Academic Regulations

Section 4: Fitness to Practise and Professional Suitability

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| **Why have fitness to practise and study procedures?** | This Policy applies to relevant undergraduate and postgraduate students at all times throughout their period of registration with the University. Its application covers study on campus while at University but also applies to students while on placement or in a practice‐ based setting and includes the conduct of students in their personal and social life in determining fitness to practise their chosen profession.Being fit to study and practise is important because it means that you are well enough and demonstrating the right behaviours to achieve your potential and be successful on your programme. Fitness to practise is likely to be defined by the relevant Professional, Statutory and Regulatory Body. We have a duty to ensure that students on a professional course are fit to practise in that profession, or will be when they complete the course; to protect present or future patients, clients, service users and members of the public; to safeguard public confidence in the profession; to comply with the requirements of professional/regulatory bodies; and to ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so.We will help you to do this by creating a learning environment which is supportive but prepares you for real-world employment.This means that we will check that you are doing what you can to support your own learning and are attending your placements and demonstrating professional values as well as meeting the expectations of professional bodies.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 Professional Suitability and Fitness to Practise is recognition of the University’s duty of care to all students and stakeholders.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.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.On occasions, students may be the subject of concerns about their suitability and fitness to practise. 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.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 practice.We may have to pass information to external bodies. Information about your fitness to practise proceedings will be kept confidential as far as possible. The information will only be disclosed to as few people as possible, and only to those involved in investigating or deciding the matter. Sensitive information will not be disclosed to panel members until their membership has been confirmed (so that you have an opportunity to object to a panel member, for example on grounds of bias, before they have seen the sensitive information). |
| **Suitability and Fitness to Practise at Admission** | 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.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. A student is required to notify the University of any situation that may change the status of his/her DBS disclosure.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/Director of Institute. More information can be found at <https://www.chi.ac.uk/about-us/policies-and-statements/academic-and-student-support>If any of the above 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.  |
| **What should I expect and what can you expect of me?** | We understand that having a concern raised about your fitness to study or fitness to practise will be difficult for you. However, we will deal with you in a fair and sensitive way. We will handle your case confidentially and the only people who will know about your circumstances will be those who need to know. We will share with you all of the information we are using to reach a decision and give you every opportunity to tell us your side and how you are feeling. Sometimes, if you are already registered with a professional body, we may need to tell them about a decision we have reached. However, we will always tell you when we are doing this.We will always try to work with you to resolve the issues, but we have a responsibility to you, other students and staff and any members of the public involved in your training. This means that sometimes we have to make tough decisions. This might be becauseYour behaviours are not what we would expect of someone in a professional role;You are not well enough to learn properly at this time; Your behaviour is affecting the learning of others;You are not able to practise safely;You are not able to demonstrate that you can uphold the professional standards of the profession you are preparing for;In the event that your conduct is brought into question, either as a student or in your personal life, you may be referred to a FtP panel who will consider your professional suitability and ability to register with the relevant professional body at the end of the programme. If you receive a criminal conviction during your training/programme of study you must report this immediately to your programme coordinator, who may refer your case to a Panel..* We will tell you as soon as possible that fitness to practise concerns have been raised and will complete the entire process, including any appeal, within 90 days of you being told of the concerns.
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| **Complaints** | We know that this is a difficult time for you, and you may be concerned about the outcome of these procedures, but we expect you to be honest and respect those dealing with your situation and we will treat you in the same way.You will not be able to make a complaint about the Fitness to Practise or Fitness to Study processes whilst you are going through them.We will always listen and support you through the process. If you need to make a complaint, you can do this after. |
| **What if I am arrested or the Police are investigating me?** | If you are arrested or are being investigated by the Police, you must tell the University straight away. The University may decide that intermission is the right thing to do, for example if we are concerned about your safety or the safety of others, or if the offence would impact on the reputation of the University.The University will not investigate your case while the Police are. We will wait for the outcome of the Police investigation or court case before deciding what to do. However, if the case is taking a long time, and you are not able to move on with your course, you may need to intermit. Once the outcome of your legal case is known, the University might decide to act against you, even if the Police do not. |
| **Reasonable Adjustments** | If you have a disability you can request that a reasonable adjustment is made to prevent you from being disadvantaged. Please let us know as soon as possible if this applies to you. |
| **Support During the Procedure** | We know that this can be a difficult period and we want to make sure that you have the support you need. You can access support by emailing studenthealth@chi.ac.uk.You may wish to bring a fellow student or Students’ Union representative to any meetings during the procedures. |
| **Trusted Contacts** | When you come to study with us, we will ask you to tell us who your trusted contact is. Your trusted contact may be a parent, carer, or another trusted adult who you would like to be contacted if required. It’s really important that this is someone who we can contact if something happens to you, or if we have serious concerns about your safety. We need to know if there are any changes to who you want us to contact, and you can make changes at any time through your ChiView portal.We always prefer to speak to you directly about you and your studies. If we need to speak to someone else about this, such as family, carers or someone else you trust, we would always want to get your agreement first. However, exceptionally we might have concerns about you that are serious enough that we’d want to speak to a trusted contact without needing to get your agreement in advance. This might be because there are serious concerns about your safety or mental health, or because we are unable to get your permission due to ill health..If we think we might need to contact a trusted contact, we will ask the University’s safeguarding leads to make a risk-based decision, considering your best interests. We will always explain to you afterwards why we made the decision to speak to your trusted contact. |
| **Which process applies to me?** | We understand that it can be confusing when we tell you that we are going through a process to make decisions about your wellbeing or conduct. We will always be clear about the reasons why.In the context of this document the term Fitness to Practise encompasses both student conduct and good health in determining a student’s professional suitability for the particular course and subsequent professional qualification and eligibility for future registration with a Professional, Statutory and Regulatory Bodies.PSRBs are involved in the design, delivery and regulation of courses and each professional or statutory body has its own professional standards setting the behaviours, attitude and conduct appropriate to that profession. Students are required to comply with the necessary professional codes of conduct and demonstrate the developing standards of professionalism required.Examples of where fitness to practise concerns may arise include, but are not limited to, instances where a student has, or is suspected of having:Drug or alcohol misuse including misusing drugs; or the consumption of alcohol or use of drugs that affects the work or study environment; driving under the influence of alcohol or drugsFailure to comply with PSRB requirements in relation to standards of acceptable conduct and fitness to practise required for entry on to the relevant professional register. |

