

# Fitness to Practise Policy and Procedures

## Fitness to Practise Policy

1. The Fitness to Practise Policy applies to students registered on courses which lead to the award of a professional qualification in one of the regulated health or social work professions<sup>1</sup> and courses which lead to a professional registration where students are required to demonstrate their fitness to practise.
2. This policy, together with the Fitness to Practise Procedures below, aim to :
  - (a) ensure that the requirements of the relevant Professional, Regulatory or Statutory Body are properly met in relation to students being able to properly demonstrate appropriate standards of behaviour and conduct;
  - (b) protect service users, clients and patients who may come into contact with the student during their course of study; and
  - (c) protect the College from possible claims arising as a result of harm caused by a student being unfit to practise.
3. To this end, students registered on courses which lead to the award of a professional qualification in one of the regulated health or social work professions must ensure that their behaviour in the practice setting, on campus or in other environments, is at all times seen to be commensurate with that of somebody who is fit to assume the responsibilities of a health or social work professional.<sup>2</sup>
4. Students must ensure that they are cognizant of and comply with the relevant professional code of conduct for their course in relation to their behaviour, health and professional conduct.
5. A student's fitness to practise may be challenged when there is concern over any issue of behaviour, health or professional conduct which:
  - (a) creates an unacceptable risk for the student or others; and/or
  - (b) shows a serious or persistent failure to follow recognised codes of professional conduct.
6. The relevant Professional, Regulatory or Statutory Body may refuse to register a student in the event that a student's behaviour, health or professional conduct adversely affects a student's fitness to practise.
7. Anyone concerned about a student's fitness to practise has the right to raise their concern. Concerns may be identified either internally (e.g. through an Interim Suitability Panel) or externally (e.g. through a Designated Officer or team (previously Local Authority Designated Officer (LADO)) meeting). Concerns which are raised anonymously, or by somebody without a

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<sup>1</sup> List of regulated health and social work professions includes Social Workers and Practitioner Psychologists

<sup>2</sup> Guidance on appropriate standards of behaviour to apply to students can be found at <http://www.hcpc-uk.org/publications/standards/index.asp?id=38> or for Social Work at <https://www.socialworkengland.org.uk/standards/professional-standards/>

professional relationship to the student, will only be investigated at the discretion of the Course Lead. Any concerns that are considered by the Course Lead to be of a serious nature will be investigated. Concerns must be presented in writing.

8. Concerns will be investigated in accordance with the principles of natural justice<sup>3</sup> and following the College's Fitness to Practise Procedures.
9. A written record of concerns investigated under the College's Fitness to Practise Procedures will be kept on the student's files in the academic department/school and in Student Administration.

## **Fitness to Practise Procedures**

### **Scope of the procedures**

10. These procedures apply to students registered on courses which lead to the award of a professional qualification in one of the regulated health or social work professions. If a student seeks to voluntarily withdraw from the course, the procedures will nevertheless continue to apply, with or without a student's involvement, provided that at the point of requesting to withdraw a student has been notified in writing that a preliminary investigation into their fitness to practise is to be conducted. A student who voluntarily withdraws should be given the opportunity to participate fully in any investigation and subsequent hearing.
11. Under the terms of accreditation of such courses 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 or social work professional, and to take appropriate action in respect of that assessment.
12. 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 or come to light after admission.
13. 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.

### **Preliminary investigation and action in light of concern**

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

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<sup>3</sup> This means that all students subject to the Fitness to Practise Policy and Fitness to Practise Procedures will be treated without bias; will be presumed innocent until the case is proven; will be given an opportunity to respond to any concerns raised against them as laid out in the Fitness to Practise Policy and Fitness to Practise Procedures and will have access to an appeal procedure.

15. If the matter cannot be resolved informally, the Course Lead will determine an appropriate and constructive way in which to conduct a preliminary investigation, such as through meetings, verbal or written communication. In relation to courses in the Department of Social Work, the Course Lead may determine that the preliminary investigation is conducted by an Interim Suitability Panel (ISP) set up to provide further information in cases where doubts are raised as to a student's suitability for the course. In such cases the preliminary investigation will be carried out in accordance with Appendix A.
16. Regardless of the way in which the preliminary investigation is conducted, the Course Lead will provide the student with details of the allegation(s) and any supporting evidence, and an opportunity to respond in person and/or in writing. The Course Lead will also inform the student in writing 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.
17. 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 by the Course Lead. Any suspended placement will be resumed forthwith, or if this is not possible or appropriate, an alternative placement will be arranged.
18. 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 or social work professional, the student will be notified in writing by the Course Lead of clear targets for change, together with specific criteria against which his/her achievement will be measured, and an appropriate deadline for a review. 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. A written record will be kept on the student's files in the academic department/school and in Student Administration and, where appropriate, the relevant professional body will be notified.
19. If as a result of the preliminary investigation it is decided that the concern is justified and so serious in nature that it may warrant the termination of the student's training as a health or social work professional, the matter will be referred to a Fitness to Practise 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 Fitness to Practise Panel is known.

