

## **Fitness to Practise Policy**

### **1.0 Introduction and background**

- 1.1 The University offers some programmes which can lead to registration as a practising professional. The University therefore has a responsibility to the professional, statutory and regulatory bodies, the professions in general and the wider public to consider matters which may bring into question a student's capability to meet professional standards.
- 1.2 It is the University's policy to monitor a student's ability to demonstrate professional competence and also to meet a set of standards for professional behaviour. These standards apply not only to conduct on practice placement but also during a student's programme of study in all university environments.

### **2.0 Purpose and scope**

- 2.1 The policy will be applied when a student's fitness to practise may be called into question for reasons including:
- A member of staff or practice /placement assessor is concerned that a student is failing to maintain standards and/or conduct appropriate to their intended profession;
  - Breach of confidentiality;
  - Accessing patient records inappropriately;
  - Inappropriate use of IT, including on social networking sites;
  - Academic misconduct, where the outcome of University procedures calls into question a student's honesty and integrity;
  - The discovery of a previously undisclosed offence or conviction;
  - The discovery of the lack of disclosure of a serious health condition that may/does impact upon performance and safety;
  - Failure to recognise limits to abilities that may put other people at risk (e.g. the student's physical or psychological wellbeing is called into question).
  - Recurring patterns of behaviours that raise concerns about the person's suitability to work with vulnerable people.

The above list is not exhaustive.

- 2.2 This policy applies to all students on programmes leading to professional registration.
- 2.3 This policy must be conducted in accordance with the professional standards and expectations of the professional, statutory and regulatory bodies under which professional programmes are governed. Changes

may be required to this policy where the standards and/or expectations of those bodies change.

### **3.0 Definitions**

3.1 Fit to practise – where a registrant has the skills, knowledge and character to practise their profession safely and effectively, it is not just about professional performance. It also includes acts by a registrant which may affect public protection or confidence in the profession. This may include matters not directly related to professional practice (taken from the HCPC website, [Queries about fitness to practise | \(hcpc-uk.org\)](https://www.hcpc-uk.org/queries-about-fitness-to-practise))

### **4.0 Key principles**

- 4.1 This policy will not be instigated when the report of misdemeanour is anonymous, or the individual(s) making the report is/are not willing to be identified. The Dean (or nominee) should be satisfied that the report is not vexatious or mendacious.
- 4.2 Students on programmes leading to professional registration must be made aware of the particular professional standards required throughout their studies. If appropriate, students may be required to sign a contract to confirm knowledge of their profession's standards.
- 4.3 This policy exists to protect the public and students; to safeguard standards; to ensure the integrity of qualifications that carry professional registration; and to protect the reputation of the University, its staff and the professional bodies and practice associates with which it is partnered. It should not be used where other policies or regulations, including suspension of studies on the grounds of ill-health, the student disciplinary policy and the academic regulations, are more appropriate to the nature of the case.
- 4.4 Where a fitness to practise issue arises the placement 'supervisor' or a university staff member has a duty to raise the concern with the student's programme leader or a module leader.
- 4.5 The policy will be implemented taking account of, and with sensitivity for, any mental and/or physical health issues experienced by the student, including those that have been subject to reasonable adjustments, whilst also noting the requirement for all students to take responsibility for their own behaviour.
- 4.6 Where the timescales in this policy are subject to delay due to the complexity of the case or to the challenges in establishing a panel, all relevant parties will be kept informed of progress. Our aim is to deal with cases as expeditiously as possible.
- 4.7 The Policy comprises the following components:
- Initial consideration
  - Formal investigation with conclusion at programme-level
  - Formal investigation with referral to Institutional level

- Fast track (for defined circumstances only)

## **5.0 Procedure**

- 5.1 A Programme Leader, Subject/Divisional Lead or Placement 'Supervisor' (defined as any person employed within the placement setting with a responsibility for safeguarding people), may temporarily withdraw a student from a placement, pending the implementation of the procedure as set out in this section 5 below. In all such cases this Policy will be implemented by the close of the next working weekday.
- 5.2 Where it is reported to the Dean (or nominee) that a student's fitness to practise has been put into doubt by conduct which may breach professional standards and/or where, in the opinion of a suitably qualified professional, the student might represent a risk to themselves or to third parties (e.g. other students, patients, visitors), the Dean (or nominee) may decide that the student should temporarily be suspended from their studies with immediate effect.