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| **Fitness to Study** | **Fitness to Practise**  |
| We will use the Procedure if we need to work with you to ensure that you are well enough and demonstrating the right behaviours to study and achieve on your course, | We will normally use the Fitness to Practise Procedure if you are studying on a programme which leads to a job which is regulated by a professional body such as nursing, teaching, social work, psychology and counselling and biomedical science. |
| We will normally use the Fitness to Study Procedure for students who are not registered on professional courses. | We have to check that you have the right values, skills, health and conduct to practise your future job safely in line with the relevant professional body. We also have to check that you don’t have a criminal conviction which would stop you getting a job in your chosen profession. This may present itself as a failure to recognise limits and abilities and lack of insight into health concerns; where mental health, emotional or inter‐personal issues pose a risk to the student’s own safety, health and wellbeing or that of others or the proper operation of the profession or work based setting; or where the student cannot be expected to attain the competency standards of the programme notwithstanding reasonable adjustments made in relation to a disability. |
| Examples of why we may use the Fitness to Study Procedure: You are not attending or engaging with your programme;You are not passing your assessments and moving through your programme;You are using the Mitigating Circumstances Procedure a lot;Your behaviour in class is not helpful to your own learning or the learning of others | Examples of why we may use the Fitness to Practise Procedure: We are concerned that you are not well enough to undertake your placements because you are absent a lot. This might include failure to seek or adhere to medical treatment or support; failure to recognise limits and abilities and lack of insight into health concerns; where mental health, emotional or inter‐personal issues pose a risk to the student’s own safety, health and wellbeing or that of others or the proper operation of the profession or work based setting; or where the student cannot be expected to attain the competency standards of the course notwithstanding reasonable adjustments made in relation to a disability;* Your behaviours are not what we would expect of someone in a professional role which relies on public trust and confidence. For example, academic misconduct (for example plagiarism, cheating in examinations, forging records);
* other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse);
* health and safety breaches;
* failure to disclose convictions or other information that the student is required to disclose;
* inaccurate or falsified placement documentation;
* unsafe practice, incompetence or requiring too much supervision;
* unprofessional behaviour, including:
	+ lack of respect, aggressive or poor attitude, laziness;
	+ indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
	+ failure to self-reflect, lack of insight;
	+ failure to engage with investigations into unprofessional behaviour;
	+ poor self-management, lack of personal accountability;
	+ dishonesty;
	+ breaking patient confidentiality
* behaviour away from the student’s studies, including:
	+ criminal conviction eg violent offence; offence of dishonesty
	+ disruptive behaviour in the community;
	+ inappropriate use of social media;
* safeguarding concerns;
* poor mental or physical health or serious physical impairment that interferes with the student’s ability to practise safely (see section on Health and disability issues);
* failure to seek help or engage with appropriate services in relation to health issues;
* poor communication or language skills.
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| **Fitness to Practise procedure**  |
| **How do we know you are fit to practise?** |
| **Good Health and Good Character** | Fitness to practise is the ability to meet professional standards; it is about character, professional competence and health. According to the Health and Care Professions Council (HCPC), someone is fit to practise if they have "the skills, knowledge, character and health to practise their profession safely and effectively.” This includes your actions outside of the University which may impact on the public.The University will always use the relevant professional code when making decisions about your fitness to practise. |
| **Self-declaration** | When you apply to the University you will need to tell us, using a form, about anything in your past or present that might impact on your suitability to study on a professional course.If you have not already told us this, you must do so as soon as possible. We know that sometimes people make mistakes, and we are not here to punish you, but we need to make sure that you can practise safely and effectively.We will look at the issue, when it occurred and how often. You will be asked about this during your application and enrolment. |
| **Occupational health**  | We will ask you to complete a form about your health and any conditions that you have which may affect your practise.you have a health condition or disability, we may be able to make reasonable adjustments to suit your needs. To help us do this you may be asked to attend a health check. |
| **Disclosure and Barring Service**  | For some programmes we need to check whether there are any reasons why you cannot practise in your profession. To do this we need you to complete an Enhanced Disclosure and Barring Service (DBS) application.It is important that you tell us about anything that may be on your DBS when we ask you to complete the self-declaration.If not, we may be concerned about your honesty and be unable to offer you a place. However, you do not need to tell us about protected convictions although these may appear on your DBS. |

