



**TITLE: FITNESS TO PRACTICE POLICY**

<b>Effective Date</b>	19 February 2020	<b>Version</b>	1.1
			Appendix 1 revised to include a reference to learners not meeting the programme attendance requirements.
<b>Approved By</b>	Academic Council	<b>Date Approved</b>	19 February 2020
		<b>Review Date</b>	20 February 2022 <i>or as required</i>
<b>Superseded or Obsolete Policy / Procedure(s)</b>		<b>Owner</b>	
1 – <i>Fitness to Practice Policy</i> (6 March 2019)		Office of the Registrar	
Initial Issue			

**1. Purpose of Policy**

Carlow College, St. Patrick's (hereafter Carlow College) is committed to broadening access to education and to ensuring that learners of all backgrounds, identities and abilities are enabled and encouraged to enter, successfully participate in and complete higher education. Fitness to Practice means having the skills, knowledge, health and character necessary to undertake and complete a programme with professional practice, experiential learning or clinical work safely and effectively, fulfilling their responsibilities with their scope of practice in their chosen field. Carlow College considers it essential to protect all relevant persons<sup>1</sup> concerned, from harm and to maintain the trust and confidence of the general public in the College and its graduates. This Policy has been developed in order to promote safe practice and to support learners in fulfilling programme requirements, and to prepare them for future professional practice.<sup>2</sup>

This Policy is intended to respond to and manage concerns regarding a learner's fitness to practice and/or professional suitability, collectively referred to herein as 'fitness to practice' on programmes of study that require learners to undertake practical training in professional environments, including those that lead to eligibility to register with a professional body.

<sup>1</sup> Relevant persons include, but is not limited to, patients, clients, service users, learners, general public, customers or colleagues.

<sup>2</sup> This Policy used as national and international benchmarks and relied on the following policies: *Fitness to Practice Policy* (Cork: Cork Institute of Technology, 2017), *Fitness to Practice Procedure* (Manchester: University of Salford, 2017), *Fitness to Practice Document* (IASCE 2017) and *Fitness to Practise* (Dublin: UCD, 2011).

The purpose of this Policy is to:

- provide a supportive and enabling environment for learners to move towards practice;
- support for learners and staff in the qualities and competences required for professional and career practice and to support and guide learners who experience issues that may affect their ability to practice;
- provide a suitable framework for the effective management of Fitness to Practice issues that may arise, either prior to or during a learner's programme of study; and
- protect the learners, placement providers, the College, and/or any relevant persons.

Concerns about a learner's fitness to practice will be acted upon promptly in order to provide support to the learner as early intervention may prevent matters from becoming more serious. The Policy will also provide a basis for counselling a learner to discontinue a particular programme.

Learners registering for and undertaking any such programmes should be suitable to do so with reference to the standards of the particular programme of study, the profession and the requirements of the relevant Professional, Statutory, or Regulatory Body (PSRB) as applicable, including but not limited to, compliance with professional codes of conduct and the standards of the profession. This involves ongoing assessment and monitoring by the College.

Fitness to practice includes the possession of skills, knowledge, health and character to practice safely and effectively. It is not restricted to knowledge of a specific subject or practice area and includes the requirement to conform to certain standards of conduct. A list of core competencies required or expected in a programme of study will be made available to learners in the relevant programmes.

The College's *Learner Code of Conduct and Disciplinary Policy* outlines the expectations of the College regarding learner conduct and behaviour generally.

## **2. Scope of Policy**

This policy and procedure outlined in this Policy applies to learners participating in programmes / modules and that are subject to the College's *Garda Vetting Policy*.

A copy of this Policy, together with details of any Professional, Statutory or Regulatory Body (PSRB) requirements where relevant, will be available to learners. Learners will be subject to this Policy throughout the duration of their studies whether registered as full time or part-time learners. The College reserves the right to amend the range of programmes to which this Policy applies as deemed necessary.

It is the responsibility of each learner to familiarise him / herself with this Policy, specific expectations of his / her programme of study, any PSRB requirements and core competencies. The College cannot guarantee the acquisition of suitable work placements for learners. Work placements are provided at the discretion of the placement provider. The College cannot guarantee a learner's registration with any PSRB. The relevant PSRB will determine this according to its own distinct procedures. The standard of proof applied at every stage of this Policy is the balance of probabilities.

An additional policy, *Breach of Professional Conduct (Professional Social Care) Policy* is in place for learners enrolled on the B.A. in Applied Social Studies (Professional Social Care) Programme where a practical professional placement is mandatory.

