

FITNESS TO PRACTISE PROCEDURES

Scope of the procedures

1. These procedures apply to students registered on programmes which lead to the award of a professional qualification in one of the regulated health or social care professions.
2. Under the terms of accreditation of such programmes by the professional bodies, the College has a responsibility to assess the fitness of students to interact with service users, and their suitability for a demanding and responsible career as a health professional, and to take appropriate action in respect of that assessment.
3. The College discharges this responsibility in part through its procedures for the selection and screening of applicants. The present procedures, however, treat questions of fitness to practise which may arise after a student has been admitted, and which cannot be addressed appropriately through the normal assessment arrangements for the programme.
4. These procedures cease to apply after the award of the professional qualification has been made to the student. Any concerns which are raised with the College about the fitness of one of its graduates to practise in his/her profession will be referred to the professional body.

Situations under which the procedures may be invoked

5. It is in the public interest to safeguard the well being of service users. To this end, students registered on programmes which are encompassed by these procedures must ensure that their behaviour in the practice setting, on campus or in other public environments, is at all times seen to be commensurate with that of somebody who is fit to assume the responsibilities of a health professional.
6. Without prejudice to the generality of the above statement, concerns over a student's fitness to practise may include any behaviour which:
 - (a) could be damaging or dangerous to other people, including service users, programme providers and other students;
 - (b) creates an unacceptable risk for him/herself, or for others;
 - (c) shows a serious or persistent failure to follow recognised codes of conduct in the profession.
7. Concerns must be presented in writing. Concerns which are raised anonymously, or by somebody without a professional relationship with the student, will only be investigated at the discretion of the Programme Director. Any concerns that are of a serious nature (eg involving abuse) will be investigated.

Preliminary investigation and action in light of concern

8. Any concern over a student's fitness to practise should be raised immediately with the Programme Director, or an appropriate nominee, who will first either satisfy him/herself that a reasonable attempt has been made to resolve the matter informally, or will make arrangements for this to be done, normally within five working days.

9. If the matter cannot be resolved informally, the Programme Director will determine an appropriate and constructive way in which to conduct a preliminary investigation, such as through meetings¹ and written or verbal correspondence. S/he will provide the student with details of the allegation(s) and any supporting evidence, and an opportunity to respond in person and in writing. The Programme Director will also inform the student if it is decided to suspend, postpone or place other limitations on his/her attendance on placement in order to safeguard service users while the matter is investigated.

10. If as a result of the preliminary investigation it is decided that the concern is unjustified, the matter will be regarded as closed, and the student and all those party to the investigation will be informed accordingly in writing. Any suspended placement will be resumed forthwith, or if this is not possible or appropriate, an alternative placement will be arranged.

11. If as a result of the preliminary investigation it is decided that the concern is justified, but it would be unwarranted to seek to terminate the student's training as a health professional, the student will be notified in writing of clear targets for change, together with specific criteria against which his/her achievement will be measured, and an appropriate deadline. The student may also be asked to interrupt his/her training for an agreed period of time. Any suspended placement will otherwise be resumed forthwith, or if this is not possible or appropriate, an alternative placement will be arranged.

12. If as a result of the preliminary investigation it is decided that the concern is justified and it is warranted to seek to terminate the student's training as a health professional, the matter will be referred to a formal review panel. The student will be notified of this decision in writing, and his/her attendance on placement will be suspended in order to safeguard service users until the decision of the review panel is known.

Referral to the formal review panel

13. The recommendation to terminate a student's training as a health professional will be considered by a formal review panel comprising:

(a) in the Chair, a senior member of the academic staff of the College who is responsible for training health professionals in a discipline other than that of the student;

(b) a member of the profession from outside the College who has experience of training students whilst on placement;

(c) another member of the academic staff of the College who is responsible for training health professionals in the same or a different discipline to that of the student;

(d) a service user who is involved in the programme(s) at the College.

14. The Faculty Registrar, or a nominee, will act as secretary to the panel.

¹ including Interim Suitability Procedures (for Social work Students) – see Appendix B

15. The panel will hold a hearing, following the procedures set out in the Guidelines on the Conduct of Academic Disciplinary Hearings (Fitness to Practise)².

16. If the review panel decides that the student's training should be terminated, the outcome will be conveyed in writing to the student, the professional body and the Chair of the Sub-board of Examiners, who in turn will recommend to the College Board of Examiners either that the student's registration with the College must be terminated for failing to satisfy the requirements to proceed on the programme, or that the student must be required to transfer onto an alternative programme at the College which does not lead to a professional qualification, provided such an appropriate alternative exists. The student will be notified of the right to appeal under the terms set out below.

