FITNESS TO PRACTISE PROCEDURE

2014-15

Issued by the Standards and Enhancement Office, September 2014.

A technical update of this document was undertaken in September 2014 to reflect changes to the University’s organisational and management structures and to incorporate earlier, approved amendments to related policies, procedures and regulations.

This document relates to the current year. If you become aware of any previous versions that are available online please notify seo@bolton.ac.uk so that action can be taken to remove the document(s).
Introduction

1. Where successful completion of an academic award of the University, also leads to a professional qualification, admission to a professional body, statutory registration and/or eligibility to practise, or where a student is subject to a professional code of conduct, the University has a responsibility to ensure that the student will be a safe and suitable member of their profession and is fit to practise.

2. It should be noted that academic staff and work-based tutors or mentors may have a responsibility as a requirement of their own membership of or registration with a professional body to report causes for concern about a student’s fitness to practise.

3. Under the provisions of the Safeguarding Vulnerable Groups Act 2006, the University will be required to:
   - Ensure that students engaged in a regulated activity have obtained an enhanced Disclosure and Barring Services (DBS) certificate which covers both child and adult workforce; and
   - check their DBS status before commencing a work-based placement.

The University must not knowingly allow a barred individual to engage in a regulated activity and must refer certain information to the DBS where permission is withdrawn for the individual to engage in regulated activity or would or might have done so had the individual not ceased the activity. Regulated activities are those that involve contact with children or vulnerable adults carried out frequently or intensively or overnight.

4. An enhanced Disclosure and Barring Service (DBS) disclosure may be required for admission to some of the University’s programmes.

5. In order to discharge these responsibilities, the University has adopted these procedures which apply to all students following programmes of study accredited by professional, statutory or regulatory bodies which require the University to make a ‘fitness to practise’ or equivalent declaration or where a student subject to a professional code of conduct is undertaking a relevant programme of continuing professional development.

6. The principles contained in this procedure will be taken into account in the development and design of new programmes seeking professional body accreditation involving a ‘fitness to practise’ requirement.

7. The Fitness to Practise procedure is not intended to replace the University’s disciplinary and unfair means regulations and procedures. Where a student is alleged to have committed a disciplinary offence or breached the unfair means regulations, then these procedures must be completed before the Fitness to Practise procedures are commenced.
Programmes covered by the Fitness to Practise Procedures

8. The programmes covered by these procedures are listed in Annex 1.

9. Programmes which are subject to these procedures should be identified at the time of initial validation, and publicised to students by inclusion in all publicly available information, including:
   - Prospectuses
   - Courses database
   - Programme specifications
   - Programme Handbooks

Principles relating to Student Behaviour

10. Students should understand that the successful completion of a programme leading to admission to a professional body, registration with a statutory body or a licence to practise, requires adherence to the regulations and codes of conduct (or equivalent) of that body and the regulations, policies and procedures of the University.

11. Students are required to behave in accordance with the rules, regulations, policies and procedures of the University and the regulations and codes of conduct (or equivalent) of the relevant professional, statutory or regulatory body.

12. Students are required to act at all times in the best interests of their patients, clients, service users, students, work placement supervisors, mentors and colleagues, or any other individual or group they can reasonably be expected to come into contact with through the requirements and expectations of their programme and in accordance with its nature and the profession it relates to. Students are required to conduct themselves in a professional manner consistent with reasonable expectations of behaviour within the profession associated with their programme at the University.

13. Students shall report to the appropriate authority (e.g. a professional, regulatory or statutory body) and to the University actions by others that may put patients, clients, service users, students, work placement supervisors, mentors and colleagues at risk. Failure to report could lead to disciplinary action being taken against the student. Students making a report in these circumstances must identify themselves.

14. Students on programmes subject to these procedures are required to disclose any criminal convictions (including spent convictions under the provisions of the Rehabilitation of Offenders Act 1974) and inclusion on the DBS’s barred lists prior to admission to the University and whilst the student remains registered on the programme. If a student fails to disclose the required information and it subsequently comes to light, the student will be referred to the relevant Fitness to Practise panel.

