Professional Suitability and Fitness to Practise Policy and Procedure (2019 onwards) Section 2

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**Professional Suitability and Fitness to Practise Policy and Procedure**

# Introduction

* 1. Any programme of study which will lead to a professional registration will be governed by a

requirement that students demonstrate their ‘Professional Suitability and Fitness to Practise’. At the heart of the Professional Suitability and Fitness to Practise Policy and Procedure is recognition of the University’s duty of care to all students and stakeholders.

* 1. All training makes high academic and personal demands on students. Students are required to demonstrate not only academic ability but also personal suitability, fitness to practise and a commitment to their chosen profession at the point of admission to as well as throughout their programme.
  2. The responsibilities in relation to suitability and fitness to practise are not confined to the process and content of the academic programme but have a broader scope and application. They encompass all behaviour including that outside the academic or placement setting which may reflect negatively on the profession or the University.
  3. Suitability and fitness for professional work include qualities such as patience, honesty, integrity, resilience and the ability to help people face difficult situations. Evidence of clear thinking, sound judgement, sensitivity and tolerance is required, together with the ability to establish and maintain appropriate personal and professional boundaries. This demands sound inter-personal and communication skills as well as both physical and mental ability to carry out the role appropriately.
  4. On occasions, students may be the subject of concerns about their suitability and fitness to practise in one or more of these fields. It must be clear to all parties (students, academic staff, placement supervisors) what kinds of concerns or information will trigger formal action on behalf of the University, how the formal action will be implemented and what are the possible outcomes.
  5. There is a clear professional obligation laid down by regulating bodies to have robust processes that encourage the disclosure of matters that may affect suitability and fitness to practise.
  6. Professional Suitability and Fitness to Practise procedures are distinct from University disciplinary procedures, Fitness to Study procedures, and any other University procedures within General Regulations that impose a disciplinary sanction. There may be situations, however, where more than one set of University procedures are utilised to consider the University’s position and professional implications of a student’s behaviour or fitness to practise.

# Background to these procedures

* 1. A fundamental and essential aspect of entry to any profession is an acceptance and internalisation of the Standards and /or Code of Conduct to which the profession fully subscribes as described in the relevant Programme Handbook.
  2. Any student aspiring to gain entry to a chosen profession is required to adhere to their relevant Professional Code of Conduct. This code of conduct underpins the competencies for practice throughout the programme and requires student members of each profession to practise and conduct themselves within the standards and framework provided.
  3. The responsibilities in relation to suitability and fitness for practise are not confined to the process and content of the assessment schedule but have a broader scope and application. They also apply to behaviour outside the academic or placement setting.

# Termination of Training

* 1. A student’s programme may be terminated if their behaviour deviates from the relevant Professional Standards/Code of Conduct or is confirmed to be damaging or dangerous to other students, programme providers, employees and ‘customers’ of placement settings or create unacceptable risk for themselves and others, or brings the University’s reputation into disrepute.
  2. A student who is considered unsuitable or unfit for a professional qualification under these procedures may not be allowed to continue on the Programme.

# Suitability and Fitness to Practise at Admission

* 1. Suitability and fitness to practise at admission is tested by a variety of mechanisms as part of the selection procedure, for example, scrutiny of qualifications, personal statements and personal references. In addition, the following checks are made:

1. DBS Enhanced Disclosures are required to be carried out for all programmes where the applicant will be in regular and / or sustained contact with minors or vulnerable adults. Applicants are required to have completed DBS Enhanced Disclosures prior to registration on their programme. Any student who begins a programme whilst awaiting the processing of an application for Enhanced Disclosure from the DBS, will only be registered “provisionally” and may be excluded from some activities.

Further information can be found at [https://www.chi.ac.uk/about-us/policies-and-](https://www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support) [statements/academic-and-student-support](https://www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support)

1. All students accepted for admission to a programme where evidence of fitness to practise is required will be subject to a health check; students must declare all medical conditions, mental health, behavioural difficulties or drug or alcohol problems. Where any condition is disclosed during the admissions process to the Occupational Health consultant, the consultant recommends whether the student is fit for practise. The needs of placement and the institution will be considered at this time taking into account if ‘reasonable adjustments’ could be made. The final decision regarding admission lies with the Head of Department. See Appendix 1 for the process flow diagram.
   1. If any of the above (i.e. 4.1 i and ii) are breached, the offer of a place on the designated course will be withdrawn. This decision is final and there are no grounds to appeal against this decision.