17. If the review panel decides that the student's training should not be terminated, the outcome will be conveyed in writing to the student and the Programme Director, who will then determine, in consultation with relevant parties, an appropriate way for the student to resume the programme.

18. Where the review panel decides not to terminate the student's training, but nonetheless agrees that there are concerns which must be addressed, it may recommend clear targets for change on the part of the student, together with specific criteria against which his/her achievement will be measured, and an appropriate deadline. Failure to meet these targets may result in termination of a student's training. The student may also be asked to interrupt his/her training for an agreed period of time.

Appeals

19. A student whose training is terminated by the review panel may appeal against the decision on any of the following grounds:

(a) there is fresh evidence to be taken into account which the student could not, for valid reasons, have divulged at the time of the original hearing and which casts reasonable doubt on the reliability of the decision to terminate the student's training;

(b) there is evidence that the procedures set out in this document were not followed in such a way which casts reasonable doubt on the reliability of the decision to terminate the student's training;

(c) the panel's decision was contrary to natural justice given the evidence available to it at the time.

20. Appeals must be submitted in writing to the Head of Academic Development within two weeks of the date on which notification of the panel's decision was sent. Once an appeal is lodged, the student's registration on the programme will be provisionally reinstated pending the outcome of the appeal, but the appellant will not be permitted to attend any placement.

21. The Head of Academic Development, or a nominee, will consider any appeal in the first instance to determine whether it satisfies the grounds set out in 19 above. If it is decided that there are sufficient grounds for appeal, the Head of Academic Development will arrange for the appeal to be considered by an appeal panel, which will be convened and will operate as set out in 13-15 above, but with the panel members and secretary selected from people who were not involved in the original hearing. If however it is decided that there are not sufficient grounds for appeal, the Head of Academic Development will notify the student and the Programme Director in writing that the appeal has been dismissed and will rescind the student's provisional registration on the programme.

22. If the appeal panel upholds the decision to terminate the student's training, the outcome will be conveyed in writing to the student and the Programme Director, and the student's provisional registration on the programme will be rescinded.

² Appendix A

23. If the appeal panel decides that the student's training should not have been terminated, the Principal will reinstate the student's registration on the programme on a substantive basis. The outcome will be conveyed in writing to the student, the professional body and the Programme Director, who will then determine, in consultation with relevant parties, an appropriate way for the student to resume the programme.

24. Where the appeal panel decides that the student's training should not have been terminated, but nonetheless agrees that there are concerns which must be addressed, it may recommend clear targets for change on the part of the student, together with specific criteria against which his/her achievement will be measured, and an appropriate deadline. The student may also be asked to interrupt his/her training for an agreed period of time.

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APPENDIX A

GUIDELINES ON THE CONDUCT OF ACADEMIC DISCIPLINARY HEARINGS (Fitness to Practise)

TERMS OF REFERENCE

1. A Fitness to Practise Panel will be convened by the Head of Department to deal with cases as they arise, and will comprise:

- (a) the Chair, a senior member of the academic staff of the College who is responsible for training health or social care professionals in a discipline other than that of the student;
- (b) a member of the profession from outside the College who has experience of training students whilst on placement;
- (c) another member of the academic staff of the College who is responsible for training health or social care professionals in the same or a different discipline to that of the student;
- (d) a service user who is involved in the programme(s) at the College.

To ensure impartiality, no member of the panel must have had any significant prior involvement with the case.

2. The panel will meet to conduct the hearing of the student case, and, will have the power to
 - i) terminate the student's training towards the award of a professional qualification, including awards for Social Work and Clinical Psychology;
 - ii) Should the panel consider that it is not necessary to terminate the student's training, a lesser penalty may be imposed: -
 - the student may also be asked to interrupt his/her training for an agreed period of time;
 - the panel may recommend clear targets for change on the part of the student, together with specific criteria against which his/her achievement will be measured, and an appropriate deadline.
3. Any penalty imposed will be proportionate and relevant to the concerns raised. In determining a penalty, the panel will be mindful of the consequences for the student of the penalty imposed, and will balance this against the perceived level of risk for the student themselves and for others including service users, programme providers, employers and other students. The student's previous conduct and behaviour may also be taken into account.
4. If the panel decides that the student's training should not be terminated, the case will be referred back to the Programme Director, who will then determine, in consultation with relevant parties, an appropriate way for the student to resume the programme.
5. The student will be notified in writing of the outcome by the Head of Department together with a reminder of his or her right of appeal. The reasons for the decision will be given.

