



FITNESS TO PRACTICE POLICY

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Communication

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Who needs to be aware	All staff involved in Higher Education delivery and Management

Communication Plan

Action	By Whom	By When
Upload to Gateway	J Lucas	On approval
Circulation to key staff	L Curran/J Kelly	On approval

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1. Introduction

- 1.1 Any programme of study which could lead to a professional registration will be governed by a requirement that students demonstrate their 'Professional Suitability and Fitness to Practice'. At the heart of the *Professional Suitability and Fitness to Practice Policy and Procedure* is recognition of the College's duty of care to all students and stakeholders.
- 1.2 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 as well as throughout their programme.
- 1.3 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, College or University awarding body, or in breach of regulatory body standards, for example (not exclusive), Northern Ireland Social Care Council (NISCC), Nursing and Midwifery Council (NMC), British Association of Counselling and Psychotherapy (BACP), Irish Association of Counselling and Psychotherapy (IACP), National Counselling Society (NCS), British Association for Social Work (BASW)
- 1.4 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 interpersonal and communication skills as well as both physical and mental ability to carry out the role appropriately.
- 1.5 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 College, how the formal action will be implemented and what are the possible outcomes.

- 1.6 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.
- 1.7 Professional Suitability and Fitness to Practise procedures are distinct from South West College's general disciplinary procedures. There may be situations, however, where more than one set of college procedures are utilised to consider the College's position and professional implications of a student's behaviour or fitness to practise.

2. Purpose and Scope

- 2.1 Students registered on a programme of study that requires them to undertake practical training in a professional role in relation to patients, pupils, students, children, clients, or service-users, or where the end qualification provides a direct license to practice or is a requirement for a license to practice, are subject to this policy of fitness to practice.
- 2.2 The purpose of this policy is to give effect to the College's duty to ensure that such students are fit to practice, to protect present or future patients, pupils, students, children, clients, or service users and to comply with the requirements of professional/regulatory bodies and to maintain public confidence.
- 2.3 If students registered on a programme of study are subject to this policy, this shall be stated in the course regulations for that programme of study.
- 2.4 If any student subject to this regulation is the subject of alleged or proven academic misconduct or disciplinary offence, this shall be disclosed without prejudice to the Head of Department, so that any implications regarding fitness to practice may be considered.
- 2.5 The basis for any determination or action concerning the fitness to practice of a student shall be the relevant professional requirements and code of behaviour. The standard of proof required shall be the balance of probabilities.

3. Fitness for Professional Practice

3.1 This policy refers to the procedures to be implemented when a student is judged unfit to work towards a professional licensed qualification, and where there are academic, behavioural and health requirements that must be met in order to ensure suitability to practice that profession. Examples of relevant professions are Nursing, Health Visiting, Health and Social Care, Early Years Education, Occupational Therapy, Physiotherapy, Radiography, Optometry, Podiatry, Chiropractic, Dietetics, Clinical Physiology, Sports Studies, Speech and Language Therapy, Education, Counselling, Social Work, Youth and Community Work. This list is not exhaustive and it may be added to by the College at any time.

3.2 The Fitness for Professional Practice procedure exists to protect:

- the public interest, by safeguarding those they are in contact with as part of their professional practice;
- the student's interests by ensuring that students do not proceed into a career for which they may well not be suited or for which a regulatory body may not register them;
- physical or mental health reasons;
- criminal or other serious misconduct such as bullying, intimidation, theft, inappropriate use of social media, breach of confidentiality, or any other issues as outlined in the Safeguarding Care and Well-being Policy and the Promotion of Positive Student Behaviour Policy;
- unprofessional conduct or action such as a reported or validated safeguarding issue.

Students may be considered unfit for practice on the grounds of:

- Physical or mental health reasons.
- Criminal or other serious misconduct.
- Unprofessional conduct or action.

