

# Fitness to Practise Policy

## Section 1 - Introduction

### Purpose

(1) This policy ensures that students are deemed to be fit to practise and hence to safeguard well-being of members of the public, service users and other students. Delivery of professional and accredited programmes involve student placement with the general public, patients, children and vulnerable adults.

### Scope

#### To whom does the policy apply?

(2) This policy applies to all Hibernia College students.

#### Who is responsible for implementing the policy?

(3) The Registrar is responsible for the implementation of this policy and for ensuring that students and all Faculty are aware of:

- a. This policy and its associated procedures
- b. Implications associated with any concerns raised in relation to fitness to practise
- c. Outcomes where fitness to practise is found to be impaired

### Definitions

(4) Fitness to practise

## Section 2 - Context

### Legal or Regulatory Context

#### Quality Assurance Guidelines

(5) This policy is designed with regard to QQI's suite of QA guidelines, which requires the College to have a policy and procedure in place to regulate and guide the entire student life cycle. Hibernia College considers fitness to practise crucial to this life cycle.

#### Professional Bodies

(6) Programmes developed by Hibernia College in specific disciplines or subdisciplines will consider requirements of by relevant professional bodies when developing the programmes' Fitness to Practise Statements.

#### Legislation

(7) This policy is designed with regard to the [Equal Status Act 2000](#), as amended, the [Children First Act 2015](#), as amended, and the [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012 to 2016](#), as amended.

# Section 3 - Policy Statement

## Part A - Principles for Fitness to Practise

### College Responsibilities

(8) Policies, procedures and documented standards are clear and accessible to students.

(9) All professional programmes are required to prepare a Fitness to Practise Statement setting out the standards of behaviour or conduct that students are required to meet and indicating behaviour or conduct that is likely to be of concern in their discipline. The Statement is required to be submitted to the Academic Board for approval.

(10) Standards set out in the programme Fitness to Practise Statement are made clear during orientation.

### Student Rights and Responsibilities

(11) Students are responsible for their own conduct and for making informed decisions about their behaviour.

(12) Where a concern is raised in relation to a student's fitness to practise, the student is entitled to know the detail of the concern and is entitled to respond.

### Rules, Regulations, Policies and Procedures

(13) All College and programme-level rules and regulations, and all College policies and procedures, must be complied with.

(14) Breach of any of these may lead to investigation of concerns relating to fitness to practise.

(15) The following standards are particularly relevant in the context of fitness to practise:

- a. Programme Fitness to Practise Statement
- b. The [Student Charter](#)
- c. [Academic Integrity and Good Practice Policy](#)

### Professional Standards

(16) Where a programme is intended to lead to a professional award or registration as a member of a regulated profession, any codes of conduct set out by the competent authority for that profession - for either members of the profession or student members of the profession - are adopted to apply as appropriate to Hibernia College students.

(17) Consequently, breaches of any professional codes of conduct may lead to investigation of concerns relating to the fitness to practise.

### Confidentiality, Sensitivity and Timeliness

(18) The College will ensure that information related to fitness to practise is dealt with as sensitive personal information in line with the College's [Personal Data and Records Policy](#).

(19) The College will ensure all matters related to fitness to practise are dealt with in a timely and sensitive manner.

(20) Sharing of information will consider the student's rights to confidentiality and data protection while also endeavouring to safeguard the public interest and appropriately investigating a student's fitness to practise.

## Matters Which May Impair Fitness to Practise

(21) There are a wide range of issues that might impair fitness to practise. Persistent and/or repeated behaviour may give rise to a particular concern. Issues that might impair fitness to practise include, but are not limited to:

- a. Substance misuse
- b. An issue of health or physical ability which impedes the student from completing elements of the programme of study or placement
- c. Inappropriate, aggressive, violent, bullying, intimidating or threatening behaviour; assault or abuse of others
- d. Failure to accept and follow advice provided, e.g. by academic Staff, healthcare professionals or while on placement
- e. Failure to follow legal and regulatory requirements, e.g. health and safety, data protection, public health
- f. Impaired judgement or insight
- g. Falsification of records or documentation
- h. Poor professional performance or failure to demonstrate competence on placement
- i. Acting or seeking to act beyond competence or legal, or other, limits on practice
- j. Failure to seek medical treatment, follow medical advice or other recommended support
- k. Pending prosecution or conviction

(22) Impaired fitness to practise can be temporary and, therefore, a finding in this regard may be reviewed at an appropriate interval or where a change in circumstances arises at the discretion of the College.

## Part B - Principles for Investigating Fitness to Practise

### Detection

(23) The College may use any legal means at its disposal to investigate fitness to practise.

### Determination of Appropriate Policy and/or Procedure

(24) Any and all concerns in relation to fitness to practise will be investigated using the relevant procedure to investigate and deal with the matter. This may include a referral to the Fitness to Practise Committee under the [Fitness to Practise Procedure](#).

(25) Concerns in relation to fitness to practise may also constitute a breach of the minimum standards set out in the [Establishing Overarching Standards for Student Conduct Policy](#). Where such breaches give rise to concerns in relation to fitness to practise, the College may choose to progress the matter under the policy and/or procedure it deems most appropriate.

(26) This does not prohibit the College from also considering the matter under a further policy and/or procedure.

(27) Matters arising during the garda vetting process are managed under the [Garda Vetting Procedure](#).

(28) Criminal matters and legal proceedings are outside the scope of this policy and will be appropriately referred outside the College.

### Investigation

(29) The investigation of fitness to practise is based on:

- a. Natural justice

- b. Fairness
- c. Due process
- d. Timeliness

(30) The College reserves the right to suspend a student pending investigation when the College is in receipt of a concern in relation to fitness to practise. In all such cases, the investigation will be processed as a priority.