# Suitability and Fitness to Practise Once Enrolled on the Programme

* 1. A wide range of concerns would raise suitability and fitness to practise issues while a student was on the Programme. These could include:
     + physical or psychological illness;
     + alcohol, drugs or substance mis-use;
     + any criminal convictions or contact with the police not disclosed at the time of applying and entry to the course, or gained whilst on the course;
     + allegations of inappropriate behaviour for a qualified professional, such as inappropriate sexual behaviour, falsification, oppressive remarks, bullying or harassment, inappropriate response to confidentiality;
     + termination or failure of any professional placement element of the programme;
     + serious difficulties in managing appropriate demands made of the student;
     + unexplained absence or sickness records which would threaten employment if a student was in work;
     + failure to uphold high standards of professionalism when communicating including inappropriate use of forms of e-communication, for example social networking sites;
     + allegations – primarily occurring in placement settings – of repeated failures to achieve competence despite opportunities to develop, practise and rectify faults. Whilst each individual incident may be less serious on its own, a pattern has emerged which calls into question overall competence;
     + other serious issues covered by the University’s General Regulations and appendices. This list is not intended to be exhaustive.
  2. Where a professional body has a requirement to be notified of any issues relating to a student’s suitability to practise this should be reported by the programme co-ordinator to the Head of Department or Institute. This may occur prior to or subsequent to a panel hearing.
  3. The procedure to be followed in relation to suitability and fitness to practise issues will take one of four forms depending upon the nature of the concern:

1. issues relevant to DBS;
2. concern regarding health issues;
3. unprofessional behaviour whilst undertaking a placement element of the programme;
4. concerns regarding suitability and fitness to practise raised at any point including issues/behaviour within university and also when outside the academic or placement setting (excluding categories i - iii).
   1. Concerns regarding suitability and fitness to practise should be recorded in accordance with programme procedures, by a student’s Academic Tutors, Academic Advisor, Programme Coordinator, Head of Department, Placement Co-ordinator or Placement Supervisors (university and setting based).

# Professional Suitability and Fitness to Practise issues that are relevant to DBS

A student is required to notify the University of any Situation that may change the status of his/her DBS disclosure. (Refer to the Student Handbook on the University Intranet).

# Professional Suitability and Fitness to Practise concerns regarding health issues

Once enrolled on the programme, students are obliged to notify the University of any Health Issue that may impact upon a professional element of their course.

Should concerns relating to suitability and fitness to practise arise with regard to health issues the following procedure should be followed:

The concern must be documented and submitted to the Head of Department who decides whether the situation does constitute a suitability and fitness to practise issue. The subsequent process is

shown in Appendix 2. The student may be suspended from the programme pending an Occupational Health assessment following consultation, by the Head of Department, with the Pro Vice-Chancellor.

# Professional Suitability and Fitness to Practise issues arising from unprofessional behaviour leading to termination of a placement element of the programme

Incidents of unprofessional behaviour whilst undertaking a placement which contravene the professional standards or accepted code of practise for the profession will normally result in termination (and therefore failure) of the placement module. The subsequent process is shown in Appendix 3.

# Professional Suitability and Fitness to Practise issues raised at any point including issues/behaviour outside the academic or placement setting (excluding categories i - iii)

In the first instance concerns should be documented in accordance with programme procedures and referred to the Head of Department. The Head of Department (or their nominee) will meet with the student and programme co-ordinator within seven working days to decide the most appropriate next step (refer to Appendix 4). The Head of Department will inform the Pro Vice-Chancellor or designate of their decision. The subsequent process is shown in Appendix 4. The student may be suspended from the programme, pending completion of the procedures, following consultation by the Head of Department, with the Pro Vice-Chancellor or designate.