### 3. Policy Statement

This Policy is intended to respond to and manage concerns regarding a learner's fitness to practice and / or professional suitability, collectively referred to herein as 'Fitness to Practice'. In addition to having achieved the required academic standard, the policy recognises that learners also:

- have the capacity to perform key skills and tasks (core competencies and proficiencies, where relevant) so as to be able to practice in their profession or graduate career;
- are healthy of body and mind so as to be able to engage in professional practice / placement work;
- conduct and behave themselves so as not to harm, or put at risk of harm any relevant persons;
- conduct and behave themselves in a manner which will not harm the reputation of the College, their profession or practice partners.

Carlow College is committed to equal opportunities and the support of learners with disabilities. Learners with disabilities are welcome and reasonable accommodation will be made where practicable. For programmes with a mandatory practice component, learners must have the ability to practice within an agency at a level required of a learner. Moreover, they need to be able to assess risk effectively and efficiently, communicate effectively with relevant persons and colleagues and provide appropriate interventions. Where additional support is necessary, it will be provided insofar as is practicable within the current sphere of professional practice. However, it is possible that some persons otherwise qualified to undertake the programme may be unable or become unable, because of ill health or physical inability, to complete all practice elements of the programme as required.

This Policy will operate parallel to relevant legislation and Carlow College policies and procedures listed in Section 5: Associated Documentation. Where there is more than one College procedure (and / or policies) applicable to any one matter, the Office of the Registrar in consultation with the Programme Director shall decide which of the College's procedures (and / or policies) should have priority or are the most appropriate in the circumstances, and may direct the continuation of some procedure(s) (and / or policies) and the suspension of others pending the outcome of the former. Where a learner has been found in breach of Carlow College's *Learner Code of Conduct and Disciplinary Policy*, the Office of the Registrar and the Programme Director will jointly consider whether a Fitness to Practice issue has arisen and then decide to invoke the Policy if appropriate.

The College endeavours to deal with any issues regarding Fitness to Practice in a fair, prompt and proportionate fashion. The College acknowledges that matters should be dealt with in a way that ensures a supportive learning environment, a positive learner experience and a safe staff working environment. Where a Fitness to Practice concern is raised, the learner will be encouraged to seek appropriate internal and / or external supports available. The procedure set out in this Policy outlines how the College will normally respond to instances where a concern is raised regarding a learner's Fitness to Practice and the type of action that the College may take to deal with the concern and to support the learner. Strict observance of the procedure may not be appropriate in all cases. Circumstances may warrant that the procedure is abridged or varied, and the College reserves the right to do so at any time. The College also reserves the right to amend this Policy and the procedure from time to time.

In appropriate cases, the College has the right to suspend and / or withdraw and/or terminate a learner's registration on a programme and/or participation on placement.

A procedure under this Policy may be initiated at any level, without any requirement for an earlier level to have been commenced or exhausted. The level at which the procedure is initiated will depend on factors such as the nature of the concern, the seriousness of any risk posed, the learner's perception of his / her behaviour and its implications and the response of the learner to any steps taken by the College to manage the situation.

If the learner does not engage with the procedure provided for herein, the College has the right to continue with the procedure. Should a learner be unwilling or unable to participate at any level of this Policy and procedure or to attend a meeting / assessment, the College may nonetheless follow this Policy and procedure where it is reasonable to do so. The College may, where it is reasonable to do so, deal with issues on the basis of written reports and / or statements in the absence of the learner. In addition, the College may consider any request from a learner to proceed with a meeting in his / her absence on the basis of written reports and / or a written statement from the learner.

Any person or body taking decisions pursuant to this Policy and procedure shall seek to act in the best interests, both of any and every learner concerned and of every other member of the College community.

### *3.1 Fitness to Practice Concerns*

The following is an indicative list of possible issues and concerns which have been identified as grounds on which a learner may be subject to a fitness to practice assessment.<sup>3</sup> These can include but are not limited to:

- criminal conviction or caution;
- Garda Vetting invalidated / revoked;
- drug or alcohol misuse;
- aggressive, violent, threatening or discriminatory behaviour;
- inappropriate disclosures or breach of boundaries;
- dishonesty or fraud, including dishonesty outside the professional role;
- unprofessional behaviour;
- health concerns or lack of insight or management of these concern;
- inability to cope with demands of placement setting; and / or
- a pattern of behaviour / misconduct, a series or sequence of events or, on occasion, a single act of serious misconduct or misbehaviour may cause concern as to an individual's Fitness to Practice.

This Policy and procedure<sup>4</sup> will be invoked where the matter of concern has not been resolved through the use of existing supports such as coaching by academic staff, Practice Education Team or advice from the College's Student Support Services.