(31) The College is not liable for any delay to programme completion as a result of where a reasonable and justifiable decision to suspend was acted upon.

#### **d. Student Rights and Responsibilities**

(32) Students who are cited as material witnesses but decline an invitation to provide evidence cannot be required to do so.

(33) If participating in a [Fitness to Practise Procedure](#), students are notified in writing of the reason for their participation and of their rights. Should a student decide not to participate at any stage, the Fitness to Practise Committee may deem it appropriate to proceed in their absence.

#### **Subsidiarity**

(34) Hibernia College procedures work on the principle of subsidiarity, i.e. that investigations will be carried out by those closest to the detection of the suspected impropriety.

(35) Where possible, problems are resolved at the point they arise.

(36) In many instances, student fitness to practise concerns can be addressed and resolved informally. For minor infringements, the placement supervisor or member of Faculty can discuss their concerns directly with the student to agree steps to remedy the situation.

(37) Serious or persistent concerns are likely to warrant the initiation of formal procedures.

#### **Non-Adversarial Approach**

(38) Where appropriate and feasible, the College will seek to resolve any fitness to practise concerns without the requirement to invoke College-level proceedings.

(39) Procedures under this policy are not intended to be adversarial, and the College recommends that where a student does participate in a meeting, that they do not engage legal representation during proceedings.

(40) Where a student does seek to bring legal representation to any meeting, the student must notify the College in writing of their intent within five working days as the legal representatives of the College will also be required to attend.

(41) A student may opt to be accompanied by a friend or family member in a supportive capacity. However, where this person is a member of the legal profession, they cannot act in that capacity.

#### **Reporting**

(42) The Registrar reports annually to the Academic Board on fitness to practise.

### **Part C - Outcomes of a Finding of Impaired Fitness to Practise**

## **Range of Outcomes**

(43) Any outcomes up to and including expulsion from the College may be considered.

(44) It should be noted that expulsion is only considered in very grave situations. Examples of which would include, but are not limited to, matters pertaining to the health and safety of individuals or bringing the College, or the profession into which a student is entering, into disrepute.

## **Outcomes**

(45) Outcomes could include:

- a. A formal warning
- b. A requirement to make a written and/or verbal apology
- c. Withdrawal of privileges or reduction of access to facilities
- d. Suspension or expulsion
- e. Temporary suspension of studies for a prescribed period
- f. A requirement to repeat a placement in whole or in part
- g. A requirement to engage in an agreed resolution plan
- h. A period of mentoring or monitoring under the supervision of the College
- i. Restrictions or conditions on academic or placement attendance
- j. An agreed programme of development, behaviour management, treatment and/or support. This is to enable the student to work towards clearly articulated and agreed targets. Supports may include but are not limited to access to support resources, including academic and pastoral supports, and engagement with a healthcare or social care professional.

## **Expenses Incurred**

(46) Expenses incurred by students as a result of the outcomes above are a matter for the student alone.

## **Part D - Principles for Expulsion Due to Impaired Fitness to Practise**

(47) The College considers expelling a student in very grave situations involving:

- a. Serious breaches of health and safety
- b. Repeated breaches of academic regulations
- c. Actions which could bring the College or profession into disrepute

## **Part E - Membership of Fitness to Practise Committee**

### **Criteria for Membership**

(48) Members of a disciplinary committee considering a case of academic impropriety must have:

- a. Competence to make the decision or judgements required of the committee
- b. Independence from the matter being investigated, i.e. no member can have had a previous involvement with the student on the matter

### **Membership**

(49) Normally, the chairperson of the committee will be the Registrar or, where more practical, a senior academic

external to the College (i.e. not a member of Staff, Faculty, Adjunct Faculty or the Board of Directors).

(50) The committee consists of a minimum of three members including a chairperson.

(51) The Registrar may also choose to appoint a suitable specialist committee member from a profession relating to the student's programme.

(52) A gender balance should be maintained, where possible.

(53) A note-taker, not a member of the committee, will attend and prepare a formal record/written minutes of the committee proceedings for approval by the chairperson and communication to relevant parties.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	29th April 2021
<b>Review Date</b>	1st March 2024
<b>Approval Authority</b>	Quality Assurance Officer
<b>Approval Date</b>	29th April 2021
<b>Expiry Date</b>	Not Applicable
<b>Enquiries Contact</b>	Quality Assurance

## Glossary Terms and Definitions

**"Policy"** - Policies are principled statements adopted by the College at a high level to enable decisions about actions and desired outcomes to which the College is committed. They clearly articulate the formal position of the College on specific issues in order to guide internal decision-making. Policies set out 'what to do' on a given issue. They have a medium- to long-term review cycle.

**"Procedure"** - Procedures are the broad actions that must be carried out to implement a policy. They set out 'how to do' what the policy specifies must be done.

**"Programme"** - A programme of education and training refers to any process by which learners may acquire knowledge, skill or competence. It includes courses of study or instruction, apprenticeships, training and employment. A programme offers learners the learning opportunities by which they may attain educational goals (expressed as the intended programme learning outcome) by learning activities in a learning environment. A programme is normally comprised of modules. A programme leading to a major award will normally require a 'cohesion generating' process which integrates constituent modules so that the minimum intended programme learning outcomes are supported. The cohesion generating process should establish the epistemological and cultural identity of the programme. It should also coordinate alignment of activities with the minimum intended programme learning outcomes and introduce learners to the broader community of practice to which they aspire. (QQI (2013) Assessment and Standards Revised)

**"Fitness to practise"** - Hibernia College defines fitness to practise as having the competence, character and health required to safely and effectively undertake and complete a programme that includes professional practice or placement.