

University Campus Oldham

## Fitness to Practise Policy and Procedure

A Guide to Professional Standards and Conduct.

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# Fitness to Practise Policy

This document is written with reference to the UK Quality Code for Higher Education

Chapter B2: Admissions Indicator 1 – Institutions have policies and procedures for the recruitment and admission of students to higher education that are fair, clear and explicit and are implemented consistently.

Chapter B3: Learning and Teaching Indicator 4 – Awarding institutions inform students of their specific responsibilities and entitlements relating to their work - based and placement learning

## Introduction

	In this document, "we", "our" and "us" refer to University Campus Oldham. "You" and "your" refer to students at University Campus Oldham.
1.	All University Campus Oldham (UCO) students are required to comply with the regulations regarding professional conduct. These regulations apply to students studying on courses which lead to a professional qualification where there are statutory or professional or regulatory body requirements relating to health, behaviour, or attitudes. These regulations apply to all enrolled students, and not to applicants, although issues about applications may be considered under these regulations for students who are enrolled. These regulations would normally apply to courses within the Health and Social Sciences, and Early Years and Teacher Education faculties.
2.	We are committed to ensuring that you, as a UCO student, are fit to practise in the relevant profession and that you meet the professional standards of the relevant professional, statutory or regulatory body. We will ensure that you are made fully aware of any concerns about your fitness to practise and that any decisions about your fitness to practise are arrived at through a fair and transparent process. We are committed to ensuring that we are mindful of our obligation to safeguard the public interest, i.e., protection of clients and children, maintenance of public confidence in professions and in upholding proper standards of conduct and behaviour. We expect all UCO students to comply with our rules of conduct (see your student handbook).
3.	Issues considered under these regulations include those relating to your health, behaviour, or attitude which may affect your fitness to practise in the relevant profession. These concerns may arise inside or outside the University and may be brought to our attention by any person or organisation. The process for reporting issues from placement providers, which merits attention, may be considered under these regulations.

4.	Where issues may be considered under another UCO regulation or policy as well as this one, e.g. Academic Integrity Policy, UCO will use the most appropriate procedure to provide fairness to you, the scope and purpose of the regulations and our responsibility to professional, statutory and regulatory bodies. It may be appropriate for the outcome of any proceedings under one set of regulations to also be taken into consideration under another set of regulations or policy.
5.	It is acknowledged that some behaviour which might give rise to concern about professional suitability or might amount to professional misconduct may be attributed to the health or disability of a student. UCO will consider the matter in a way which is supportive to the health of the student. However, the protection of the public and the reputation of UCO and the programme of study must be the overriding concern in any decision which is taken in respect of the student.
6.	UCO recognises the possibility that any allegation relating to professional unsuitability or professional misconduct may be vexatious or malicious. UCO therefore, assures any respondent of a fair process, and gives the undertaking that any allegations found to be vexatious or malicious may be referred to its disciplinary procedure for students and staff.
7.	In exceptional cases, where there is an occasion of a minor misconduct and/or breach of professional standard, in a student's learning, UCO will offer an opportunity for that student to learn from that experience and offer a facilitative approach to improvement.
8.	In the event of one or more allegation, or misconduct, which indicate that the student may not be suitable to become a professional in their chosen field, the Fitness to Practise Procedure shall be invoked.
9.	The impact of any concerns about your Fitness to Practise will be decided in the context of the particular professional standards of the relevant professional, statutory or regulatory body applying to your specific programme of study.
10.	We are responsible for making you aware of the relevant professional standards. You are responsible for familiarising yourself with the relevant professional standards and meeting the requirements.
11.	You will be required to self-report on matters relating to your health, behaviour or attitude e.g. if you are the subject of criminal justice processes or employee/student disciplinary processes.
12.	Such requirements may be profession specific and you will be made aware of these in course-specific documentation. If you fail to self-report as required, this may lead to action under these regulations.
13.	We may start proceedings under these regulations up to six months after you have ceased to be a student of the University. If you withdraw from