# The Procedure for Convening the Professional Suitability and Fitness to Practise Panel

If under sections 8 and 9 above it is deemed that there is the requirement for a Suitability Panel the Head of Department will convey to the student, in writing, the reasons for convening a Panel (see Section 12 for membership of the panel). The student will be strongly advised to seek support from the Students’ Union.

# Professional Suitability and Fitness to Practise Panel Hearing

* 1. The student will be informed in writing by the Director of Quality and Standards or nominee that a Panel is going to be convened, and they will normally be given at least two weeks’ notice of the date of the meeting. The student must indicate in writing (including via email) whether they wish to attend the Panel and whether they would wish to be accompanied by a friend. A ‘friend’ may include a representative from the Students’ Union, other personal friend or family member, but excludes any form of legal representation. The student must notify the Director of Quality and Standards of the name and official designation of the person attending with them at least five calendar days before the meeting of the Panel. If notification is not received the panel has the right to refuse that person entry to the meeting. No appeal can be made subsequently on these grounds.
  2. The student will be informed that he/she may make a written statement to the Panel, and that he/she can submit statements from people he/she considers relevant, or invite witnesses he/she feels can assist his/her case to attend the Panel meeting (although no-one can be compelled to make written statements or attend the Panel meeting). The student will be reminded that he/she remains responsible for presenting the case to the Panel and for ensuring that any statements made by his/her friend are accurate. The student will be told they are responsible for informing the witness of the date/time of the Panel meeting. The Director of Quality and Standards must be provided with any written statements and a list of witnesses at least one week in advance of the meeting so that

the Panel can be provided with this information. This date will be notified in writing to the student. Every effort should be made to ensure nominated witnesses do attend the hearing. If the information is not forwarded to the Director of Quality and Standards in advance the Panel can refuse to accept the information as part of the case or allow the witnesses to attend. No appeal can be made subsequently on these grounds. The student will be provided with a written statement from the Head of Department relating to the case to be presented to the panel at least one week in advance of the meeting.

* 1. If the student does not attend the Panel without a valid explanation to the Director of Quality and Standards (or nominee) it will proceed in their absence. A student who is not able to attend the set Panel can request in writing, beforehand, that an alternative hearing be arranged, giving reasons and providing third party evidence to support this request, and a new date will be arranged if the Chair of the panel deems it appropriate.
  2. The Director of Quality and Standards or nominee will be responsible for arranging the time, date and venue of the Panel in consultation with other members of the panel. The Director of Quality and Standards or nominee will be responsible for circulating all documentation. The course team is responsible for gathering the written evidence as part of their case and it is the student’s responsibility to gather all his/her evidence and forward all paperwork they wish to present to the Director of Quality and Standards in advance of the hearing.

# Membership and Process of the Suitability and Fitness to Practise Panel

* 1. The Panel is chaired by a senior academic together with at least three other members which should include the Head of Department (or nominee), a member of Academic Quality and Standards Service (AQSS) and at least one external representative from a stakeholder agency/placement provider (not an individual provider directly involved in the case).
  2. It should not normally include the student’s Personal Tutor/ Academic Advisor, past or present, or any tutor (including placement) involved in the assessment of the student. The membership may be varied if deemed appropriate by the Chair. Additional members may be co-opted as appropriate for their expertise or to secure a wider range of relevant interests.
  3. Administrative support (provided by AQSS) will ensure that a record is kept of Panel proceedings and all decisions made by the Panel.
  4. AQSS will be responsible for ensuring that the Panel hearing is conducted in accordance with these procedures.
  5. The Panel will be entitled to call for evidence from any source they consider appropriate. Copies of correspondence and other relevant documentation relating to the issue(s) under consideration by the Panel will be provided, in confidence, to the members of the Panel and the student in advance of the Panel meeting.
  6. The process of the Panel will be organised in a straightforward and transparent way, bearing in mind the seriousness of possible implications for the student who is the subject of the enquiry. It will normally comprise the following elements:
     + Introduction by the Panel Chair describing the process.
     + The Head of Department or nominee will present the case, outlining the concerns/allegations, the results of the preliminary discussion with the student involved,

and the reasons for proceeding to the Panel. Relevant written statements will be presented to the Panel, and witnesses may be called. The Panel members and the student will have the opportunity to challenge the evidence presented.