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<sup>3</sup> Grounds for a Fitness Practice Referral specific to the B.A. in Applied Social Studies (Professional Social Care) Programme are outlined in Appendix 1.

<sup>4</sup> The procedures to be followed are outlined in Appendix 2

### *3.2 Health*

Good health in the context of Fitness to Practice means that an individual's health status is such that he / she is well enough to undertake safe and effective practice under supervision. Good health does not necessarily mean the absence of any disability / specific learning difficulty or health condition. Many people with health conditions, disabilities or specific learning difficulties are able to practice with or without adjustments to support their practice and are legally supported in this by the *Equal Status Acts*.

Individuals may be rendered incapable of safe and effective practice as a result of a health matter, either on a temporary or (rarely) a permanent basis. To ensure that, where possible, the College can make reasonable accommodation to support learners with a health and / or disability issue, as well as ensuring protection for relevant persons, a learner on a programme of study subject to this Policy is advised to declare any disability or health condition that may impact on their ability to undertake safe and effective practice.

By registering annually for their programme, learners are in effect declaring that they believe their health status is such as to allow them to undertake safe and effective practice. In the event that a learner's health status changes or a disability or a level of disability emerges that causes concern as to their capacity for safe and effective practice, whether declared by the learner or noticed / reported by others, they may be subject to assessment of their Fitness to Practice under this Policy.

Where there is a Fitness to Practice concern regarding a learner's health, the learner may be referred to a relevant healthcare professional. The learner may be requested under this Policy to attend such medical consultation as required. A process under this Policy and procedure can proceed notwithstanding the failure of the learner to attend the nominated healthcare professional.

### *3.3 Raising a Concern or Making a Complaint*

All concerns or complaints (from learners, staff, placement agencies, or any relevant persons) in regard to Fitness to Practice issues should be made in writing to the relevant Programme Director or designate. The Procedure will then be implemented in accordance with the provisions contained in this document.

### *3.4 Confidentiality*

The staff member(s) dealing with the concern under this Policy will keep records of all relevant documentation supplied to him / her in accordance with the Data Protection legislation. The College treats all Fitness to Practice information with great sensitivity. Information is shared among College staff based on their duties and information is not shared excessively. Learners should be made aware that, in the course of dealing with fitness to practice concerns, the College may consider it appropriate to discuss and / or refer matters and / or its outcomes to the Child and Family Agency and / or third parties such as PSRBs or placement providers. The College may do so on occasion without notification to the learner. Where the Child and Family Agency and / or a third party carries out any investigation or process, the College may suspend or delay taking action under this Policy if carrying out a College investigation may intrude and / or impact on the investigation of *An Garda Síochána* and/or the Child and Family Agency.

### *3.5 Temporary Exclusion of Learner to Mitigate Risk*

The Office of the Registrar in consultation with the Programme Director may temporarily suspend a learner from his/her practice placement, work-based learning setting, related learning activities and / or programme of study and / or temporarily exclude a learner from College

premises where the Office of the Registrar reasonably believe that a learner in respect of whom a Fitness to Practice concern has been raised poses a risk to:

- his / her own health, safety and / or wellbeing and / or that of others;
- the professional activities of a placement provider or other professional organisation or to a practice situation;
- the property of the College and / or others; and / or
- the reputation of the College or a placement provider or other professional organisation and / or its functioning and / or its activities.

Temporary suspension may include, but is not limited to, Fitness to Practice concerns relating to a criminal conviction, a serious health concern or a serious once off incident. This is a neutral step which is taken without prejudice and shall not be taken as an indication as to whether or not the grounds for concern are upheld.

In the case of concerns regarding the learner's health, safety and / or wellbeing, the temporary suspension may remain in place until such time as an appropriately qualified person, nominated by the College, certifies the learner fit to proceed with his / her programme of study.

If a decision is made to impose a temporary suspension / exclusion, consideration will be given to whether arrangements can reasonably be put in place for the learner in order to minimise the impact on their studies. However, if a learner cannot satisfactorily complete their placement as a result of a Fitness to Practice concern, they may be deemed to have not completed that element of their programme.

The temporary suspension / exclusion will be kept under review by the Programme Director. Where a learner has been temporarily excluded on the basis of the above, the matter will be dealt with further pursuant to one of the formal stages (as deemed appropriate in the circumstance) of this Policy to determine a permanent resolution.

### *3.6 Garda Vetting*

The entry requirements for certain programmes necessitate applicants to undergo Garda Vetting in accordance with the *Garda Vetting Policy*. The procedure in the *Garda Vetting Policy* will be used in respect of learners whose Garda vetting disclosure give rise to a Fitness to Practice concern.