15. The following is a non-exhaustive list of alleged behaviours which are likely to lead to the fitness to practise procedures being invoked:
   - Physical, sexual or emotional abuse;
   - Inappropriate relationships with patients, clients, students or service users;
• Aggressive or threatening behaviour;
• Falsifying records;
• Any action of omission that may create a safety risk to others;
• Breach of the duty of confidentiality, except where permitted or required under statutory provisions or professional body codes of conduct;
• Lack of honesty or trustworthiness, e.g. failure to disclose previous criminal convictions, proven use of unfair means in assessment;
• Refusal to carry out a lawful and reasonable instruction that could result in immediate harm to others;
• Failure to respect the rights and dignity of patients, clients, service users, students, work placement supervisors, mentors and colleagues, irrespective of age, gender, race, ethnic origins, disability, sexual orientation, religion and belief, socio-economic background.

Principles relating to Student Health

16. Students should understand that their physical or mental health may be a reason for them to be deemed unfit to practise, notwithstanding the requirements of the Equality Act 2010. As a consequence they may not be able to complete successfully the programme for which they are enrolled.

17. Students may be required, as a condition of admission to a programme, to demonstrate that they meet the health requirements of the professional body for which successful completion of the programme could lead to registration. The University may require applicants to complete a health questionnaire and reserves the right to refer the applicant for specialist medical advice and for the resulting report to be made available to the University.

18. Students are required to inform the University prior to admission about any conditions for which reasonable adjustments within the meaning of the Equality Act 2010 may need to be made to programme arrangements.

19. A student whose physical or mental health deteriorates while registered on the programme, should seek advice from their programme leader, the relevant professional body and, where appropriate, their employer about the implications for their continuation on the programme or their entry to the profession. Students are required to inform their Academic Department via their Personal Tutor of any changes in their physical or mental health which could affect their fitness to practise.

20. The following is a non-exhaustive list of circumstances with the potential to impact on a student’s professional performance which are likely to lead to the fitness to practise procedures being invoked on health grounds:

• Chronic alcohol or drug abuse;
• Severe or relapsing mental illness;
• Failure to comply with a treatment programme or to maintain medication;
• Failure to disclose medical conditions as required by the professional body and/or placement provider;
• Failure to practise safely including preventing transmitting infection to others.
Principles relating to academic failure

21. Students should understand that academic failure during their programme including in relation to work-based experience may result in the termination of their enrolment on the programme on fitness to practise grounds.

22. Students should understand that if they are found to be in breach of these fitness to practise procedures then an assessment board may decide to act to remove some or all of their academic credit achieved on the programme thus far, including but not confined to any credits that might otherwise lead to them being able to claim an interim award recognised in any way by the profession.

Fitness to practise procedures

23. Any concerns that a student enrolled on a programme to which these procedures apply may be suspected to be unfit to practise must be reported in writing to the Head of the relevant academic department. Concerns may be raised by staff, students, work based tutors, mentors, clients, patients, service users or members of the public. Anonymous reports will not normally be considered; however, in exceptional circumstances the Head of the academic department may act on a report on the basis that the reporter’s identity remains confidential.

24. Where appropriate, the advice of the relevant professional, statutory or regulatory body may be sought before commencing any action under these procedures.

25. On receipt of a cause for concern report, the student will be interviewed by the Head of the academic department or his/her nominee. The student will be advised either before or at the start of the meeting of the concerns that have been raised and will be provided with any evidence to support the allegation. The student may be accompanied to the meeting by a member of the University.

26. If, after investigation, the Head of the academic department or his/her nominee believes that the concerns are well-founded, the outcome(s) may include one or more of the following:

- No further action required;
- Verbal or written warning;
- An improvement notice, requiring the student to meet agreed objectives within a specified timescale;
- Referral to the University’s disciplinary or unfair means procedures;
- Referral to the Academic department’s Fitness to Practise Panel;
- Referral to the student’s professional, statutory or regulatory body;
- Where the allegations are so serious that there is an immediate risk to others or to the student, the Head of the academic department may seek the approval of a Senior University Officer (the Vice Chancellor, Pro Vice Chancellor or University Secretary and Registrar) for the immediate suspension of the student from all or a part of the student’s studies, including any work based experience element and any other action deemed necessary to safeguard others, including the requirement that the student be barred from some or all of the University’s grounds.
27. The Head of the academic department may convene a meeting of the academic department Fitness to Practise Panel to consider issues giving rise to concerns about the student’s fitness to practise. The student will be invited to attend the meeting of the Panel or to make a written submission. The student may be accompanied by a member of the University.

