

Fitness to Practise Procedure

Section 1 - Introduction

Purpose and Parent Policy

(1) This procedure outlines the steps for providing a transparent and fair process for investigating and managing a student's fitness to practise as set out in the [Fitness to Practise Policy](#).

Responsibilities

Applicant Responsibilities

(2) An applicant who has concerns about their ability to meet the fitness to practise criteria for the programme in question should seek advice from the College in advance of accepting a place on the programme.

Student Responsibilities

(3) Students must confirm that they meet the fitness to practise requirements, on programme registration and on return to study.

(4) Students should advise the College as soon as practicable of any issue arising, such as illness, incapacity, substance misuse, other health issue or pending prosecution, that is likely to impact their fitness to practise.

(5) Students must cooperate with any fitness to practise process.

College Responsibilities

(6) The Registrar is responsible for the implementation of this procedure.

(7) The Programme Director, or nominee, is responsible in the first instance for the investigation of concerns relating to the fitness to practise of a student.

(8) All staff, faculty, adjunct faculty and placement supervisors are required to make themselves aware of this procedure and raise concerns, if they arise, with their Programme Director as necessary.

Section 2 - Procedure to Investigate and Manage Student Fitness to Practise

Part A - Local Fitness to Practise Procedure

Identification and Notification

(9) Concerns about a student's fitness to practise must first be brought to the attention of the Programme Director; this includes matters raised by any student regarding their own fitness to practise.

(10) The communication must outline the concern and include appropriate supporting information and/or evidence.

Initial review

(11) The Programme Director conducts an initial review of the concern and determines:

- a. If the matter should instead be managed under the [Breaches of Standards for Student Conduct Investigation and Management Procedure](#).
- b. If the matter requires referral to the Registrar for investigation or can be resolved locally.

(12) Matters which must be referred to the Registrar include:

- a. All matters that require a formal investigation.
- b. All matters that require referral by the College to a healthcare professional.
- c. A matter that may become a criminal offence.
- d. Concerns raised in relation to the fitness to practise of a student who has previously received a warning following a local fitness to practise process or whose fitness to practise has previously been found to be impaired.
- e. Significant breaches of good conduct or ethics.
- f. Assault or abuse of others.
- g. Falsification of records or documentation.
- h. Bullying or harassment, sexual or otherwise, or intimidation of any third party.
- i. Any matter which could pose an immediate risk to the health or well-being of others.

Notification to the Student

(13) The Programme Director contacts the student in writing, within ten working days, and advises them that a fitness to practise concern has been raised and the reason(s) the concern has been raised.

(14) As part of the communication, the student is advised that:

- a. They will be invited to a meeting to discuss the concern raised and the potential impact and outcomes of same.
- b. They may opt to have the matter investigated under the College process rather than the local process.
- c. Should they not be prepared to engage with a local process, or if they do not respond to the communication, the matter will be referred by the Programme Director to the Office of the Registrar for investigation under the central College process.

Meeting with the student

(15) Programme Director or nominee arranges a meeting to provide support or to attain clarity on the matter of concern and, where possible, to agree a resolution plan.

(16) The following are invited to this meeting:

- a. The student
- b. The Student Support Officer
- c. A member of the Programme Team with an understanding of the specific matter of concern.

(17) Should the student wish to respond with information of a sensitive, confidential nature they can respond directly to the Programme Director. This information will not be circulated beyond those who need to know to assist in the required decision-making.

(18) The Programme Director or nominee will outline the:

- a. Standards set out in the [Fitness to Practise Policy](#) and/or Fitness to Practise Statement and concerns relating to these in respect to a particular student.
- b. Procedure to be followed
- c. Matter under consideration
- d. Possible outcomes of the meeting

(19) The meeting affords the student the opportunity to outline any circumstances that might have contributed to the concern in relation to fitness to practise.

Outcomes of the meeting

(20) Formal minutes of the meeting are taken and shared with all attendees.

(21) The meeting results in an outcome, agreed by all parties, that must be one of the following:

- a. A finding that there is no fitness to practise concern and no further action is necessary.
- b. A resolution plan is agreed to resolve the cause for concern. A warning may also be issued in such cases.
- c. A decision to refer the matter to the College Fitness to Practise Committee. This outcome is the default outcome if attendees cannot unanimously agree on an alternative outcome.

Resolution Plan

(22) When a meeting results in a resolution plan being agreed with a student, the following points apply:

- a. The student is given a timeframe in which to complete the resolution plan. The deadline is determined by the Programme Director and considers the seriousness of the matter and upcoming programme requirements that can affect the student's ability to demonstrate the required standard in a shorter or longer timeframe, for example the timing and duration of placements.
- b. Mechanisms for monitoring and follow-up of the resolution plan are set out. Failure to complete the resolution plan by the specified deadline automatically results in the referral of the matter to the College [Fitness to Practise Procedure](#).
- c. A warning may be issued with the resolution plan. All warnings are communicated in writing and a note is retained on the student record for the purpose of fair and transparent application of this policy.
- d. Any record of a warning on a student's record can be used for the provision of a reference for employment, professional registration and further study as appropriate. Furthermore, it can be considered as part of a subsequent fitness to practise process involving the student.

Part B - College Fitness to Practise Procedure

Matters referred to the Registrar

(23) Where the matter is sufficiently grave, or the local procedure has failed to result in an agreed outcome, the Programme Director or nominee refers the matter to the Registrar in writing, providing:

- a. The details of the matters for consideration
- b. All relevant supporting information and evidence
- c. A record of any local procedures that took place.