The Dean (or nominee) must notify the student of the suspension of studies (including, where applicable, a practice placement) as soon as possible and this must be confirmed in writing within five working days, setting out the reasons for the suspension. A copy of this Policy & Procedure must be included in that mailing.

The suspension will be reviewed by the Dean (or nominee) at a maximum of two weekly intervals.

### **5.3 Initial consideration**

- 5.3.1 Where concerns about a student's fitness to practise have been raised, the Dean of the Faculty (or nominee) will ask the Programme Leader, Subject Lead or equivalent to consider whether the fitness to practise policy should be instigated. This consideration will take account of the nature of the concerns and the context in which those concerns were raised.
- 5.3.2 The outcomes of this initial consideration will be one of the following recommendations to the Dean (or nominee):
- To instigate a formal investigation into the case, with the most likely outcome being conclusion programme level.
  - To instigate a formal investigation into the case, with the possibility that the case may be referred for institutional level consideration.
  - To refer the student to another policy, e.g. Health, Wellbeing and Fitness to Study or Disciplinary.
  - That no action be taken against the student and the student be allowed to recommence their studies and/or practice placement.
- 5.3.3 Initial consideration may be a very quick process and move quickly into the formal investigation process if this is appropriate.

#### 5.4 Formal investigation

- 5.4.1 Where it is considered that there is a case to answer, the Dean (or nominee) will appoint a senior member of staff to conduct an investigation. The investigator will normally be a member of the Faculty.
- 5.4.2 The investigation should be completed within 20 working days of the issue being raised and will involve a review of both written and verbal evidence and a discussion with the student concerned (this may be by telephone). The investigation will be undertaken with the principles of openness and transparency at its core. Support will be available from the Students' Union.
- 5.4.3 The investigation will consider both the initial reasons for the instigation of the Fitness to Practise and also the student's conduct across the whole of his/her student journey. As appropriate it will consider health matters, any reasonable adjustments recommended for the student and how these have been implemented and the extent to which the student has taken responsibility for his/her professional practice. The ways in which the student has alleged to have breached the code(s) of conduct under which s/he is working and studying, and the extent of such alleged breaches, will be considered.

Extenuating circumstances will be considered and further investigated if considered appropriate and pertinent to the incident.

- 5.4.4 The investigator will be provided with administrative support for meetings from their Faculty.
- 5.4.5 At the conclusion of the investigation, the investigator will report (in standard format) to the Dean (or nominee). The report will include:
- The background to the case, including a précis of the student's progress/approach etc whilst on the programme and the reasons for the investigation.
  - Identification of those involved and their respective roles.
  - Information on the professional standards that are suspected of being breached and the evidence to support or otherwise these suspicions.
  - Core evidence and outcomes from each of the meetings/conversations held and their importance to the final recommendation.
  - Summary of the case, with links to the appropriate evidence.
  - Recommendations.
- 5.4.6 The report will recommend one of the following courses of action:
- There is no evidence to support further action.
  - The matter(s) be concluded at programme level.
  - The matter(s) be referred to institutional level.
  - The matter(s) be referred to another policy.
  - The matter(s) be referred to the fast track procedure.
- 5.4.7 The Dean (or nominee) will make a decision on how to proceed.