* + - The student who is the subject of the hearing will then have an opportunity to present his/her case in response to the concerns/allegations made and to submit whatever they consider to be relevant information and call witnesses. The Panel and the course team will have the opportunity to challenge the evidence presented.
    - The Panel will have the opportunity to ask questions of all those who attend the hearing in order to gain as clear a picture as possible of the circumstances involved and of their relevance to the student’s professional suitability and fitness to practise.
  1. Exceptionally, there may be occasions when these procedures are not appropriate, and amendments may be required, for example to protect confidentiality, or to ensure that a student’s particular needs are fairly met. If this is the case, the Chair and the Director of Quality and Standards will agree an appropriate amendment. If this is prior to the panel the student will be notified. However, occasionally situations may occur during the panel hearing and if necessary all concerned will be notified of the appropriate amendment at that time and given a brief recess.
  2. After hearing all the relevant evidence, everyone but members of the Panel and secretary will withdraw, and the Panel will deliberate and arrive at its recommendation. The recommendation will be one of the following:
     + that there are insufficient grounds to conclude that the student is professionally unsuitable or unfit to continue on the programme, in which case the student either proceeds from the point of disruption of studies, or in accordance with recommendations about how resumption may best be organised in order to meet both the requirements of the programme and the student’s learning needs;
     + that there is agreement there has been minor student misconduct but the student will be allowed to continue on the course with the proviso that there must be no recurrence of the behaviour which brought the student to a panel. A formal written warning will be placed on file and can be referred to if any further incidents occur;
     + that the student should be suspended from the programme on the basis that there are sufficient grounds to conclude that she or he is currently unsuitable or unfit for professional practise, but there are strong reasons for believing that after a period of time has elapsed, and/or after specific actions have been taken, the student could be deemed no longer unsuitable or unfit;
     + that there are sufficient grounds to conclude that the student is unsuitable or unfit to train for entry to the designated profession and that the student should therefore be terminated from their course of study but if they have completed their course could be offered an alternative award, if appropriate;
     + that there are sufficient grounds to conclude that the student is unsuitable or unfit to train for entry to the designated profession, or to receive any academic award from the University, due to the severity of the matter and that the student should therefore be deregistered.
  3. If the recommendation is for terminating the student’s programme or dismissing the student, it will be referred to the Board of Examiners who will make the final decision. If the referral to the Panel arose from a placement setting, the relevant organisation will be informed of the progress and outcome of the case.

Where required, the Head of Department will need to ensure the relevant professional body is notified if a student is dismissed from the University under these procedures or is offered an alternative award as a lesser sanction.

* 1. The student will be notified of the outcome of the panel within 14 working days.

# Appeals

* 1. A student may appeal against the decision of the Panel only on the basis of material irregularity.
  2. The appeal must be made in writing to the Director of Quality and Standards within fourteen working days of the student receiving written notification of the Panel’s decision. The Director of Quality and Standards will decide if the criterion for appeal has been met. If the case for appeal is established, the Director of Quality and Standards will convene an Appeals Panel.
  3. The Panel will be chaired by the Pro Vice-Chancellor or designate and will consist of two other members of the Academic Board and two Heads of Academic Departments that have programmes covered by the *Professional Suitability and Fitness to Practise Policy and Procedure*. The composition of the panel will be in line with the University’s Equality and Diversity Policy. The Director of Quality and Standards (or nominee) will normally be in attendance.
  4. The Appeals Panel may:
     1. dismiss the appeal if the grounds are unsubstantiated;
     2. uphold the student’s case and request the Suitability and Fitness to Practise Panel to re- consider its decision;
     3. dismiss the case but request a change in the procedures of the Programme or of the Suitability and Fitness to Practise Panel.
  5. If the Director of Quality and Standards determines that there are no grounds to grant the appeal, his/her decision will be final and will conclude the University’s procedures. A “completion of procedures letter” will then be issued to the student.
  6. Appeals panels will not strike out appeals solely because of minor procedural deficiencies in the application.
  7. The Appeals panel shall instruct the Chair of the Appeals Panel (or nominee) to convey its decision in writing to the student as soon as possible after the conclusion of the hearing and not later than 14 calendar days after the hearing.
  8. The Office of the Independent Adjudicator for Higher Education (OIA) operates an independent student complaints scheme pursuant to the Higher Education Act 2004. Students or former students may take their request for an appeal relating to a final decision reached under the Professional Suitability and Fitness to Practise Protocol to the OIA once all internal processes have been exhausted. A “Completion of Procedures” letter will be issued automatically at the same time as the letter notifying the student of the outcome of their request for an appeal when it has been determined that all internal processes have been completed. The OIA must receive a completed Scheme Application Form within 12 months of the date of Completion of Procedures Letter.
  9. If the OIA decides that a case is eligible to be considered under the Scheme and reaches a decision which includes recommendations to the University, such recommendations are not binding. The Vice-Chancellor shall consider the recommendations and, following consultation where