28. The academic department Fitness to Practise Panel will comprise:

- A senior academic staff member of the academic department, who will act as Chair;
- Two members of academic staff: one member from the student’s academic area who is not directly involved in the investigation, and one member of academic staff from outside the student’s academic department;
- (Where appropriate) one person with experience of the student’s chosen profession.

29. The academic department Fitness to Practise Panel may, following consideration of the case:

(i) determination that there is no case to answer;
(ii) permit the student to continue with their programme of study but subject to additional supervision or monitoring requirements;
(iii) suspend the student from his/her studies for a specified period of time or until the occurrence of a specified event, to be specified by the Panel;
(iv) refer the student to a relevant Board of Examiners for consideration whether or not the student is required to re-sit or repeat a specified part or parts of the programme;
(v) refer the student to his/her professional, statutory or regulatory body;
(vi) terminate the student’s studies that might otherwise lead to a professional qualification, but with permission to register on an alternative academic programme;
(vii) recommend to the Vice Chancellor that the student is permanently excluded from the University.

30. The decisions of the academic department Fitness to Practise Panel under 29 (ii) to (vi) will be reported in writing to the relevant Examination Board and where appropriate to the relevant professional, statutory or regulatory body.

31. Where the student is in relevant employment, the Head of the academic department will keep the student’s employer informed of the progress of any investigation and the outcome of the case.

Appeals

32. A student may appeal to the University’s Review Committee against the decision of the academic department Fitness to Practise Panel by submitting full reasons for the appeal in writing to the Secretary to Senate within 5 working days of the decision of the Panel. The Chair of the academic department Fitness to Practise Panel will automatically refer a recommendation to terminate a student’s enrolment on the programme to the University’s Review Committee. The membership and procedures
of the Review Committee are contained in the University’s Appeals Regulations and Procedures.

33. The outcome of any appeal will be reported to the relevant professional, statutory or regulatory body, and, where appropriate, the student’s employer.

34. A student may complain about the decision of the Review Committee to the Office of the Independent Adjudicator.

Responsibilities

35. Heads of academic departments are responsible for ensuring that:

- programmes currently offered by the University to be covered by the programmes are identified;
- identifying at validation new programmes to be covered by the procedures;
- all public information relating to relevant programmes, including prospectuses, course entries, programme handbooks contain a reference to fitness to practise requirements for the programme;
- applicants are informed of any fitness to practise requirements for the programme prior to admission, including the need to obtain a DBS certificate;
- enrolled students are informed about relevant professional codes of conduct and other fitness to practise requirements at induction and at least annually for the duration of the programme;
- employers of students subject to fitness to practise proceedings are kept informed of ongoing investigations and the outcome of any cases.

36. Programme leaders and link tutors are responsible for ensuring that the following are aware of the Fitness to Practise procedures:

- staff teaching on the programme;
- work-based experience/placement tutors and mentors;
- collaborative partner staff;
- students.

Equality Impact Assessment

37. An Equality Impact Assessment (EIA) has been completed on this policy.

38. The University of Bolton is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, and the promotion of the positive duty with due regard to race, gender, disability, age, sexual orientation, pregnancy and maternity, religion or belief (including lack of belief), gender reassignment, and marriage and civil partnership.
Other Related Policies

39. This policy should be read in conjunction with the following University Policies:

Examination Regulations  
Appeals Regulations and Procedures  
Student Disciplinary Policy  
Unfair Means Policy

Monitoring and Review

40. Senate has oversight of this policy and it is to be reviewed and if appropriate refreshed on an annual basis.

41. A report of cases initiated under these procedures will be presented annually to Senate.

Dissemination of and Access to the Policy

42. The policy is available to all stakeholders and the general public via the website at http://www.bolton.ac.uk. Copies of the policy can be obtained on request from the Academic Registrar.

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