## 5.5 Conclusion at programme level (emerging concerns)

- 5.5.1 Programme Level is used for cases that are considered to be emerging concerns.
- 5.5.2 If a case is concluded at programme level, the investigator will normally meet formally with the student to ensure that there is an appropriate level of understanding of the nature of the offence and an intention to learn from it.
- 5.5.3 Additionally, one of the following may also be recommended and instigated:
- The student is given appropriate specialist advice and guidance.
  - Conditions be placed on the student's continuation with his/her programme of study (e.g. engagement with university support mechanisms, temporary suspension of studies, management of health issues).
- 5.5.4 Information on the case and outcomes from it will be kept on the student's file.
- 5.5.5 Cases initially considered at programme level can be recommended for referral to institutional level at any point if, on further reflection, the nature of the issues warrant this; if further evidence becomes available; or if further issues arise.
- 5.5.6 If a student considers that the outcome of the investigation was disproportionate or that the process was demonstrably biased they may request a review of that outcome by a Fitness to Practise Panel (as per the institutional level of this policy). Any such request should be made to the Academic Registrar and Director of Library, Learning and Student Services in writing within 10 working days of the programme level outcome being provided to the student, with reasons provided. The Academic Registrar and Director of Library, Learning and Student Services (or nominee) will determine whether there are grounds to refer the case to a Fitness to Practise Panel or whether the outcomes from the programme level should be upheld.

## 5.6 Institutional level (serious and/or ongoing concerns)

- 5.6.1 The Institutional level is used for cases that involve a serious breach of professional standards which put in doubt a student's fitness to practise. It may also be used in cases where there have been repeated similar or related minor offences or repeated patterns of behaviour which raise professional concerns or where a student has failed to demonstrate that they have learned from previous mistakes.
- 5.6.2 Any referral to the institutional level must be approved by the Dean ( or nominee) and then the Academic Registrar and Director of Library, Learning and Student Services (or nominee).

5.6.3 A case referred to the institutional level will be considered by a Fitness to Practise Panel. Fitness to Practise Panels will work on the following principles:

- The principles of natural justice will be applied. Where the University presents evidence of the student's actions, the burden of proof rests with the University; where the student presents evidence the burden of proof rests with the student.
- The panel will make a determination on matters of fact to the standard of proof 'on the balance of probabilities'.
- In determining whether the student's fitness to practise is impaired, the panel shall have due regard to the student's actions, their understanding of the importance of these actions and any steps they have subsequently taken to address professional standards.
- The Panel will ensure that any recommendations it makes align with the requirements of the relevant Professional, Statutory or Regulatory Body and that the view of the External Practitioner on the employability of the student in a professional setting is respected.

*Fitness to Practise Panel*

5.6.4 Where a case is referred to a Fitness to Practise Panel, a student will be encouraged to submit a statement to the panel that contains:

- The student's perspective on their actions
- Any mitigating circumstances
- What the student considers themselves to have learnt from the incident
- Anything the student would do differently in the future

This should be submitted to the Panel at the same time as the evidence submitted by the investigator/School.

5.6.5 The Fitness to Practise Panel may have up to five members:

- An independent Chair nominated by the Academic Registrar and Director of Library, Learning and Student Services.
- Two senior staff
- An External Practitioner (a Registered Professional, also nominated by the Faculty).
- Where appropriate, a representative trained in disability discrimination issues.

All members will be independent of the matter in hand.

The Academic Registrar and Director of Library, Learning and Student Services will appoint an Officer to the panel.

The composition of the panel will, as far as possible, reflect a balance of gender, race or disability appropriate to the case.