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| Types of concern  |
| Minor concerns may include academic misconduct, poor use of social media, poor time management or communication skills, poor behaviours whilst on campus/in classroom/skills-based learning (such as not wearing uniform appropriately when requested). Such would be managed within the academic area, through a meeting (concluding with a written record) with the programme coordinator and Head/Director. | Moderate concerns may include, for example, health concerns, lack of social responsibility and management of self including attendance. Such would be managed within the academic area, through a meeting (concluding with a written record and action plan) with the programme coordinator and Head/Director. | Serious concerns would be anything else and would result in referral to the formal procedure. Any breach of the professional code of conduct is likely to be a serious concern, as would repeated minor concerns. |

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| First stage procedure – department/institute (pre formal suitability panel) - Preliminary stage / cause for concern | When a concern is raised about you and you are studying on one of our professional courses, the Head/Director or nominee may wish to meet with you before deciding whether to start the Fitness to Practise Procedure. If you are invited to a meeting you may bring a fellow student or Union representative.You will normally be informed of the outcome within two weeks of your meeting. This will be one of the following:* No further action;
* You may receive a written a warning and/or action plan which may be used in the future if there are further concerns about your fitness to practise. We may delay the start of any professional placement until the issues are addressed;
* Notification of concern/action plan;
* To start the Stage 2 Fitness to Practise Procedure.

Where possible we distinguish between a failure to achieve the standard necessary to pass the placement, and your fitness to practise. If you fail to achieve the necessary standards you might be offered an opportunity to extend the placement or repeat it so that you can improve your practice (depending on the conditions set out in your Programme Handbook). If you are found to be unfit to practise you will not be able to continue unless we agree supportive improvement measures to give you an opportunity to put right the issues identified with their practice, where possible. |
| **Intermission** | Sometimes when a serious concern is raised, we may decide that you should not attend your placement and/or your classes whilst the concern is investigated. This does not mean that the University has decided that you have done something wrong, but it is thought to be in the immediate best interest of either you, staff or other students.The procedure that the University uses to decide on temporary suspensions is available here.If you are already a registrant of a profession and you are suspended by your employer, we may also have to issue a precautionary suspension. If we do, we will make it clear if the suspension applies to practice and/or your classes. |
| **What if I am concerned about my own fitness to practise?** | Sometimes you may feel that your health and wellbeing is affecting your studies or practise. It is important that you tell us about any new health and wellbeing issues which are impacting on your ability to practise safely. Or if you have a health condition that gets worse. In most cases, health conditions and disabilities do not affect a medical student’s fitness to practise, as long as the student:* demonstrates appropriate insight;
* seeks appropriate medical advice; and
* complies with treatment