	the programme after the proceedings have started, we may continue the proceedings.
<b>General Principles</b>	
14.	Those investigating or making decisions at any stage of the proceedings set out in these regulations will do so impartially.
15.	Any issues raised under these regulations will be dealt with promptly, sympathetically and with respect for privacy and confidentiality. Information will only be disclosed to other parties as is deemed necessary for the investigation of a case, or for safeguarding reasons, or as required by law, or as is required by the relevant professional, regulatory or statutory body.
16.	Students are advised to seek impartial help, advice, and guidance and support e.g. Student Union.
17.	Action under these regulations will be initiated promptly following the receipt of any allegation or the emergence of relevant issues of concern. Such action will be completed as quickly as possible balancing the need for a thorough investigation and a fair process to provide a speedy outcome. You will be kept informed of the progress and, informed of any delay in the investigation.
18.	<p>Where the placement provider informs us that they are no longer prepared to accept you for training because of concerns about your “Fitness to Practise”, UCO will confirm to you that you should no longer attend that placement. A decision will then be made whether an investigation is required under these regulations. If appropriate we may seek to place you back with the placement provider or to find you an alternative placement.</p> <p>Delays to attendance on placement may occur pending an investigation and conclusion of “Fitness to Practise” cases. This means the length of time taken to complete your award could increase and there will be a number of implications of this including fees, funding and any visa implication.</p>
19.	Where concerns raised with us which, if substantiated, could mean there is a potential risk to the wellbeing of other students and staff, or the clients or staff of a placement provider, or to your own wellbeing, you may be suspended from UCO generally pending investigation under these regulations. Suspension may also be considered if it was deemed that a thorough investigation of the case would be difficult to conduct if you were continuing on the programme without any restriction or limitation.

20.	When a concern is raised with us, the senior subject tutor or equivalent, will decide whether or not to instigate a Fitness To Practise investigation. We may decide that issues can be dealt with under the informal stage of the Student Disciplinary Regulations, for example attendance issues.
21.	At all stages of this procedure, you can bring someone with you to any meetings held to assist you in presenting your case. You are advised that you may contact the Student Union regarding being accompanied at the meeting. The person accompanying you cannot be a professional legal representative who has been employed to act on your behalf.

## Procedure

### Stage 1 - Fitness to Practise (FTP) Investigation

22.	Having decided there is a case to investigate, the senior subject tutor, or equivalent, will refer it to an investigator who will write to you explaining the nature of the concern/allegation and invite you to a meeting where you can give an explanation of the situation.
23.	The investigator can decide whether to involve other members of staff or members of external bodies (e.g. representatives of placement providers) in the investigation and in meeting with you as is reasonable and appropriate. You will be kept informed of the extent and progress of the investigation.
24.	The investigator can also, as is reasonable and appropriate, request an occupational health assessment or a check from the Disclosure and Barring Service.
25.	Following completion of the FTP investigation, the investigator may decide to: <ul style="list-style-type: none"> <li>a) take no further action under these regulations; and/or</li> <li>b) refer issues for further consideration under these regulations; and/or</li> <li>c) allow you to continue fully as a student on the programme but issue some advice as to future conduct and/or impose conditions which may include a requirement to attend an alternative placement. If you are not willing to accept the advice or any of the conditions, the case will be referred to a Fitness to Practise (FTP) Panel</li> <li>d) refer the case to a FTP Panel.</li> </ul>
26.	We aim to complete the Stage 1 Fitness to Practise investigation and come to a conclusion normally within 30 working days of informing you of

	the concern/allegation. You will be informed of the outcome of the FTP investigation in writing on conclusion of the investigation.
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## Procedure