- 5.6.6 The Panel will conduct a formal hearing. All parties required to attend will be given reasonable notice of the hearing, normally at least ten working days. Where a student wishes the case to be heard more quickly this can be requested and, if feasible for the Panel, the minimum notice period reduced.
- 5.6.7 All parties required to attend will be supplied with all the papers relevant to the hearing, including:
- The date, time and location of the meeting;
  - Details of the precise nature of the allegations to be examined;
  - All documentary information which will be made available to the panel;
  - An outline of the process of the meeting;
  - Notification that they are entitled to be accompanied by a 'friend' (see Appendix to this document). This can be a representative from the Students' Union if required.
- 5.6.8 The evidence base to be considered by the panel will normally include:
- Outcomes from the formal investigation and any previous investigations, where these are relevant to the case.
  - The codes of conduct under which the student is working and which the student is alleged to have breached and information on the areas of those codes of conduct that have been breached and the nature of those breaches.
  - Any evidence and reports from practice educators and university tutors or a summary of that evidence/those reports.
  - Any statement provided by the student.
  - Evidence of health issues and the impact of these, where relevant and where disclosure has been agreed by the student.
  - Any evidence of a student's reasonable adjustments, where relevant and where disclosure has been agreed by the student.
- 5.6.9 All parties are required to confirm their attendance to the Academic Registrar and provide notification at least three days before the hearing if they intend to bring a friend (see Appendix to this document).
- 5.6.10 The investigator and, if relevant, a senior member of the Course Team and/or a senior practitioner from the relevant practice setting will attend in order to clarify any specialist issues.
- 5.6.11 Tape recording of the hearing is not permitted.
- 5.6.12 The panel shall conduct the hearing in a sensitive manner and in a way appropriate to the particular case. The agenda of the hearing will be at the discretion of the panel but will normally include an opportunity for the investigator to present his/her findings and for the student to put his/her case. The student will be given a further opportunity to address the panel at the conclusion of all evidence.

5.6.13 The panel need not conclude its findings at this meeting and may seek additional information, particularly if matters of fact cannot be determined on the evidence presented. The panel may also call on further professional advice. Any additional information which is considered after the hearing has concluded will be shared with the student, who must be given an opportunity to respond. Where further consideration is necessary the panel will determine a mechanism for reaching an outcome.

5.6.14 The panel will make recommendation(s) to the Academic Registrar and Director of Library, Learning and Student Services. The recommendations may include:

- The student be allowed to continue on their programme of study;
- The student's continuation on their programme of study should be subject to conditions (e.g. temporary suspension from studies, engagement with university support mechanisms, management of health issues, clearance by occupational health, completion of health assessment);
- The student be required to transfer to an alternative programme;
- The student's programme of studies be terminated.

## 5.7 Fast track

5.7.1 The fast track will only be used where the final outcome of the case is in no doubt due to the nature of the student's circumstances, usually where the student has a criminal conviction that, due to its nature, means the student is automatically defined as not fit to practise.

5.7.2 In such cases, the student will be invited to a formal meeting with the Dean (or nominee) and the investigator. A note taker from outside the Faculty will also be present. The student will be given advance warning of the meeting (normally 10 working days where possible) and may bring a friend.

5.7.3 This meeting will set out:

- the facts of the case, including the nature of the breach(es) against the professional standards
- the reason for utilising the fast track procedure
- the fitness to practise outcome for the student
- any other options for the student – e.g. transfer to an alternative programme, termination, alternative career options.

5.7.4 The decision of the Fitness to Practise Fast Track Panel is final; there is no internal appeal against the decision.

5.7.5 The decision will be sent to the Student Conduct, Complaints and Appeals Office, which will provide the written outcome to the student. This will include a 'Completion of Procedures' letter, which details the appellant's right to appeal.



## 5.8 Appeals

5.8.1 A student who is dissatisfied with the outcome of the investigation may appeal in writing to the Academic Registrar and Director of Library, Learning and Student Services within ten working days of the outcome being communicated. The appeal may only be based on one or more of the following grounds:

- That the University has failed to follow its own Policy adequately
- That the decision is unreasonable and/or a disproportionate sanction has been imposed
- That the student has material new information/evidence which was not reasonably available before.

The student must submit a full and final statement of the grounds for the appeal accompanied by evidence if relevant.

5.8.2 The Academic Registrar and Director of Library, Learning and Student Services will consider the appeal submission and determine whether there are valid grounds to appeal.

5.8.3 Where valid grounds have been determined and the student is *appealing against suspension or termination*, the Vice Chancellor will consider the appeal. The VC will either dismiss or uphold the appeal. If the appeal is upheld they will:

- Refer the matter back to an earlier level of this Procedure for reconsideration (e.g. if the correct process had not been followed);
- Refer the matter back to an earlier level of this Procedure for fresh reconsideration (e.g. if material new information or evidence has been made available);
- Determine an alternative outcome from the list in 5.6.14 above.