### *3.7 Disclosure of Criminal Convictions / Conduct which may also be a Criminal Offence*

The procedure in this Policy will be used in respect of learners on relevant programmes / modules who have relevant criminal convictions / prosecutions pending (i.e. those convictions / prosecutions pending which give rise to a Fitness to Practice concern). Learners on relevant programmes / modules are required to disclose criminal convictions and prosecutions pending. Where a learner fails to disclose criminal convictions / legal prosecutions pending on registration and / or while registered as a learner with the College, the College may suspend / withdraw and / or terminate the learner's registration.

If a learner's conduct may be in breach of the criminal law, the College may at its discretion refer the matter to *An Garda Síochána*. The College may do so on occasion without notification to the learner. In addition, the College may at its discretion suspend or delay taking action under this Policy pending the outcome of any *An Garda Síochána* inquiry and / or criminal investigation / prosecution.

The College may take action in respect of a learner under this Policy notwithstanding his/her conviction or acquittal in criminal proceedings.

### *3.8 References*

Where appropriate, findings and sanctions imposed may be referred to in references which are requested for learners. Normally this would only be for the most severe of sanctions, for example where the College suspends a learner, removes them from a programme, or expels them from the College, however, where references are for employment, education, training or other activities which may involve contact with vulnerable people then reference to any finding under the Policy may be included.

## **4. Roles and Responsibilities**

In order to implement the provisions of this Policy in an appropriate manner, specific roles are assigned to carry out specific responsibilities.

### *4.1 The Office of the Registrar*

The Office of the Registrar will have overall responsibility for the management of this Policy. The Office of the Registrar has overall responsibility for decisions related to Fitness to Practice concerns and the appropriate procedure to be utilised.

### *4.2 Programme Director*

A serious concern regarding a learner's Fitness to Practice should be raised with the Programme Director where a learner has been unable to resolve the concern within the existing supports or actions. The Programme Director will work with the appropriate staff to address Fitness to Practice concerns and complaints made and endeavour to have them resolved swiftly at an appropriate level.

### *4.3 Fitness to Practice Committee*

Where there is a continuing on-going concern or where there are concerns that immediate consideration and determination of a learner's Fitness to Practice is warranted the Programme Director and / or the Office of the Registrar may decide to refer the Fitness to Practice concern to a Fitness to Practice Committee. The Fitness to Practice Committee will be appointed by the Office of the Registrar and the Programme Director as and when required.

The Fitness to Practice Committee may consist of:

- an Assistant Registrar;
- an external person with expertise in the learner's chosen practice area;
- a staff member of the College from the learner's programme;
- a staff member of the College from a programme other than the programme concerned;
- and
- the Placement Co-ordinator from the learner's programme.

The Chair of the Fitness to Practice Committee will be chosen by the Office of the Registrar and will be responsible for overseeing the process and will work closely with the Office of the Registrar to ensure that the procedure is run smoothly and effectively.

A member of the College's administrative staff will attend meetings of the Fitness to Practice Committee for the purpose of taking notes and recording decisions made. This person is not a member of the Fitness to Practice Committee and will not be involved in the decision-making process.

#### *4.4 Proxy (By Appointment)*

If an office holder post is vacant at the time that this policy is being invoked, then the Vice-President for Academic Affairs and Registrar or delegate shall appoint a person to carry out the designated functions under this Policy. Furthermore, where power or authority or functions are to be performed by a particular office holder of a post referred to in this policy such power or authority may be exercised by a person acting or deputising in such a role from time to time. Where this Policy contains reference to a particular office holder as described in this Policy and where the name or title of such office or post is changed then for the purpose of exercising the powers or functions any reference to the old name shall be deemed reference to the new name.

### **5. Associated Documentation**

- Appendix 1: Ground for a Fitness to Practice Concern for Learners Enrolled on the B.A. in Applied Social Studies (Professional Social Care) Programme
- Appendix 2: Procedures for Fitness to Practice Concerns
- Appendix 2.1: Procedures for Fitness to Practice Concerns Flowchart
- Appendix 3: Appeals Procedures
- Appendix 4: Return to Study Procedures
- Appendix 5: Fitness to Practice Concern Form

### **6. Referenced Policies**

- *Learner Code of Conduct and Disciplinary Policy*
- *Garda Vetting Policy*
- *Fitness to Continue in Study Policy*
- *Breach of Professional Conduct (Professional Social Care) Policy*

### **7. Monitoring and Review**

The Policy shall be monitored annually and reviewed formally every three years by the Office of the Registrar.