3.3 Concern that a student may, for behavioural or health reasons, be deemed unfit to be admitted to or to practice in a profession towards which his or her course of study leads, should be disclosed in writing to the appropriate Head of

Department. Concerns may arise from one incident or from a pattern of behaviour over time.

- 3.4 Anyone, for example, College teaching staff, academic support staff, practice supervisors, placement officers / leads, academic assessors, involved in a student placement who become aware of evidence of health, behavioural or academic unsuitability which may preclude a student from completing the course of study, or from undertaking the required professional practice, should report the facts in writing to the appropriate Head of Department at the earliest opportunity.
- 3.5 Anyone making such disclosure, as in 3.4 and 3.5 above, must identify his or herself. Anonymous disclosure will not be accepted. In exceptional circumstances they may permit the discloser's identity to remain confidential; provided this is consistent with natural justice.
- 3.6 The Academic and Quality Standards Committee/Boards of Examiners, Student Progress Committees, and the College Disciplinary Committee within departments may also refer students to the Head of Department under this Fitness for Professional Practice procedure.
- 3.7 Students whose courses are covered by the Fitness for Practice ordinance must disclose any criminal convictions to the College before entering the course or immediately such a conviction occurs during the course. This will enable the student to be provided with guidance about entry requirements for registration within the profession concerned. If a student fails to disclose this information and it subsequently comes to light, the student will be referred to the Head of Department who may instigate the Fitness for Professional Practice procedure.
- 3.8 Issues relating to professional practice may arise as a consequence of behaviour associated with diagnosed or suspected mental illness or addiction, or any other matter related to emotional health or well-being. In such circumstances the Fitness for Professional Practice procedures will only be invoked if medical and counselling interventions have not successfully addressed the behaviour or if the student has refused all such interventions.

4. Precautionary Suspension

- 4.1 The Head of Department, in which the student is registered, may suspend a student pending further investigation of the circumstances reported. This power may be used when a student displays inappropriate behaviour while on clinical placement or when about to go on clinical placement.
- 4.2 When such action is necessary, the Head of Department will prepare a report on the circumstances of the case, normally within 3 working days of the action and will make this report available to a Fitness for Professional Practice panel.
- 4.3 During a period of precautionary suspension, the student will be entitled to access the College's student support services team which will include the safeguarding champion / lead and will include any pastoral support which they may require. Students will also be encouraged to contact the regulatory body whom they are registered with, or statutory agency.

5. Investigation

- 5.1 During any investigation of a fitness to practice matter the following steps may be taken if appropriate:
 - in the event of a non-disclosure for criminal records, the College will contact the appropriate regulatory bodies for advice on the status and severity of the criminal conviction;
 - for some curriculum areas, criminal records which may be considered spent must be reviewed to ensure safeguarding and duty of care remain paramount, and that minimum occupational standards are maintained
- 5.2 The Head of Department will, within 5 working days of receiving the disclosure, appoint a Departmental Fitness for Professional Practice Panel (hereinafter the Panel). The Panel shall consist of:
 - the Head of Department or their nominee (the Head of Department will normally Chair the Panel);
 - the Head of Higher Education/Development Co-ordinator;
 - a member of academic staff from the same professional discipline as the student;

- a university representative from the appropriate Department and or placement provider;
- a member of academic staff who is not from the professional area concerned and who does not know the student;
- a registered professional practitioner from the professional area concerned or professional from the academic area concerned who knows the student.

(With regards to any panels constituted for FE Fitness to Practice cases, student services and parents/guardians may be invited to attend if a student is under 18 years of age)

5.3 The panel will meet within 21 days of the disclosure being received.

5.4 The student will be given 10 working days' notice of the meeting of the panel. The notice will include:

- a brief statement of the allegations against them and details of any precautionary suspension or limitations on or conditions placed upon their studies or clinical placement experience during the investigation;
- information on their right to be accompanied at the panel meeting by a representative who is a member of the college student or staff body.