6. The consequences of any penalty for the programme as a whole will be determined by the sub-board of examiners according to the College's assessment regulations.

GENERAL PRINCIPLES

7. (a) Any student whose conduct, health or character falls outside the standards required by professional regulatory bodies in one of the regulated health and social care professions and who is therefore subject to a Fitness to Practise Hearing, will be presumed innocent until proved guilty. The burden of proof applicable will be for it to be established that on the balance of probability Codes of Professional standards have been breached.

(b) All formal notices to the student will be in writing and may be handed to the student personally by a College Officer or delivered to the student's College room or local residence or sent by receipted email or by departmental or internal mail; a period of seven days will be allowed to elapse between delivery and further action.

(c) The student will be presented with details in writing of the complaint or allegations made against him or her before the hearing. The student will be given the opportunity to speak or write in his or her own defence.

(d) If a student fails to attend the hearing without having provided adequate reason the hearing will proceed as planned. In the event that a student is prevented from attending for reasons which are judged to be acceptable, the hearing may be adjourned and another date set.

(e) The student may choose to be accompanied by someone who is a member of the College such as fellow student, representative of the Students' Union or other member of staff who may speak at the hearing, though the student is expected to represent him/herself. Similarly the Panel may call upon other members of the College to speak at the Hearing if necessary, though the judgement reached will be determined by the Panel only. Prior to the hearing both parties will inform the other if any additional members of the College are to be present.

(f) The College or student may request an adjournment if more time is reasonably required. At their discretion and on such terms as they think fit, those chairing hearings will allow either side reasonable time for private consultation or reflection during hearings if they so request.

(g) A student whose behaviour is in significant breach of professional standards of practise may be subject to these procedures even if it can be shown that the breach is due to reasons of incapacity such as a serious emotional or psychiatric condition. In such cases the College will be mindful of its duty to make reasonable adjustments in order to mitigate the effects of any impairment.

(h) Further detail on the scope of the Fitness to Practise Procedures, and situations which may give rise to the procedures being invoked are contained in the College Fitness to Practise Procedures.

NOTICE OF HEARING AND EVIDENCE

8. The Student will be given a minimum of ten days notice for a hearing of the Fitness to Practise Panel, and will be given seven days in which to supply a written statement and/or evidence of mitigating circumstances for circulation to panel members, if they wish to do so.
9. The Panel will take all reasonable steps to hold the hearing on a date on which the student and his or her representative are able to attend. Exceptionally, if this proves impossible or the student does not make reasonable efforts to make him/herself available, the Chair of the Hearing Panel may decide upon a date and, if the student does not appear, may proceed with the hearing in his or her absence.
10. All members of the Panel and the student will be supplied with copies of the following documentation seven days before the hearing:
 - (a) a statement of the allegation(s) made against the student;
 - (b) the recommendation from the Programme Director on how the matter should be dealt with in accordance with the available options, set out under Point 2 of these Guidelines, together with the documents put forward in support of the recommendation.
 - (c) any additional documentation, including any further representations made by or on behalf of the student, will be circulated to all parties at least three days in advance of the hearing itself.

CONDUCT OF HEARINGS OF THE FITNESS TO PRACTISE PANEL

11. The College representative (normally the Programme Director) will present the College's case and the student, with the support of the member of the College who has accompanied him/her (if the student has chosen to be accompanied), will have a right of reply.
12. The student, his or her chosen member of the College to be accompanied by, and the College representative will be entitled to be present throughout the whole of the proceedings except where the Panel wishes to retire for private discussions. In every case, the student directly will be given an opportunity to be heard fully.
13. The Panel will decide whether or not the College's recommendation is accepted. If the College's recommendation is not accepted, the Panel will decide what other penalty, if any, is appropriate. The Panel will, whenever practicable, reach a decision on the day of the hearing.
14. The decision of the Panel on the action recommended by the Programme Director, will be on a simple majority with a second and casting vote to the Chair in the event of a tie.
15. There will not be any disclosure of information regarding the way in which any member has voted or on whether the decision was arrived at unanimously or by a majority vote.

APPEALS

16. A student may appeal against the decision of the Fitness to Practise Panel only on one or more of the following grounds:
- (a) that there is evidence of a failure to follow the procedures set out above, and which might cause reasonable doubt as to the fairness of that decision;
 - (b) that fresh evidence can be presented which the student could not with reasonable diligence have disclosed before the decision was made and which might cause reasonable doubt as to the fairness of that decision;
 - (c) that the Panel's decision was perverse given the evidence which was available at the time.
17. Appeals must be submitted in writing by the student to the Head of Academic Development (via the Academic Development Services Office) within one month of the date on which the student was formally notified of the decision. Appeals will be conducted in line with College procedures as set out in the Regulations on Assessment Offences.