### Stage 2 - Fitness to Practise Panel

27.	The senior subject tutor, or equivalent, will agree referrals to FTP Panel and agree the membership of the panel.
28.	<p>The FTP Panel will consist of:</p> <ul style="list-style-type: none"> <li>a) a senior academic member of the student's faculty (Chair)</li> <li>b) one academic member of staff who is professionally qualified from the subject/ professional area in which the student is enrolled</li> <li>c) one member of staff who is not from the subject/ professional area in which the student is enrolled</li> <li>d) The Chair can decide to include a person with a relevant professional qualification from another institution or body</li> </ul> <p>Professional bodies may have their own requirements for FTP Panels which case the Panel may vary.</p>
29.	You have the right to attend the Panel hearing but you do not have to attend. If you choose not to attend, or do not attend after giving notice of attendance, the Chair of the Panel can decide whether or not the hearing will go ahead as planned in your absence. You can submit a statement to present to the Panel in your absence which must be submitted at least 5 working days before the Panel hearing.
30.	<p>You will be given at least 15 working days' notice of the date and time of the Panel hearing. You will be informed of the fitness to practise issues which have been referred to the Panel. We will send you copies of the documents which the case presenter will present to the Panel, the names of the Panel members and the names of any witnesses who will be called at least 10 working days before the Panel hearing.</p> <p>Where a witness statement is provided the name of the witness will normally be identified. However, there may be exceptional cases when anonymous statements will be provided because there are reasonable grounds for considering that the witness will be at risk if his or her identity is revealed. Whether or not to accept anonymous statements will be the decision of the Chair of the Panel.</p>
31.	<p>At least 5 working days before the Panel hearing you must:</p> <ul style="list-style-type: none"> <li>• inform the administrator to the Panel whether or not you will be attending the Panel hearing</li> </ul>

	<ul style="list-style-type: none"> <li>• inform the administrator to the Panel of any friend or representative who will be in attendance</li> <li>• inform the administrator to the Panel of the names of any witnesses you wish to call</li> <li>• provide copies of any documents or written statements you wish to submit to the Panel.</li> </ul>
32.	<p>The Panel may, acting through the Chair:</p> <ul style="list-style-type: none"> <li>a) adjourn a hearing as it thinks fit, from a short break in the proceedings to reconvening on another date; and/or</li> <li>b) ask for additional enquiries to be undertaken, and/or call for additional witnesses to attend; and/or</li> <li>c) ask questions of the Chair/Panel, the student and/or his or her representative and any witness; and/or</li> <li>d) impose time limits on oral addresses and submissions; and/or</li> <li>e) refuse to admit evidence for example on the grounds that it is irrelevant to the issues raised; and/or</li> <li>f) recall witnesses to give further evidence; and/or</li> <li>g) dismiss the case at any stage during the hearing</li> </ul>
33.	<p>The procedure for the Panel hearing will normally be:</p> <ul style="list-style-type: none"> <li>a) The allegation(s) and how it relates to the relevant professional standard of conduct will be put to the Panel.</li> <li>b) The Chair/Panel may call any witnesses in turn and question them.</li> <li>c) Student or representative may question those witnesses.</li> <li>d) Student or representative may address the Panel</li> <li>e) Student or representative may call witnesses in turn and question them.</li> <li>f) Student may give evidence.</li> <li>g) Chair and/or members of the Panel may question those witnesses and question the student if they have given evidence.</li> <li>h) The Chair may make concluding remarks to the Panel.</li> <li>i) Student or representative may make concluding remarks to the Panel.</li> <li>j) The Chair, student and student's representative will withdraw and the Panel will consider its decision. Witnesses will only be present for the part of the hearing in which they give evidence. The administrator to the Panel may not participate in the decision making of the Panel but may advise on its powers.</li> </ul> <p>Panel members may ask questions at any point during the hearing.</p>
34.	<p>The Panel can decide to take one or more of the following actions:</p> <ul style="list-style-type: none"> <li>a) defer a decision pending the receipt of further information or advice;</li> </ul>