#### **Referral to the Fitness to Practise Panel**

20. Concerns which are so serious in nature that they may warrant the termination of the student's training as a health or social work professional will be considered by a Fitness to Practise Panel convened by the Director of Student and Academic Services comprising:
  - (a) in the Chair, a senior member of the academic staff of the College who is responsible for training health or social work professionals in a discipline other than that of the student;
  - (b) a member of the profession from outside the College with 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 work professionals in the same or a different discipline to that of the student; and

- (d) a service user who is involved in a course (s) delivered by the College.
21. With regard to the requirements of the panel set out in paragraph 20, the Course Lead, or appropriate nominee, will provide nominations for panel members assigned to roles (b), (c) and (d). Such nominations shall be forwarded to the Director of Student and Academic Services in advance of any written notification on panel proceedings.
  22. To ensure impartiality, no member of the Panel must have had any significant prior involvement with the student.
  23. An investigating officer from Academic Services will act as Secretary to the Fitness to Practise Panel.
  24. The Fitness to Practise Panel will hold a hearing, following the procedures set out in paragraphs 31- 43 below.
  25. The student will be given a minimum of ten working days' written notice for a hearing of the Panel, and will be given seven working days in which to supply a written statement and/or evidence of extenuating circumstances for circulation to Panel members, if s/he wishes to do so.
  26. 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 decision reached will be determined by the Panel only. Prior to the hearing notification must be given if any additional members of the College are to be present.
  27. The College or student may request an adjournment if more time is reasonably required. The Chair of the Panel will decide if such a request should be granted.
  28. The Panel will take all reasonable steps to hold the hearing on a date on which the student and his/ 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 Panel may decide upon a date and, if the student does not attend, may proceed with the hearing in his/ her absence.
  29. 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.
  30. All members of the Panel and the student will be supplied with copies of the following documentation seven working days before the hearing:
    - (a) a statement of the allegation(s) made against the student; and
    - (b) a written report from the Course Lead and, where appropriate, a recommendation on how the matter should be dealt with in accordance with the available options, set out at paragraph 38 below, together with the documents put forward in support of the recommendation.

Any additional documentation, including any further representations made by or on behalf of the student, will be circulated to all parties at least three working days in advance of the hearing itself.

### **Conduct of Hearings of the Fitness to Practise Panel**

31. The College representative (normally the Course Lead) 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.
32. The student, the person accompanying the student in accordance with paragraph 25 above, 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. At the Chair's discretion, and on such terms as they think fit, reasonable time for private consultation or reflection during hearings may be allowed.
33. Any student subject to a hearing before the Panel will be presumed innocent until such time as the case against him/her is proven.
34. The Panel shall examine the evidence applying the civil standard of proof and it will be for the Panel to be satisfied that on the balance of probability the relevant Codes of Professional standards have been breached.
35. The Panel will decide whether or not any recommendation made by the Course Lead is accepted. If the Course Lead's recommendation is not accepted or no recommendation is made, the Panel will decide what other sanction, if any, is appropriate. The Panel will, whenever practicable, reach a decision on the day of the hearing.
36. The decision of the Panel will be on a simple majority with a second and casting vote made by the Chair in the event of an even split in the votes.
37. 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.
38. The Panel may make one of the following findings:
  - (a) that the student has no case to answer and therefore no sanction is imposed;
  - (b) that the student's fitness to practise is not impaired, however, there are concerns. The Panel may recommend in such circumstances clear targets for change on the part of the student, together with specific criteria against which the student's achievement will be measured by a set deadline; or
  - (c) that the student's behaviour is not commensurate with that of somebody who is fit to assume the responsibilities of a health or social work professional and that the student's training towards the award of a professional qualification, including awards for Social Work and Clinical Psychology should be terminated. Should the Panel consider that it is not necessary to terminate the student's training the student may be asked to interrupt their training for an agreed period of time. In addition, the Panel may recommend clear targets for change on the part of the student, together with specific criteria against which the student's achievement will be measured by a set deadline.
39. Any sanction imposed will be proportionate and relevant to the concerns raised. In determining a sanction, the Panel will be mindful of the consequences for the student of the sanction imposed, and will balance this against the perceived level of risk for the student themselves and for others including service users, course providers, employers and other students. The student's previous conduct and behaviour may also be taken into account.