The outcome of the appeal, together with reasons, will be notified to the student in writing within seven working days of determination of the appeal. This decision is final and will conclude this Procedure. A "Completion of Procedures" letter will be issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

5.8.4 Where valid grounds have been determined and the student is appealing against an outcome *other than suspension or termination*, a Dean or Deputy Dean (not from the student's Faculty) will consider the appeal. They will either dismiss or uphold the appeal. If the appeal is upheld they will:

- Refer the matter back to an earlier level of this Procedure for reconsideration (e.g. if the correct process had not been followed);
- Refer the matter back to an earlier level of this Procedure for fresh reconsideration (e.g. if material new information or evidence has been made available);

- Determine an alternative outcome from the list in 5.6.14 above.

The outcome of the appeal, together with reasons, will be notified to the student in writing within ten working days of determination of the appeal. This decision is final and will conclude this Procedure. A "Completion of Procedures" letter will be issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

5.8.5 The Students' Union is able to support students through the appeal process.

## 5.9 Outcomes

5.9.1 Outcomes from fitness to practise cases up to and including the programme level will be kept on the student's file.

5.9.2 For institutional level Fitness to Practise cases:

- Except where the panel determines that further investigation is required, the student will be sent formal notification of the outcome of the hearing within ten working days of the meeting. This will include a summary of the main points which led to the outcome.
- A record of the hearing will be retained on file.

5.9.3 Where a student is found unfit to practise and is not therefore able to continue their studies towards a qualification leading to professional registration, an appropriate member of staff must inform the relevant Professional, Statutory or Regulatory Body in accordance with that body's formal reporting requirements. Other members of University staff will also be informed as appropriate.

5.9.4 The decision of the Fitness to Practise Panel is final; there is no internal appeal against the decision.

5.9.5 The written outcome will include a 'Completion of Procedures' letter, which details the appellant's right to appeal.

## **6.0 Links to related UN Policies/Guidance/Regulations**

6.1 Health, Wellbeing and Fitness to Study Policy

6.2 Student Disciplinary Policy

6.3 Academic Regulations

## **7.0 Links to related external documents (e.g. QAA)**

7.1 Codes of Conduct

- ITT –
  - Teachers Standards
  - ITT Requirements
- Early Years – tbc
- Nursing – tbc
- Midwifery –
  - The Code. Standards of conduct, performance and ethics for nurses and midwives (NMC 2008)
  - Midwives rules and standards (NMC 2012)
- Health Care Professions Council (HCPC regulatory body for professions including: occupational therapy, podiatry, paramedic science and social work) -
  - Guidance on Conduct and Ethics for Students; Confidentiality-Guidance for registrants, see <http://www.hpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/>
  - HCPC Standards of Proficiency for each profession: <http://www.hpc-uk.org/publications/standards/index.asp>
- Occupational Therapy –
  - Royal College of Occupational Therapists (RCOT) The Code of Ethics and Professional Conduct: <https://www.rcot.co.uk/publications/professional-standards-occupational-therapy-practice-conduct-and-ethics>
- Podiatry - TBC
- Paramedic Science – TBC
- Dental Nursing –
  - General Dental Council: Student professionalism and fitness to practice (2016-17): Standards for the dental team: Guidance for students: <https://archive.gdc-uk.org/Newsandpublications/Publications/Publications/StudentProfessionalismGuidanceForStudents.pdf>
- Social work –
  - HCPC Standards of Proficiency for Social Work England <http://www.hcpc-uk.org/assets/documents/10003B08Standardsofproficiency-SocialworkersinEngland.pdf>
  - Professional Capabilities Framework <http://www.tcsw.org.uk/ProfessionalCapabilitiesFramework>
- General -
  - An approach to assuring continuing fitness to practise based on right-touch regulation principles (<http://www.professionalstandards.org.uk/docs/psa-library/november-2012---right-touch-continuing-fitness-to-practise.pdf>)