## Appendix 1: Grounds for a Fitness to Practice Concern for Learners Enrolled on the B.A. in Applied Social Studies (Professional Social Care) Programme



### Grounds for a Fitness to Practice Concern for Learners Enrolled on the B.A. in Applied Social Studies (Professional Social Care) Programme

The grounds on which a Fitness to Practice concern may be raised include (but are not limited to):

- not meeting minimum specified attendance requirements;
- professional misconduct;
- poor professional performance / lack of competence;
- substance misuse;
- aggressive, violent or threatening behaviour;
- persistent inappropriate attitude or behaviour;
- failure to abide by Health & Safety Regulations;
- failure to accept and follow educational advice;
- health concerns or lack of insight or management of these concerns;
- a relevant medical disability which may affect a learner's ability to practice their profession;
- a contravention of the *Health and Social Care Professionals Act 2005* (as amended), the rules or byelaws; and / or
- a Garda Vetting Disclosure.

This Policy and procedure will be invoked where the matter of concern has not been resolved through the use of existing supports such as coaching by academic staff, advice from the College's Learner Support Services.

#### Health

Where a concern arises in relation to a learner who is known to have a health issue<sup>5</sup>, and where the health issue is relevant to the concern that has arisen, then in the first instance consideration shall be given to the level and types of support put in place for that learner in conjunction with the College's Learner Support Services.

Good health in the context of Fitness to Practice means that an individual's health status is such that she/he is well enough to undertake safe and effective practice under supervision. Good health does not necessarily mean the absence of any disability / specific learning difficulty or

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<sup>5</sup> Defined by the *Health and Social Care Professionals Act 2005*, Section 52, part C which refers to 'impairment of the registrant's ability to practise the designated profession concerned because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs,'

health condition. Many people with health conditions, disabilities or specific learning difficulties are able to practice with or without adjustments to support their practice and are legally supported in this by the *Equal Status Acts*.

Individuals may be rendered incapable of safe and effective practice as a result of a health matter, either on a temporary or (rarely) a permanent basis. To ensure that, where possible, the College can make reasonable accommodation to support learners with a health and /or disability issue, as well as ensuring protection for relevant persons, a learner on a programme of study subject to this Policy is required to declare, at first registration, any disability or health condition that, in his / her opinion, may impact on his/her ability to undertake safe and effective practice.

It is important to emphasise that fitness to practice ‘...is not a guarantee of the opportunity to practice. It is also not the same as fitness to work’ (CORU, 2009). In line with IASCE (2011) *Social Care Placement Policies* a Social Care learner ‘is not automatically entitled to undertake placement’ by virtue of commencing the programme. All learners will be required to complete a Garda Vetting Application Form. Applicants will be provided with the relevant forms and documentation for Garda vetting upon registration. Learners must also attend 80% of classes in order to undertake placement. This is to ensure that learners have the necessary knowledge and understanding with respect to ensuring a safe learning environment for themselves and their service users.

## Appendix 2: Procedures for Fitness to Practice Concerns



### Procedures for Fitness to Practice Concerns

#### 1. Informal Stage

It is anticipated that in most instances, Fitness to Practice concerns can be addressed and resolved informally and the College will make every effort to do so. For minor concerns, the Placement Supervisors may discuss the issue(s) directly with the learner and / or the Placement Co-ordinator to agree steps to remedy the situation. Notwithstanding that this is an informal step, a written record must be maintained with regard to the concern and the action taken to resolve the matter at local level.

The Placement Co-ordinator and / or Placement Supervisor may decide, following discussions with the learner that:

- there is no case to answer;
  - no further action be taken;
  - support arrangements and / or reasonable accommodation be put in place for the learner, following any necessary assessment;
- case merits further action;
  - the matter be referred to the Office of the Registrar who may decide to deal with the matter via the Formal Stage, or
  - under another College process (e.g. the *Learner Code of Conduct and Disciplinary Policy* or another relevant college policy).

#### 2. Formal Stage

The Formal Stage will be used to address concerns:

- where any issues are considered too serious to be dealt with under the Informal Stage;
- where the learner is not happy with the decision made in the Informal Stage and notifies the Programme Director within 5 working days of receiving the decision that (s)he is invoking the Formal Stage;
- where the learner elects for the concern to be dealt with under the Formal Stage; or
- where the learner has failed to comply with the outcome of the Informal Stage.

Where a learner, staff member or member of the public has a concern regarding a learner's Fitness to Practice they must put their complaint / concern in writing using the *Fitness to Practice Concern Form* (see Appendix 5) and submit this to the relevant Programme Director in order to start implementation of the Fitness to Practice Procedure. Concerns or complaints must be clearly outlined and available supporting evidence included.