You should speak to your Programme Coordinator first, and we may ask you to attend an Occupational Health assessment.We would usually ask students to complete an action plan and demonstrate the required professionalism / actions before going onto placement, i.e. demonstrate readiness to practise. This can result in a placement being delayed or a SARA and/or RAWE prepared. If you are an apprentice we may be required to inform your employer and/or the relevant PSRB. |
| **What if my fitness to practise is investigated? Second stage procedure investigation – formal / University**  | If we decide to start the Fitness to Practise Procedure, we will convene a Suitability Panel to meet with you. Concerns regarding suitability and fitness to practise will 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 and provided to the Panel.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. |
| **What happens at a Suitability Panel?** | For a formal panel meeting, the panel will be made up of people who understand your programme. The panel will include:The independent Panel chair;A representative from the Students’ Union;Director of Quality and Standards or nominee;An academic from another academic area;Someone from the relevant profession.We know this can be a difficult time, so we always give you time to prepare, this is at least one week (excluding bank holidays). The Director of Institute/Head of academic area or nominee will attend to present their case. You may bring a friend with you and if you want to, you can write a statement before attending. It’s important that we discuss the concerns with you, so you need to tell us as soon as possible if you can’t attend the meeting at the date or time that we ask you to. We will do what we can to rearrange the meeting. If you don’t tell us, and don’t attend we may hold the meeting without you.Someone will take notes at the meeting and you will be sent a copy of the panel’s assessment of your suitability to practise on your programme within two weeks (excluding bank holidays). In some cases, you may be unable to continue on your chosen course due to the decision of the Suitability Panel. If this is the case, we will try to offer you an alternative.If you disagree with decision of a Suitability Panel, you have a right to make an appeal. For more information, please see What if I feel the outcome is wrong?The Suitability Panel will decide about your fitness to practise and whether you can continue with your studies.An agenda for the meeting will be sent to you with your invitation to attend.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.

We know this can be a difficult time, so we always give you time to prepare, this is one week (excluding bank holidays and University closures). You may bring a friend or Union representative with you and if you want to, you can write a statement before attending. It’s important that we discuss the concerns with you, so you need to tell us as soon as possible if you can’t attend the meeting at the date or time that we ask you to. We will do what we can to rearrange the meeting. If you don’t tell us, and don’t attend we may hold the meeting without you. Someone will take notes at the meeting and you will be sent a copy with the decision. Where the facts leading to the fitness to practise concern are disputed, you may call witnesses; may ask questions of witnesses through the panel’s chair; and witnesses may attend by alternative means (for example by video call). |
| **The Decision** | The Panel’s decision 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.
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| **Termination of training** | Your registration on a programme may be terminated if your 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. If you are considered unsuitable or unfit for a professional qualification under these procedures you may not be allowed to continue on the programme. |
| **Appeals** | You may appeal against the decision of the Panel on the basis of:• that the procedures were not followed properly; • that the decision maker(s) reached an unreasonable decision; • that the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process; • that there was bias or reasonable perception of bias during the procedure; or • that the action the provider has decided to take is disproportionate, or not permitted under the procedures.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, in accordance with the Academic Regulations. |
| **Office of the****Independent Adjudicator** | If you disagree with the decision of the appeal panel, you have the right to make a complaint to the Office of the Independent Adjudicator (OIA) within one year of the decision. You can find out more by clicking [here](http://www.oiahe.org.uk/). |

### Appendix 1 Professional Suitability and Fitness to Practice at admission

Defer start (may have conditions)

Commence course (possible RAWE)

Further Occupational Health referral

Reject applicant

Occupational Health reports

Pre- course health screening

Commence course

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

Referral to Fitness to Study

Referral to Occupational Health

Continue programme

(possible RAWE)

Intermission (may have conditions for return)

Continue programme (possible RAWE)

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

Concerns documented and referred to Head/Director

Meeting convened with student involving Student Support Services where agreed

No action required

### Appendix 3 Professional Suitability and Fitness to Practice concerns regarding unprofessional behaviour

Unprofessional behaviour on placement contravening professional standards or accepted code of practice for the profession

Termination of placement

Student has mitigating circumstances

Suitability panel (may include referral to occupational health)

Suitability to practise not confirmed

Failure of module and outcome of suitability panel reported to Board of Examiners

A resit may be offered

Suitability to practise confirmed

Student withdraws

Internal programme moderation processes and involvement of external examiner

Student does not have mitigating circumstances

Failure of module reported to Board of Examiners

Failure of module and outcome of suitability panel reported to Board of Examiners

Failure of placement module on professional grounds- a resit would not normally be offered

Outcome of Board of Examiners accepted by student

Student appeal process

Where reference is made to placement or placement module, this includes placements completed through an accumulation of placement hours. Where reference is made to ‘resit’ this also includes extension of time to accumulate hours.

**Appendix 4 Professional Suitability**

Concerns/incident re: professional suitability

Documented in line with department processes and referred to Head/Director who meets with student

Monitor via dept processes

Not a professional suitability issue but should be dealt with via UoC disciplinary process

Formal warning and action plan or equivalent procedure

Decision taken: Suitability panel required

Student may be suspended from programme

Suitability panel

Professional suitability confirmed

Termination of professional programme

Student appeal process

Situation resolved

Accepted by student

Continue programme

Referred to Fitness to Study