40. Where the Fitness to Practise Panel decides that the student's training towards the award of a professional qualification should be terminated, the outcome will be conveyed in writing by the Chair of the Panel to the student, the Course Lead and the School Progression and Awards Board who will, in consultation with the Chair of the Department Assessment Board, approve either that the student's registration with the College must be terminated for failing to satisfy the requirements to proceed on the course, or that the student must be required to transfer onto an alternative course 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. The professional body will be notified of the outcome by the Course Lead once the period for any appeal to be lodged has elapsed. Where a student withdraws before the Fitness to Practise procedures have been completed, then if the procedures would have led to the student's removal from the course, the professional body should be notified of the withdrawal from the course.
41. Where the Fitness to Practise Panel decides that the student's training should not be terminated, the outcome will be conveyed in writing by the Chair of the Panel to the student and the Course Lead, who will then determine, in consultation with relevant parties, an appropriate way for the student to resume the course.
42. Where the Fitness to Practise 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. The requirements of the Fitness to Practise Panel will be conveyed in writing by the Chair of the Panel to the student and the Course Lead. The Course Lead will be responsible for monitoring the student's progress and will notify the Chair of the Panel once the targets set for the student have been met. In the event of the student failing to meet the requisite targets, the Course Lead will be responsible for referring the matter back to the Chair of the Panel for further consideration, which may include the reconvening of the Fitness to Practise Panel. The reconvened Fitness to Practise Panel may subsequently decide that the student's training towards the award of a professional qualification should be terminated.
43. The consequences of any findings of the Panel for the course as a whole will be determined by the School Progression and Awards Board according to the College's regulations.

## **Appeals**

44. A student may appeal against the decision of the Fitness to Practise Panel on any of the following grounds:
- (a) there is evidence of a failure to follow procedures set out in this document which might cause reasonable doubt as to the fairness of the Fitness to Practise Panel's decision;
  - (b) fresh evidence can be presented which the student could not with reasonable diligence have disclosed before the Fitness to Practise Panel's decision was made, which might cause reasonable doubt as to the fairness of that decision;
  - (c) the Fitness to Practise Panel's decision was perverse given the evidence which was available at the time.

45. Appeals must be submitted in writing to the Lead of Academic Services within fifteen working days of the date on which notification of the Fitness to Practise Panel's decision was sent. Once an appeal is lodged, the student's registration on the course will be provisionally reinstated pending the outcome of the appeal so that the student can continue to attend classes, but the appellant will not be permitted to attend any placement until the appeal has been investigated and the outcome sent.
46. The Director of Student and Academic Services, or a nominee, will consider any appeal in the first instance to determine whether it satisfies the grounds set out in paragraph 44 above within fifteen working days. If it is decided that there are sufficient grounds for appeal, the Director of Student and Academic Services, or a nominee will arrange for the appeal to be considered by an Appeal Panel, which will be convened and will operate as set out in paragraphs 30-42 above, but with the Appeal 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 Director of Student and Academic Services or a nominee will notify the student and the Course Lead in writing that the appeal has been dismissed and the student's provisional registration on the course rescinded and that the original decision of the Panel will stand (see paragraph 40 above).
47. 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 Course Lead, and the student's provisional registration on the course leading to the award of a professional qualification in one of the regulated health or social work professions will be rescinded.
48. If the Appeal Panel decides that the student's training should not have been terminated, the Senior Vice-Principal (Education) or nominee will reinstate the student's registration on the course on a substantive basis. The outcome will be conveyed in writing to the student, the Course Lead, the Chair of the School Progression and Awards Board and Student Administration, who will then determine, in consultation with relevant parties, an appropriate way for the student to resume the course.
49. 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.
50. The requirements of the Appeal Panel will be conveyed in writing by the Chair of the Panel to the student and the Course Lead. The Course Lead will be responsible for monitoring the student's progress and will notify the Chair of the Panel once the targets set for the student have been met. In the event of the student failing to meet the requisite targets, the Course Lead will be responsible for referring the matter back to the Chair of the Panel for further consideration, which may include the reconvening of the Appeal Panel.