Learners who have issues of concern / allegations made regarding their Fitness to Practice have the right to be accompanied by an appropriate person, for example, a fellow learner, class

representative, learner services, the College's Students' Union representative, in a supportive capacity in the Formal Stage of the procedure. There is no right to legal representation or to be represented by any person or body unconnected with the College. Both parties must be informed of those attending in advance of the meeting. The person making the complaint / raising the concern (the complainant) should be made aware that:

- full details of the complaint will be put to the Respondent (the person about whom the concern / complaint is being made);
- the Respondent will be given an opportunity to engage with the Complainant face to face in order to challenge the concern / complaint raised;
- in the event of the matter being referred to the Fitness to Practice Committee, the Complainant and Respondent may call witnesses and may enter witness statements; and
- witnesses cannot be compelled to attend under this procedure.

### 2.1 Formal Stage (Part 1)

On receipt of a Fitness to Practice concern, the relevant Programme Director will:

- carry out a preliminary review of the issue and the available evidence;
  - examine any supporting evidence/documentation from the person raising the concern;
- inform the Respondent, in writing, of the concern(s);
  - explain the Policy and provide the Respondent with a copy of the Policy;
  - request the Respondent to make a submission in regard to the issue, including any medical or other evidence they would like taken into consideration; and
- arrange a meeting to discuss the matter with the Respondent.

The Programme Director may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to deal with the matter and to provide support to the Respondent. The Programme Director will normally be accompanied at all meetings with the Respondent and a record of the meeting shall be taken.

The Programme Director may decide that:

- there is no case to answer;
  - no further action is to be taken;
  - support arrangements and / or reasonable accommodation to be put in place for the Respondent, following any necessary assessment;
- case merits further action;
  - an action plan be drawn up setting out how the matter will be managed including the outlining of any requirements which are placed on the Respondent;
  - the matter be referred for consideration under another College process (e.g. *Learner Code of Conduct and Disciplinary Procedure* or another college policy); or
  - the matter be referred to the Fitness to Practice Committee (Formal Stage Part 2)

The decision of the Programme Director will be communicated to the Respondent in writing within 15 working days of the meeting between the Respondent and the Programme Director. Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay. A copy of the decision and any associated documentation will be retained by the Office of the Registrar.

## *2.2 Formal Stage (Part 2)*

The Formal Stage Part 2 will be used to address concerns:

- where the Respondent disagrees with the decision made by the Programme Director in the Formal Stage Part 1 and notifies the Programme Director within 5 working days of receiving the decision that (s)he is invoking the Formal Stage (Part 2);
- where the Respondent has failed to comply with the outcome of the Formal Stage (Part 1); or
- where the Fitness to Practice concern is considered too serious to be dealt with under the Formal Stage Part 1

Prior to any matter being determined at Formal Stage (Part 2), the College may undertake any such investigations as it considers reasonable and appropriate in the circumstances. A member of staff will be appointed by the Office of the Registrar to act as Investigating Officer and the College may put in place terms of reference for any such investigation. The Respondent will normally be informed that an investigation is being carried out and of the identity of the Investigating Officer.

The Investigating Officer will determine the process to be followed for the investigation and may speak with the Respondent and with other learners, staff and where relevant third parties (such as placement providers or health professionals) and call for information. Any investigation will be carried out in a transparent and fair manner. The Investigating Officer will:

- inform the Respondent that concerns regarding his / her Fitness to Practice have been raised and full details of the nature of these concerns will be outlined;
- provide the Respondent with a copy of the Policy;
- provide documentation to the Respondent in support of the concern, if any;
- indicate that (s)he will be given an opportunity to respond;
- inform the Respondent that they may be accompanied in accordance with this Procedure; and
- advise of any appropriate internal and external supports available to the learner.

The Investigating Officer will provide a report to the Fitness to Practice Committee which will determine whether the Respondent's Fitness to Practice is impaired or may become impaired.

In advance of the Fitness to Practice meeting with the Respondent, the Chairperson of the Fitness to Practice Committee will write to the learner to:

- inform him / her that concerns regarding his / her Fitness to Practice have been raised and full details of the nature of these concerns will be outlined;
- provide a copy of the Investigating Officer's Report and any additional documentation;

- indicate that (s)he will be given an opportunity to respond;
- invite him / her to attend a meeting with the Fitness to Practice Committee;
- give him / her notice of the date, time and place of the meeting with the Fitness to Practice Committee;
- inform him / her that he may be accompanied in accordance with this procedure; and
- advise of any appropriate internal and external supports available to the learner.