	<p>b) decide there is no case to answer and no further action will be taken;</p> <p>c) permit the student to continue on the programme, either unconditionally, or subject to such requirements relating to the programme as may reasonably be imposed;</p> <p>d) exclude the student from all, or particular aspects of , study on the programme for a specified period of time, not exceeding 12 months;</p> <p>e) require the student to repeat a specified part or parts of the programme;</p> <p>f) exclude the student permanently from further study on the programme;</p> <p>g) exclude the student from enrolling on any other award with professional requirements within the Faculty or University;</p> <p>h) recommend to the Vice Principal that the student is expelled from University Campus Oldham;</p> <p>i) recommend to the Academic Board that an award already made is withdrawn.</p> <p>The Panel shall come to conclusions about facts on the balance of probabilities.</p>
35.	<p>In coming to decisions the Panel may consider as appropriate factors such as their findings of fact in relation to statutory or professional or regulatory guidance about standards and fitness to practise, extent, impact, intent, repetition, mitigation, the training the student has already experienced, the likely impact of future training, any reasonable adjustments that have been made for a student with a disability, and any reasonable adjustments that may be made for a student with a disability in the future.</p>
36.	<p>We aim to complete the Stage 2 Fitness to Practise Panel and come to a conclusion normally within 30 working days of referral to FTP Panel. You will be informed of the outcome of the FTP Panel in writing within 5 working days of the Panel hearing including the reasons for the Panel findings and any sanction imposed.</p>
<p><b>Request for Review of Decisions Reached by the FTP Panel</b></p>	
37.	<p>Where you receive a warning or sanction you will be informed of your right for a review of the decision.</p> <p>Where you have been the subject of a Fitness to Practise hearing you may request a review of the decision by the panel. Such a request must rest on the grounds either that:</p> <ul style="list-style-type: none"> <li>• the hearing was not conducted fairly;</li> <li>• there is new evidence which should be taken into account and for very good reason was not made available at the time of the hearing.</li> </ul>

Identifiable grounds are required to enable the review process to proceed and the student must include a brief explanation of why you consider that they are relevant.

A request for a review of a decision should be addressed to the Head of Quality and Registry and must be lodged within 20 working days from the date of the letter of notification of the decision. All evidence must be presented with the request. Evidence cannot be presented at a review hearing.

Disagreement with the severity of a sanction imposed by a tribunal will not of itself constitute grounds for a review. Once a review request has been lodged and accepted, no penalty will take effect until the review procedure has been exhausted but, where you have been suspended from your studies the suspension will remain in place.

The Head of Quality and Registry or nominee is entitled to dismiss the review without hearing in the following circumstances:

- the request for a review was not notified within the prescribed timescale;
- no identifiable grounds for review were presented;
- the grounds for review are deemed to be frivolous or vexatious.

In such cases you will be informed of this decision in writing and the process will be concluded at this point.

A review against a Fitness to Practise decision will be heard by a University level panel chaired by a Vice Principal and convened by the Department of Quality and Registry.

The composition of a review panel will include:

- a Director from another Faculty;
- an Academic Integrity Officer;
- a senior member of academic staff from within the Faculty, but outside the subject area;
- SU nominee not previously involved.

The Head of Quality and Registry or nominee will convene the hearing and act as note taker but will not be a member of the Panel.

The Review Panel will follow the format of the Fitness to Practise hearing and will consider the request, the outcomes will be as those described in item 34 above.

The Review Panel may substitute any of the lesser sanctions available at any stage in the proceedings and their decision is final. The Review Panel will inform the student in writing within 5 working days.

	<p>If an allegation has been proved and a penalty imposed, a copy of the final decision will be placed on the Student's file and lodged within Registry. The professional body will be advised if appropriate.</p> <p><b>Office of the Independent Adjudicator (OIA)</b></p> <p>In respect of all outcomes including those where an offence has not been proven, the Head of Quality and Registry will advise students that they may take their case to the Office of the Independent Adjudicator (OIA). The Department of Quality and Registry will issue to the student a Completion of Procedures letter for the purposes of application to the OIA.</p>
<h3>Monitoring and Reporting</h3>	
38.	<p>Where appropriate the findings will be reported to the relevant professional, or statutory, or regulatory body after an appeal has been heard or after the period for making an appeal has elapsed. You will be informed in advance of the intention to report, the scope of the report and the body or bodies to whom the report will be made. You will have the opportunity to make written representations to the Chair of the Panel about the intention to report and the scope of the report and the body or bodies to which the report will be made but the Chair's decision will be final.</p>
39.	<p>We will record the anonymised incident, and any appeal, and the findings will be incorporated into UCO's review for quality and standards.</p>