## **8.0 Appendices**

8.1 Roles and responsibilities

8.2 Guidance on accompanying 'friend'

### 8.3 Summary Sheet

## **8.1 Roles and Responsibilities**

- Staff within the Faculty – to manage the policy up to and including the programme level, including communicating with the student, storing information on the student’s file
- Programme Leaders and/or Subject Leaders – to consider a case initially and to recommend whether it should be considered through the formal Fitness to Practise policy
- Student Conduct, Complaints and Appeals Office – to manage the policy at the institutional level, including communicating with the student, setting up the panel, coordinating the evidence pack and ensuring compliance with the policy at this level
- Investigator –
  - to investigate the case and present recommendations informed by evidence on the seriousness of the case and the level at which it should be managed;
  - to implement the programme level;
  - to determine the evidence for any case and the weight of that evidence;
  - to present the Faculty’s case at a FtP panel
  - to be conversant with the relevant professional standard(s)/expectation(s)
- Official correspondent to each PSRB – to communicate a FtP decision to the PSRB where the student is found to be unfit to practise

## **8.2 Guidance on Accompanying 'Friend'**

The University of Northampton recognises that providing support and advice to persons making a complaint or an appeal should extend to enabling them to be accompanied at any formal meeting or hearing.

### ***Legal Representation***

Because the proceedings of appeal and complaint hearings are part of University's internal arrangements, formal legal representation is not normally either helpful or appropriate: legal representation is therefore likely to be the exception, rather than the norm. A complainant or appellant who intends to be accompanied at a meeting or hearing by a legal representative, or another person acting in a professional capacity, must contact the University to request this at least 5 working days prior to the hearing and set out the reasons for making this request. Any such request will be considered by the Director of Library, Learning and Student Services (or nominee) and a decision made. The decision, and reasons for it, will be relayed to the student. Where a legal representative is to be present the University may consider whether to include its own legal representation. In such circumstances it may become necessary to postpone the meeting to a later date.

### ***Role of the 'Friend'***

The University normally restricts the role of friend to that of support and advice. The friend will not normally be allowed to present the student's case on his/her behalf, nor respond directly to questions. At the discretion of the investigator or the Chair of the Hearing, the friend may present a brief supporting statement. Where a student wishes his/her friend to take a more active role this should be requested to the Chair of the Hearing in advance (with reasons). The Chair will decide whether or not to accept the request.

The appellant or complainant has the right to confer with their companion during the course of the hearing or meeting, for example, before responding to any question from the panel or the investigator.

The appellant or complainant may not be represented in their absence by a third party: in such cases the panel will normally consider the case in their absence. Where, through reasons of disability, the appellant or complainant is unable to represent themselves, appropriate adjustments will be made and these arrangements will be subject to approval by the Academic Registrar and Director of Academic and Student Services.

### 8.3 Summary Sheet:

<b>Policy Title:</b>	
Fitness to Practise	
<b>Purpose of Policy and to whom it applies (please specify cohorts):</b>	
<p>This policy provides a mechanism for the identification, consideration and treatment of situations in which a student’s capability to meet the professional standards of a given profession is called into question.</p> <p>It applies to all students registered on professional programmes, both new and continuing.</p>	
<b>Owner and Department:</b>	
Kathryn Kendon, Student and Academic Services	
<b>Principal contact:</b>	
Kathryn Kendon, Academic Registrar and Director, (SAS)	
<b>Dissemination and implementation plan:</b>	
Via SECs and SSECs Via website	
<b>Date of initial committee approval (state committee name):</b>	
<b>Date of Senate approval:</b>	July 2020
<b>Date for implementation and cohorts to which it applies:</b>	September 2020 for new and continuing students
<b>Proposed date of annual update:</b>	June 2022
<b>Date of last annual update:</b>	June 2023
<b>Proposed date of full review:</b>	June 2024
<b>Date of last full review:</b>	June 2020
<b>Version number and date:</b>	4.0, June 2023