5.5 The Head of Department or their representative may ask an academic or clinical staff member connected with the case to provide written comments on the student's academic standing, conduct or health, explaining why there is concern as to the student's fitness for professional practice. The Head of Department will also be provided with information about the student's professional and academic progress and any other relevant information.

5.6 The Panel will establish the facts of the case and in so doing may interview relevant individuals, including the student. The student may be accompanied at the interview by a member of staff of the College, by another student, by a representative of the Students' Union or by a member of the professional organisation. Legal representation is not permitted.

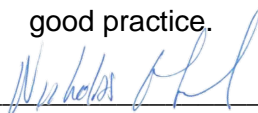
- 5.7 A member of the College administration staff will, with due regard to confidentiality, keep records of the proceedings and be responsible for circulating relevant documents.
- 5.8 The Panel shall satisfy itself that the student understands the purpose and importance of the proceedings of the Panel in respect of their case, understands their rights within the process, and has adequate support.
- 5.9 Wherever possible the Panel will resolve the issue in consultation with the student.
- 5.10 The Panel has the following powers when considering the student's behaviour and conduct:
- no action may be required;
 - the student may be referred to Occupational Health, which may result in a period of leave of absence recommended to the College Senior Management Team that the student discontinues their studies on the course with or without possibility of transfer to another course;
 - if the student is at an appropriate stage in their programme, they may be offered an alternative award which does not lead to a professional qualification;
 - the student may be referred to the College's disciplinary procedures;
 - other action as deemed appropriate to the situation.
- 5.11 Should the Panel take the decision to refer a student to the College's disciplinary procedures, it will state in writing the reasons for its recommendation and supply any evidence it may have.
- 5.12 When the Fitness for Professional Practice Panel takes the decision to remove a student from a professional course it will:
- inform the student in writing within 10 days of the Panel meeting of the decision of the Panel, giving reasons for the decision;
 - appraise the Deputy Director of Curriculum;
 - provide feedback to the complainant(s);
 - record the findings of the Panel on the student's file.

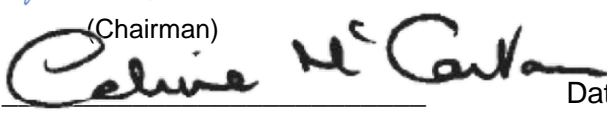
6. Appeals Procedure

- 6.1 The student may appeal against the decision of the Departmental Fitness for Practice Panel on any of the following grounds:
- that new evidence has become available;
 - that there has been procedural irregularity;
 - that the decision of the panel was inappropriate or too severe.
- 6.2 An appeal should normally be made through the Deputy Chief Executive within 10 days of receiving the decision of the Panel. The Deputy Chief Executive will set up an Appeal Board (hereinafter the Board). The Board will consist of:
- the Deputy Chief Executive (Chair);
 - the Head of Department of another area;
 - a member of the professional body concerned who has not been involved in the consideration of the case;
 - the appeal will be considered within 28 days of the date the appeal was lodged;
 - the Board will consider the statements and information provided by the Panel. The Board may set aside or vary or confirm the decision of the Panel. There shall be no appeal against the decision of the Appeal Board.

7. Monitoring and Review

- 7.1 The College will establish appropriate information and monitoring systems to assist the effective implementation of this Policy.
- 7.2 The College will ensure that adequate resources are made available to promote this Policy effectively and is committed to reviewing this Policy on a bi-annual basis, in consultation with the recognised trade unions, statutory organisations such as the Equality Commission for Northern Ireland and in line with models of good practice.

Signed:  Date: 31/01/2024
(Chairman)

Signed:  Date: 09.02.24
(Chief Executive)

Document Development

Details of staff who were involved in the development of this policy:

Name	Role

Details of staff, external groups or external organisations who were consulted in the development of this policy:

Name	Organisation	Date

Approval Dates

Approved by	Date
Governing Body	

Document History

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