(24) The Programme Director or nominee ensures that the student receives a copy of this communication.

(25) The Registrar arranges for an investigation to take place.

(26) The Registrar decides if there is a requirement to suspend a student pending the investigation.

(27) The Registrar refers any allegation of a criminal matter to the relevant authority.

(28) Where a potential criminal matter is referred to the relevant authority, the College may choose to proceed with or postpone the investigation.

Immediate Risk

(29) The Registrar may suspend a student with immediate effect, where the matters raised could pose an immediate risk to others.

(30) In such cases, any investigative process will be expedited as quickly as possible.

(31) During the investigation, the Registrar may determine that the suspension may be revoked.

Referral to a Healthcare Professional

(32) The College reserves the right to refer any student, regarding whom a concern has been raised in relation to fitness to practise, to an appropriate registered healthcare professional to obtain an opinion as to the student's fitness to practise in relation to their health at any stage.

(33) The professional fee for this initial referral will be at the expense of the College.

(34) This referral could result in recommended reasonable accommodations. Where this arises, the Registrar may determine that it is appropriate to terminate the fitness to practise process.

(35) A student failing to comply with this requirement may be suspended by the Registrar.

Referral for Testing

(36) The College reserves the right to require any student, regarding whom a concern has been raised in relation to fitness to practise, to undergo testing, in respect of suspected substance abuse.

(37) The professional fee for this initial referral will be at the expense of the College.

(38) A student failing to comply with this requirement may be suspended by the Registrar.

Investigative process

(39) The Registrar appoints a disciplinary expert as Investigating Manager to analyse the information submitted by the Programme Director or nominee, to ascertain whether:

- a. The matter of concern could impact on fitness to practise
- b. The report provides all appropriate information, copies of the communications and is focussed on the matter of concern only
- c. There is sufficient evidence to warrant the convening of a Fitness to Practise Committee
- d. All relevant information has been collected, including any warnings issued as a result of a previous local fitness to practise process or the outcome of any previous College fitness to practise process.

(40) Where required, the Investigating Manager will revert to the Programme Director or nominee, the student or any other party involved for clarification of any matter in the report.

(41) Normally, the investigation process should take no more than 10 working days from the date of referral to the

Registrar. Where the process may take longer, this is communicated to all parties along with a rationale for this.

Registrar's Review of Investigator's Report

(42) The Investigating Manager provides a separate report to the Registrar, documenting the facts of the case, who decides if there is a case for consideration by a Fitness to Practise Committee.

(43) The criteria used for decision making are as follows:

- a. The matter of concern could impact on fitness to practise.
- b. There is sufficient evidence to warrant the convening of a Fitness to Practise Committee.
- c. The student has been provided with full and timely information about the investigation to date.

(44) The Registrar may refer the report back to the Investigating Manager for further investigation if required.

(45) The Registrar decides that:

- a. There is a case for consideration by a Fitness to Practise Committee.
- b. There is not a case for consideration by a Fitness to Practise Committee.

Part C - Convening a Fitness to Practise Committee

Student Notification

(46) Where the Registrar deems that there is a case for consideration, this is communicated in writing to the student and to the person who referred the matter for full investigation, with a clear explanation of the rationale for the decision.

(47) The student may also request that a witness presents information on the matter under consideration.

Convening a Fitness to Practise Committee

(48) The Registrar convenes a meeting of the Fitness to Practise Committee as soon as practical, drawing on the membership identified by the Academic Board.

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

(50) The Registrar ensures that:

- a. The committee members have the requisite competence to consider the matter.
- b. The student is fully apprised of the detail of the process and the information being presented.
- c. Due process is followed, and the matter is treated with the utmost confidentiality
- d. Communications with the student are timely.
- e. A report is prepared and maintained securely and is made available to the student and other relevant parties.
- f. The student is offered an opportunity to attend the committee.
- g. The student is offered an opportunity to speak with the committee.

(51) Names and contact details of witnesses are established as soon as practicable after a decision to convene the committee has been confirmed and these are shared with the committee and student.

Role of the Fitness to Practise Committee

(52) The role of the Fitness to Practise Committee is to:

- a. Consider the matter presented to it.
- b. If appropriate, call witnesses and or experts.
- c. Establish if, on the balance of probability, the student's fitness to practise is impaired.
- d. Where relevant, determine appropriate outcome(s) for the student.

(53) The chairperson of the committee, in consultation with other panel members, has the power to adjourn the meeting if statements submitted by the student or witnesses suggest other enquiries that need to be made before a decision can be reached.

(54) In the event of a conclusion that the student's fitness to practise has not been demonstrated to be impaired, the matter is considered closed and the student is notified in writing by the Office of the Registrar that the matter is concluded.

(55) In the event of a conclusion that the student's fitness to practise is impaired, the decision must be either unanimous or one of consensus.

(56) The Fitness to Practise Committee decides what outcomes, if any, should apply in line with those identified in the parent policy. The outcomes should be appropriate to the seriousness of the impairment.

Communicating Outcomes

(57) The Registrar notifies the student of the decision in writing, within five working days. This communication must include the:

- a. Decision of the Fitness to Practise Committee
- b. Impact of this decision, including any outcomes.
- c. Student's right to appeal and the time frame within which the appeal must be lodged.

Right of appeal

(58) Students may appeal the outcome of the Fitness to Practise Committee under the [Appeals Policy](#).

Status and Details

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Effective Date	29th April 2021
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