The Fitness to Practice Committee will consider all of the evidence provided to it and may obtain any expert advice that it deems necessary. Arising from its consideration of the evidence, the Fitness to Practice Committee may decide that the Respondent requires one or more of the following:

- undergo examination / assessment by a doctor or specialist nominated by the Fitness to Practice Committee, at the College's expense, in respect of suspected drug or alcohol addiction / misuse. A Respondent who does not comply with this requirement and / or whose tests confirm drug or alcohol addiction / misuse may be required by the Fitness to Practice Committee to withdraw from his/her course and/or placement and / or to defer his / her studies until such time as (s)he is certified by an appropriately qualified person (nominated by the College) to be fit to proceed; and / or
- undergo a relevant examination or assessment by a doctor or relevant specialist nominated by the Fitness to Practice Committee at the College's expense for the purpose of obtaining an opinion as to the Respondent's medical Fitness to Practice. A Respondent who does not comply with this requirement and / or is deemed unfit for practice, may be required by the Fitness to Practice Committee to withdraw from his / her course and / or placement and/or to defer his / her studies until such time as (s)he is certified by an appropriately qualified person (nominated by the College) to be fit for practice.

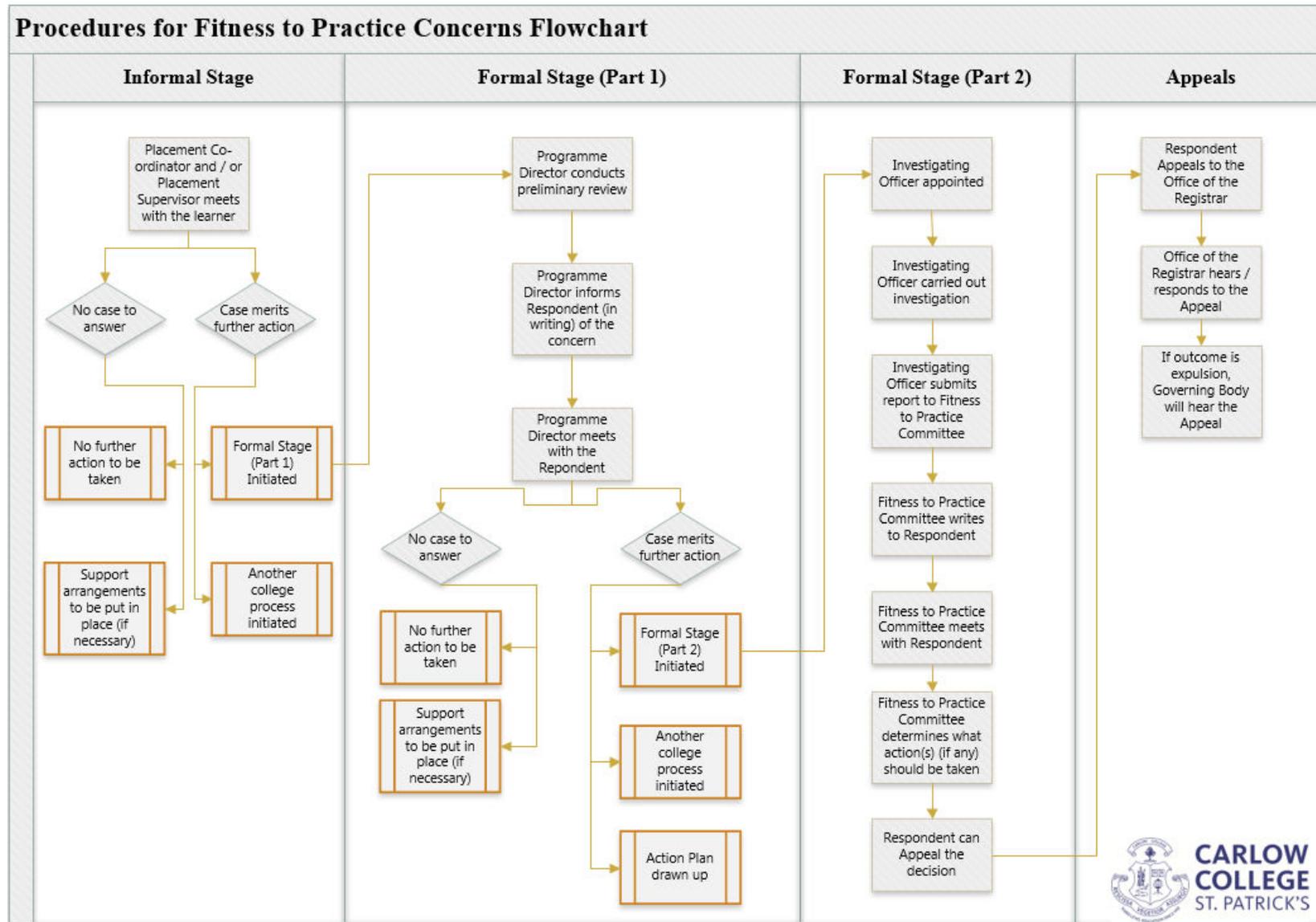
The Fitness to Practice Committee will determine whether the Respondent's Fitness to Practice is impaired, or may become impaired, and whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following:

