

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 requirements of the College 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, significant deterioration in wellbeing or pending prosecution, that is likely to impact their fitness to practise.

(5) The College expects Students to cooperate with any fitness to practise process. However, should a student, whose fitness to practice is under investigation, decide not to participate at any stage, the Fitness to Practise Committee may deem it appropriate to proceed in their absence.

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

College Responsibilities

(7) The Registrar, or nominee, is responsible for the implementation of this procedure.

(8) The Registrar, or nominee, on behalf of the College must notify in writing any student who may be required to participate in a Fitness to Practice investigation.

(9) 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.

(10) 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.

(11) The College has a responsibility to respond to, and where appropriate, investigate any concern(s) raised by external parties involving a Hibernia College student.

Section 2 - Procedure to Investigate and Manage

Student Fitness to Practise

Non-Adversarial Approach

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

(13) 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.

(14) Where a student does seek to bring a supporter, as per (13), or legal representation to any meeting, the student must notify the College in writing of their intent to do so within five working days.

(15) Where a student does bring legal representation to any meeting the College may also do so.

Part A - Programme Level Fitness to Practise Procedure

Identification and Notification

(16) Concerns about a student's fitness to practise can be brought to the attention of the Programme Director by any member of Faculty, Staff and Adjunct Faculty, stakeholders, or public; this includes matters raised by any student regarding their own fitness to practise.

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

Initial review

(18) 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 cannot be managed as above, the Programme Director must then determine if the matter requires referral to the Registrar for investigation or can be investigated locally.

(19) Concerns that may be reviewed and investigated at a Programme-level, once they do not conflict with (20), include the following:

- a. Non-professional communication within a practice setting
- b. Minor infringements of the Student Charter
- c. Unintentional poor record keeping
- d. A change or deterioration in a previously disclosed health condition

Please note this list is non-exhaustive.

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

- a. All matters that require referral by the College to a healthcare professional.
- b. 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.
- c. Significant breaches of good conduct or ethics.

- d. Assault or abuse of others.
- e. Falsification of records or documentation.
- f. Bullying or harassment, sexual or otherwise, or intimidation of any third party.
- g. Any matter which could pose an immediate risk to the health or well-being of others.

Please note this list is non-exhaustive.

Notification to the Student

(21) The Programme Director, or nominee, 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.

(22) 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 programme level 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

(23) The Programme Director, or nominee, arranges a meeting to obtain the full details of the matter of concern, provide support and, where possible, to agree a resolution plan.

(24) The following are invited to this meeting:

- a. The student
- b. The Student Support Officer
- c. An appropriate member of Programme Faculty, Adjunct Faculty, or Staff with an understanding of the specific matter of concern.

(25) Should the student wish to respond with information of a sensitive, confidential nature they can respond directly to the Programme Director. This information will be treated as confidential and only shared with those who have a direct role in the required decision-making. If, under these circumstances, this information is to be shared the student must be informed before doing so.

(26) The Programme Director, or nominee, will outline the:

- a. Standards set out in the [Fitness to Practise Policy](#) 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

(27) The meeting affords the student the opportunity to outline any circumstances, mitigating or otherwise, that might have contributed to the concern in relation to fitness to practise.

Outcomes of the meeting

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

(29) The meeting results in one of the following outcomes:

- a. A finding that there is no fitness to practise concern and no further action is necessary.
- b. A resolution and support 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.

Resolution Plan

(30) When a resolution plan is part of an outcome following a Programme Level Fitness to Practice, 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

Referral from Programme Level

(31) Where the matter is sufficiently grave, or the local procedure has failed to resolve the issue, 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.

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

(33) The Registrar, or nominee, arranges for an investigation to take place.

(34) The Registrar, or nominee, refers any allegation of a criminal matter to the relevant authority.

(35) The Registrar, or nominee, decides if there is a requirement to temporarily suspend a student pending the investigation.

Temporary Suspension pending investigation.

(36) The Registrar, or nominee, may temporarily suspend a student with immediate effect, where the matters raised could pose an immediate risk to others or to the student in question.

(37) Where a potential criminal matter is referred to the relevant authority, the College will temporarily suspend the student.

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

Referral to a Healthcare Professional

(39) The College reserves the right to refer any student, about whom a fitness to practice concern has been raised, 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.

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

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

Referral for Testing

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

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

Investigative process

(44) The Registrar, or nominee, appoints a disciplinary expert as Investigating Officer 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 related 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.

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

(46) Under normal circumstances the investigation process should be concluded within 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

(47) The Investigating Officer 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.

(48) 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.

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

(50) 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

(51) Where the Registrar, or nominee, 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.

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

Convening a Fitness to Practise Committee

(53) The Registrar convenes a meeting of the Fitness to Practise Committee as soon as practical, the membership of which is outlined in the Fitness to Practice Policy.

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

(55) The Registrar, or nominee, 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 participate in the committee.

(56) 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

(57) In considered the matter presented the Fitness to Practise Committee acts to:

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

(58) The committee must reach its decision by consensus.

(59) 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.

(60) If the committee concludes that the student's fitness to practise has not been impaired, the matter is considered closed and the student will be notified in writing by the Registrar, or nominee, that the matter is concluded.

(61) If the committee concludes that the student's fitness to practice has been impaired, the 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

(62) The Registrar, or nominee, notifies the student of the decision in writing, within five working days of the meeting of the Committee. 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

Part D - External Parties and Fitness to Practice concerns

Referral from an External Party

(63) Where a 3rd party external to the College has a concern about a student's fitness to practice, they can communicate this in confidence to the Programme Director.

(64) The Programme Director, or their nominee, will acknowledge receipt of this communication.

(65) The Programme Director, or their nominee, will determine if the concern warrants investigation under the Fitness to Practice policy or if the concern is more appropriately addressed under a different route.

(66) The Programme Director, or their nominee, will communicate to the external party should their submitted concern be dealt with under a procedure other than the Fitness to Practice policy.

(67) Should the nature of the concern fall under the scope of areas identified in (12) the matter will be progressed as per Part B of this procedure; for other matters, the concern may be referred for Programme-level investigation as per Part A of this procedure.

(68) Once any investigation has concluded the Programme Director, or their nominee, will communicate the outcome of the investigation to the external party.

External Investigations

(69) Where a student is subject to a fitness to practice investigation conducted by an external body or is subject to an ongoing criminal investigation the College may immediately temporarily suspend the student from their programme.

(70) Upon conclusion of this investigation the College may begin an internal fitness to practice investigation as per Part B of this procedure.

Right of appeal

(71) Students may appeal the outcome of a Fitness to Practise investigation under the [Appeals Policy](#) within five working days of receipt of communication.

Status and Details

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