OFFICE OF THE INDEPENDENT ADJUDICATOR

18. When a student has exhausted College procedures, if they consider that their case has not been appropriately conducted in line with College Procedures and Regulations, they may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under its Rules.
19. The student will need to send to the OIA a Scheme Application Form within three months of the conclusion of the case as notified to the student in the College's Completion of Procedures letter. A Scheme Application Form can be obtained from the College Secretary's Office or the Students' Union, and also may be downloaded from the OIA website www.oiahe.org.uk (or may be obtained by telephoning or writing to the OIA for a form). A copy of the Completion of Procedures letter must be sent to the OIA with the Scheme Application Form.
20. If a student does decide to take a complaint to the OIA, the College Secretary or his/her nominee will deal with the complaint on behalf of the College.

RELATED POLICIES

21. These Guidelines should be read in conjunction with:
- (a) Academic Regulations including the Regulations on Assessment Offences, and College Policies and Procedures which apply specifically to students registered on programmes which lead to the award of a professional qualification in one of the regulated health professions. This includes the Fitness to Practise Procedures and the Interim Suitability Policy (Social Work);
 - (b) The requirements (for standards of conduct and good health) of the professional regulatory bodies including the General Social Care Council (GSCC) and the Health Professions Council (HPC), the British Psychological Society (BPS) and the British Association for Behavioural and Cognitive Psychotherapy (BABCP);

- (c) Students may also wish to consult the University of London Ordinances, the Royal Holloway and Bedford New College Act (1985), the College Statutes and Regulations of the Council and the College Student Handbook, which also includes regulations governing non-academic aspects of life as a student of the College.

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APPENDIX B

Royal Holloway Social Work Programmes

Interim Suitability Panel (ISP)

Purpose: this is an Investigatory Panel which has been set up to provide further information in cases where doubts have been raised as to a student's suitability for Social Work.

Membership:

- Senior Academic (Head of Department or Programme Director) – to act as Chair of Panel
- External Agency representative
- Academic member of staff from Social Work department (independent – not related to student's case).

Terms of Reference:

- To meet the requirements of GSCC (2007) Suitability for Social Work: Ensuring the suitability of social work students to access and continue their training.
- To protect student social workers and potential services users / carers in line with the GSCC Codes of Practice (2002)
- To make preliminary enquiries into concerns raised about a student's possible Fitness to Practice.
- to agree a schedule of remedial action with the student & a timeframe for review (where appropriate)
- in serious cases, to refer a case to a Fitness to Practice Panel

Where does this fit into the Department's current processes such as Practice Assessment Panels, Fitness to Practice Procedures?

Whilst revising our processes to ensure that they are in line with GSCC requirements, it has come to our attention that there is not a suitable arena in which concerns raised about potential Fitness to Practice issues can be raised, prior to formally referring any cases to a Fitness to Practice Panel.

Concerns can be raised in many ways and at many stages of a student's study life. Examples include:

- at a Practice Assessment Panel;
- from a CRB check
- from a student – e.g. declaration to Head of Department of a criminal conviction
- student's tutor or practice assessor is concerned that student is experiencing serious personal and/or academic difficulties
- student's conduct raises concern e.g. poor attendance, plagiarism, academic dishonesty, oppressive or discriminatory behaviour or behaviour in conflict with GSCC (2002) Codes of Practice

It is our view that not all instances would merit immediate referral to a Fitness to Practice Panel, and so we have established an *Interim Suitability Panel* to investigate concerns. It is anticipated that some concerns might be subsequently found to be unmerited, or that issues raised could be addressed without recourse to a Fitness to Practice Panel. This would mean that only the most serious cases would need to be referred to a Fitness to Practice Panel.

Process

- Students will be given at least seven days notice of an ISP
- GSCC are alerted that an ISP is taking place regarding this student via an 'early alert letter'.

- Students can arrange to be accompanied by a friend (member of the College) or by a Student's Union Representative if they wish.
- Students will be given a formal report of the meeting, and if they feel the notes do not accurately reflect the discussions held in any way, they may submit their own version.
- GSCC are advised of outcome via a 'complaint letter'.*
- All records go on student's file.

*This is to comply with GSCC guidance, templates are available.

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