

# Fitness to Practise Policy

## Section 1 - Introduction

(1) Delivery of professional and accredited programmes involves student placement with the general public, patients, children and/or vulnerable adults. This policy should be read in conjunction with the [Fitness to Practise Procedure](#).

### Purpose

(2) This policy sets out the grounds by which the College ensures that students are deemed to be fit to practise and hence to safe in their interactions and work with members of the public, service users and other students.

(3) Where a student makes a voluntary disclosure that may impact upon their fitness to practise the College will seek to support students to achieve their full academic potential within their chosen programme as per [Student Support Policy](#) and the [Reasonable Accommodation Policy](#).

### Scope

#### To whom does the policy apply?

(4) This policy applies to all Hibernia College students studying on programmes who through placements, or similar activities, are in contact with members of the public, service users, children, or other vulnerable groups.

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

(5) The Registrar, or nominee, 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

(6) Fitness to practise. The College considers a student's fitness to practise to encompass their knowledge, competence, character, and health required to safely and effectively undertake a programme that includes professional practice or placement.

## Section 2 - Context

### Legal or Regulatory Context

#### Quality Assurance Guidelines

(7) 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**

(8) Programmes developed by Hibernia College in specific disciplines or subdisciplines will adhere to the professional and fitness to practise requirements of the relevant professional or regulatory body that governs the profession in question.

## **Legislation**

(9) This policy is designed with specific regard to the [Equal Status Act 2000](#), as amended, the [Children First Act 2015](#), as amended, the [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012 to 2016](#), as amended, the [Nurses and Midwives Act \(2011\)](#) as amended, and the [Teaching Council Act \(2001\)](#). The policy also notes and is informed by guidance issued by professional regulators considered relevant to the Policy by the College.

# **Section 3 - Policy Statement**

## **Part A - Part A - Principles for Fitness to Practise**

### **College Responsibilities**

(10) To produce policies, procedures and documented standards which are clear and accessible to students.

(11) To identify and respond to, as appropriate, concerns regarding a student's Fitness to practise.

(12) All programmes, with placements or similar activities, are required to make their students aware of this policy and specifically the College definition of fitness to practise. Programmes must also refer their students to relevant codes of professional conduct or guidance documents on fitness to practise as produced by the regulatory body for that profession.

(13) Standards set out in the programme and made clear during orientation, and during the course of the programme.

### **Student Rights and Responsibilities**

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

(15) Where a concern is raised in relation to a student's fitness to practise, the student is entitled to be made aware of the details of the concern and is entitled to right to respond.

(16) Students are responsible for reporting any change which may impair their fitness to practise; such changes may include or involve illness, significant deterioration in wellbeing, incapacity or substance misuse.

(17) Any circumstances which may arise while on placement and have an impact on a student's fitness to practise must be reported by the student to the College in a timely manner. This may include an injury sustained during the period of placement. If the student is not fit to report the circumstances, the host institution should report the incident to the college.

### **Rules, Regulations, Policies and Procedures**

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

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

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

- a. The [Student Charter](#)
- b. [Establishing Overarching Standards for Student Conduct Policy](#).
- c. [Academic Integrity and Good Practice Policy](#)
- d. Programme and profession-specific regulations and guidance on professionalism and fitness to practise.

## Professional Standards

(21) 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.

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

## Confidentiality, Sensitivity and Timeliness

(23) 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](#).

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

(25) Sharing of information will consider the student's rights to confidentiality and data protection while also requiring the College to safeguard the public interest and appropriately investigate a student's fitness to practise.

## Matters Which May Impair Fitness to Practise

(26) There are a wide range of issues that might impair fitness to practise. Persistent and/or repeated minor breaches of norms may form a pattern of behaviour giving rise to a particular concern. Issues or behaviour 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 due to the student's inability to maintain professionalism ensuring public, or their own, safety or wellbeing
- 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. Demonstrating impaired professional judgement, self-management, or insight
- g. Falsification of records or documentation
- h. Severe cases of academic misconduct.
- i. Poor professional performance failure to demonstrate competence on placement or to assume personal accountability in a professional setting as appropriate.
- j. Circumstances where safeguarding concerns arise.
- k. Acting, or seeking to act, beyond competence, legal, or professional limits on practice
- l. Failure to seek medical treatment, follow medical advice or other recommended support demonstrating a lack of personal accountability
- m. Deterioration in wellbeing and personal accountability
- n. Pending prosecution or conviction

(27) 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**

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

### **Determination of Appropriate Policy and/or Procedure**

(29) 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](#).

(30) 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.

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

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

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

### **Investigation**

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

- a. Natural justice
- b. Fairness
- c. Due process
- d. Timeliness

(35) The College reserves the right to temporarily suspend a student from their programme 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.

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

(37) Students subject to a fitness to practise investigation will be treated with dignity and respect, and the College will conduct the investigation in a non-adversarial fashion.

### **Subsidiarity**

(38) 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 misconduct.

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

(40) In some instances, student fitness to practise concerns can be addressed at a programme level

## Reporting

(41) The Registrar reports annually to the Academic Board on fitness to practise concerns raised and any investigations.

## Part C - Membership of Fitness to Practise Committee

### Criteria for Membership

(42) Members of a Fitness to Practise committee

- 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

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

(44) 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).

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

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

(47) 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.

## Part D - Outcomes of a Finding of Impaired Fitness to Practise

### Range of Outcomes

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

(49) It should be noted that expulsion is considered in very grave situations. Examples of which would include, but are not limited to:

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

### Outcomes

(50) The outcome a finding of impaired fitness relates to the severity of the fitness to practise concerns and the possible negative impact of the student's continued engagement with the programme on the general public, patients, children and/or vulnerable adults.

(51) Following a finding of impaired fitness to practise an outcome(s) could include:

- a. A requirement to engage in an agreed resolution plan
- b. 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.

- c. A requirement to repeat a placement in whole or in part
- d. A period of mentoring or monitoring under the supervision of the College
- e. A requirement to make a written and/or verbal apology
- f. A formal warning
- g. Restrictions or conditions on academic or placement attendance
- h. Temporary suspension of studies for a prescribed period
- i. Suspension or expulsion
- j. Disclosure to the relevant professional body as necessary.

Please note this list is non-exhaustive.

### **Expenses Incurred**

(52) The student bears the responsibility for any expenses incurred as a result of the outcomes of a fitness to practise investigation and in relation to any expense as a result of fees accrued.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	14th September 2023
<b>Review Date</b>	14th September 2026
<b>Approval Authority</b>	Quality Assurance Officer
<b>Approval Date</b>	14th September 2023
<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.