appropriate, shall determine an appropriate course of action which may involve further investigation by a person not involved in the original investigation.

# Confidentiality

* 1. The University acknowledges that as a result of implementing this policy it will receive sensitive personal data and other data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data is handled and stored In accordance with the University’s Privacy Standard and current data protection legislation. Documentation relating to the process, from the point of the decision to refer a matter to the Panel onwards, will be confidential to members of the Panel, the relevant Programme Co-ordinator, and the Head of Department. Documents will not be held in the student’s usual file, but in a file raised for the Panel meeting and kept securely by AQSS in accordance with the retention schedule. Any documentation held by members of the Panel will be returned at the end of the process to the Chair and surplus copies will be destroyed confidentially.
  2. All issues will be handled in confidence and without fear of recrimination. However, it may be necessary for the information to be made known to a third party or parties in order to progress the matter. Whilst documentation relating to decisions of the Panel will not be generally used for references, information about a student who has been found unsuitable for professional work will normally be made available by the Programme Co-ordinator to prospective employers, and to appropriate authorities under the legislative guidelines relating to those engaging people in an employed or voluntary capacity to work directly with vulnerable people.
  3. In all cases where the student’s place on the programme has been terminated or the student deregistered, the relevant professional, statutory and regulatory body will be notified by the Head of Department. Some professional bodies require notification of any panels convened, together with the outcome.

# Review

These procedures will be the subject of the normal University review procedures.

Appendix 1 Professional Suitability and Fitness to Practice at admission – Health Check



Further Occupational Health referral

Pre- course health screening

Commence course



Commence course (possible RAWE)

Defer start (may have conditions)

Occupational Health reports

Reject applicant

RAWE – Reasonable Adjustments for Work Experience

**Appendix 2 Professional Suitability and Fitness to Practice concerns regarding health issues**



Continue programme

(possible RAWE)

Meeting convened with student involving Student Support Services where agreed

Concerns documented and referred to HOD

No action required

Referral to Occupational Health

Intermission



Termination of programme (possible transfer to programme without professional accreditation where available)



Intermission (may have conditions for return)

RAWE – Reasonable Adjustments for Work Experience

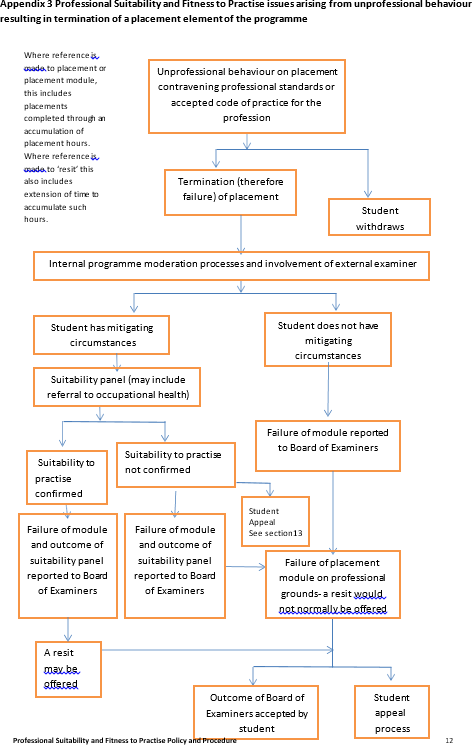


Occupational health

reports

Continue programme

(possible RAWE)



The University of Chichester