#### **Office of the Independent Adjudicator**

51. 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 request that the decision be reviewed by the Office of the Independent Adjudicator for Higher Education (OIA) providing that the request is eligible under its rules.



52. If a student does decide to request such a review by the OIA, the General Counsel of Legal and Compliance Directorate or his/her nominee will deal with this on behalf of the College.

## Related Policies

53. This document should be read in conjunction with:

- (a) Academic Regulations including the [Regulations on Academic Misconduct](#), and College Policies and Procedures which apply specifically to students registered on courses which lead to the award of a professional qualification in one of the regulated health or social work professions.
- (b) The requirements (for standards of conduct and good health) of the professional regulatory bodies including the Health and Care Professions Council (HCPC)<sup>4</sup>, the British Psychological Society (BPS)<sup>5</sup> and the British Association for Behavioural and Cognitive Psychotherapy (BABCP)<sup>6</sup>;
- (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 Student Handbook, which also includes regulations governing non-academic aspects of life as a student of the College.

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<sup>4</sup> <http://www.hcpc-uk.co.uk/>

<sup>5</sup> <http://www.bps.org.uk/>

<sup>6</sup> <http://www.babcp.com>

## Appendix A Interim Suitability Panel (ISP) Social Work Courses

### Membership:

- Senior Academic (Social Work Course Lead or nominee) – to act as Chair of Panel
- External Agency representative
- Independent academic member of staff from the School of Law and Social Sciences with a suitable Social Work background, who is not related to student's case.

The ISP is to be serviced by administrative staff from the School.

### Terms of Reference:

- To make preliminary enquiries into concerns raised about a student's possible fitness to practise.
- To agree a schedule of remedial action with the student and a timeframe for review (where appropriate).
- In serious cases, to refer a case to a Fitness to Practise Panel.

### Purpose:

This is an investigatory departmental panel which is set up to provide further information in cases where doubts have been raised as to a student's suitability to follow a course leading to the award of a professional qualification in one of the regulated health or social work professions.

If information or circumstances indicate that there are concerns about a student's suitability which do not merit an immediate referral to the Fitness to Practise Panel then an Interim Suitability Panel (ISP) may be convened by the Course Lead. Concerns can be raised in many ways and at many stages of a student's study life. Examples include, but are not limited to, concerns raised:

- at a Practice Assessment Panel;
- where the department is advised that a LADO meeting has been convened or a referral is made to the department from a LADO meeting ;
- following a DBS (formerly CRB) check;
- from a student – e.g. declaration to the Social Work Course Lead of a criminal conviction;
- by a student's tutor or practice assessor that the student is experiencing serious personal and/or academic difficulties;
- as a result of student's conduct e.g. poor attendance, plagiarism, academic dishonesty, oppressive or discriminatory behaviour or behaviour in conflict with HCPC Standards of conduct, performance and ethics.

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 Practise Panel. This would mean that only the most serious cases would need to be referred to a Fitness to Practise Panel.

- The ISP may make the following findings:
  - a) that the student has no case to answer;
  - b) that the student's fitness to practise is not impaired, however there are concerns. The ISP may recommend in such circumstances clear targets for change on the part of the student, together with specific criteria against which the student's achievement will be measured by a set deadline;
  - c) that the concerns are serious and the matter should be referred to a Fitness to Practise Panel.

## Process

- Students will be given at least seven working days written notice of an ISP. The ISP will take all reasonable steps to hold the hearing on a date on which the student and his/ 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 ISP may decide upon a date and, if the student does not attend, may proceed with the panel in his/ her absence.
- Students will be given written details of the nature of the concerns which have been raised at the same time as the written notice of the ISP
- Students may be accompanied by someone who is a member of College such as a fellow student, a 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.
- Students will be given a written note of the meeting, and if they do not agree with the note prepared by the School they may submit their own written note of the meeting within seven working days.
- Should the concerns raised against the student have merit then the HCPC will be advised of the outcome of the ISP in accordance with paragraphs 10 and 11 of the *Fitness to Practise Procedures*.
- A written record of the ISP meeting and the outcome will be maintained on the student's file in the academic department/school and Student Administration.