of a personal or familial relationship with a colleague in the local authority;
- Actions which might cause injury or put the health and safety of others at risk;
- Theft or misuse of property;
- Being in attendance whilst under the influence of alcohol or drugs (including legal highs). Please note that where students are taking prescribed medications that may affect their performance on the course, this should be disclosed to a member of staff as soon as possible.