- decide that there is no case to answer;
- decide that no further is action to be taken;
- support arrangements and / or reasonable accommodation to be put in place for the learner;
- have an action plan drawn up setting out how the matter will be managed by the College including the outlining of any requirements which are placed on the Respondent;
- continue in the relevant programme subject to review;
- caution the Respondent in relation to the matter which will be noted on the Respondent's records and that the matter may be taken into account by the College in response to requests for references;
- require the Respondent to repeat parts of the programme;

- transfer the Respondent to an alternative module (where applicable);
- dismiss or strike out from the Respondent's record any allegations based on vexatious, false or malicious claims;
- terminate / expel the Respondent from his / her course; and / or
- such other action as is appropriate in the circumstances.

The decision of the Fitness to Practice Committee should be communicated to the Respondent concerned in writing within 15 working days. Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay. A copy of the decision and any associated documentation will be retained by the Office of the Registrar.

## Appendix 2.1: Procedures for Fitness to Practice Concerns Flowchart



### Appeals Procedure

#### Appeals

The Respondent may appeal the decision of the Fitness to Practice Committee by writing to the Office of the Registrar within 5 working days from the date of the communication of the Fitness to Practice Committee's decision notification.

The Respondent may appeal the Formal Stage (Part 2) outcome on the grounds that:

- the College failed to follow the process set out in the Policy and this had a material effect on the decision;
- the decision at the Formal Stage (Part 2) was inconsistent or disproportionate to the evidence provided; and / or
- the evidence produced at the Formal Stage (Part 2) meeting with the Fitness to Practice Committee was factually incorrect or the learner has new and material information or evidence which was not previously available and would have a material effect on the decision.

The Respondent must specify the ground(s) on which the appeal is made.

The Office of the Registrar will normally review the Respondent's appeal within 15 working days of the receipt of the appeal and may make one of the following decisions:

- dismiss the appeal (in whole or in part);
- uphold the appeal (in whole or in part);
- direct that the Fitness to Practice Committee undertake a further meeting with the Respondent on the basis of new evidence; or
- impose an alternative decision.

The decision will be communicated to the Respondent normally within 15 working days of the determination of the appeal. This decision is final and may not be appealed.

In accordance with the *Instrument of Governance 2017*, Section 6.1(d), appeals concerning the expulsion of a learner in accordance with regulations of the College will be heard by the Governing Body.

## Appendix 4: Return to Study Procedure



### Return to Study Procedure

It is recommended that learners returning after a leave of absence contact their academic department in advance of their return date to discuss the implications of returning to the College including any conditions of re-engagement and to ensure that appropriate support is in place.

The College reserves the right to require a learner returning to study to provide a letter of certification from an independent physician or psychiatrist or other medical professional who is or has been treating the learner, confirming that the learner is fit to practice / study. The College also reserves the right to require a learner returning to study to undergo a medical examination or assessment (including a psychiatric assessment) by a doctor or relevant specialist nominated by the College at the College's expense.

**Appendix 5: Fitness to Practice Concern Form**



**FITNESS TO PRACTICE CONCERN FORM**

<b>Learner Name:</b>	
<b>Learner ID:</b>	
<b>Programme:</b>	
<b>Address:</b>	
<b>Contact Number (if known):</b>	
<b>Email:</b>	
<b>Staff Member Raising Concern:</b>	<b>Name:</b> <b>Signature:</b> _____
<b>Relationship to learner (role/context):</b>	

**Factual Description of the Concern**

*(Please give specific examples and provide any available supporting evidence)*

**For Programme Director Use: Comments / Observations**

**Learner Comments / Observations on the reported concern**

**Agreed Action Plan**

Where a leave of absence / withdrawal is being considered, the student should check with the Admissions Office for possible financial implications.

**Review Date:**

**Declaration by Learner:**

I understand the nature of the concerns raised by the College in regard to my Fitness to Practice. I understand the impact that these concerns may have upon others. I have agreed to work to implement the Action Plan set out above which has been drawn up to support me overcome the concerns raised. If I do not implement the Action Plan, the College will consider taking other appropriate action as appropriate / required.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witnessed:** \_\_\_\_\_

**Programme Director:** \_\_\_\_\_