

Fitness to Practice Policy

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1. Purpose

In addition to meeting the learning outcomes of their programmes, applicants and enrolled students must satisfy the University that in respect of their health and conduct they do not constitute a risk to patients or professional clients and meet the requirements of professional bodies.

2. Policy statement

This policy is intended to incorporate the principles of natural justice and procedural fairness and shall be conducted in reference to the guiding principles below.

Guiding Principles

1. A person making a decision in a case should declare any personal interest they have in the proceedings;
2. A person who makes a decision should be unbiased and act in good faith;
3. Proceedings should be conducted so that they are fair to all parties;
4. Each party should be given the opportunity to ask questions and contradict the evidence of an opposing party;
5. A decision maker should take into account all relevant considerations and extenuating circumstances and ignore any irrelevant considerations;
6. Justice should be seen to be done.

3. Scope

This policy is applicable to:

Any applicant for or student enrolled on a programme of study offered at Regent's University London which leads directly to, or which satisfies a necessary condition of, a professional qualification, and/or which gives the right to practice in one or more professions.

4. Process

When necessary, action should be taken under this Fitness to Practice Policy (FTPP) to:

1. Protect present or future patients, service users or clients;
2. Protect the University against a legal suit brought by someone claiming to have suffered loss or harm as a result of a student proving after qualification to be unfit to practice
3. Ensure students do not waste time and money seeking a qualification for which they are not suited;
4. Comply with the requirements of professional bodies.

In all cases a student will be presumed to be innocent of any allegation until proven otherwise.

Confidentiality will be maintained in all proceedings unless the Head of Student Support directs otherwise and for valid reasons.

i. Raising a Concern

Any concerns that a student enrolled on a programme coming under the scope of this policy may have acted in a way, or may have a physical or mental health problem, which may render that student unfit to practice should be submitted to the relevant Director of Content in writing.

The cause for concern report should:

- Note the reason(s) for referral, information should be provided in chronological order
- Note any actions taken prior to the referral
- Be accompanied by evidence of the concern(s)

ii. Preliminary Investigations

The Director of Content will carry out preliminary investigations into the concerns raised. Details of the procedures for a preliminary investigation can be found in Appendix 1. Examples of conditions that may lead to a student to be unfit to practice are provided in Appendix 5.

iii. Fitness to Practice Panel

On receipt of a referral following the Preliminary Investigation stage (see Appendix 1), the Head of Student Support shall arrange for a Fitness to Practice Panel to be convened as soon as possible, normally within 6 working weeks of the case being referred, and for a member of the Quality & Enhancement Department to act as Secretary to the Panel (see Appendix 2). The FTP Panel will have a range of penalties at its disposal (see Appendix 3).

iv. Support

If any support needs are identified in the preliminary investigation, the Department should ensure that these are implemented or that the student is made aware of where they can seek advice or guidance. All reasonable efforts are made to enable the student to continue on his/her programme of study. The on-going fitness to practice of the student should be monitored as normal.

v. Appeals

The student will have the right to appeal the outcome of the FTP Panel. Details of the Appeals process are outlined in Appendix 4.

5. Responsibilities

This policy will be available on the University Internet. It is the responsibility of all staff particularly those coming into regular contact with students studying on relevant programmes to which this Policy is applicable to take appropriate action if in their judgment there is sufficient cause(s) for concern as outlined in this policy. Concerns should be raised by the relevant Director of Content, who in turn is required to notify the Head of Student Support in writing of such concerns as outlined in 3.a) ii. The appeals process is outlined in Appendix 4.

6. Monitoring and review of the policy

The success of the policy will be measured by:

- The adherence to the timelines outlined in the policy;
- The number of successful appeals based on a failure to carry out the policy; and
- No substantiated claims against the University based on the fitness to practice of a student;

The policy will be monitored by the Head of Student Support and an annual report will be produced for the Academic Committee. Where appropriate, some details may be redacted on the grounds of confidential or medical data.

This policy will be reviewed every 3 years by the Academic Committee. The review is to be undertaken by the Head of Student Support.

7. Dependencies

None

8. Related documents

Regent's University London Student Code of Conduct

9. Appendix 1

Preliminary Investigations Procedures

1. On receipt of a report such as that described in 5.2 the Director of Content should normally review the case within five working days and decide whether the concerns raised should be dealt with.
2. Where it is considered that conduct not in line with the expectations of the programme may have taken place or that relevant health problems exist, this shall be the subject of a preliminary investigation. The investigation will be carried out by the Director of Content in consultation with the relevant Course Leader, and a senior academic who has had no prior contact with the student concerned.
3. The student will be notified in writing by the Director of Content about the nature of the concern being raised under the Fitness to Practice Policy and will be directed to a copy of the Policy and support available from the Student Support and Welfare team.
4. The student will be made aware that they have a right to respond to the report in writing, and to make the Director of Content aware of any extenuating circumstances that they consider pertinent to the report, to be returned to the Director of Content within five working days of being notified of a concern.
5. In all cases the student has the opportunity to seek support from Student Support and Welfare team prior to responding to the report.
6. The preliminary investigation should normally have taken place and a decision been reached within twenty working days of the receipt of the report by the Director of Content.
7. Preliminary investigations shall consist of the collection of all information and evidence leading to the concern regarding the student's fitness to practice.
8. The purpose of an initial investigation is to determine whether there is a case to answer as to whether the fitness to practice of the student is impaired.
9. Following such a review the Director of Content, Course Leader and Senior Academic shall have discretion to:
 - i. dismiss the concern;
 - ii. refer the case to a Fitness to Practice Panel.
10. In the case of (ii), the referral will be sent in writing to the Head of Student Support by the Director of Content.

10. Appendix 2

Fitness to Practice Panel

1. The Fitness to Practice Panel shall normally consist of

- The Head of Student Support (Chair)
- The Associate Provost for the related area of study
- The Head of Quality & Enhancement

A Secretary will be appointed to the Panel from the Quality & Enhancement department.

In instances involving concerns regarding a student's health, the Panel shall also include a member of University staff with suitable knowledge of matters relating to student health.

2. Members of the Fitness to Practice Panel shall not have been involved in the preliminary investigation.

3. Where it is deemed helpful to do so, an appropriately experienced person from a professional body may be appointed as an adviser to the committee at the University's discretion.

4. Meetings of the Fitness to Practice Panel shall normally be held on the Regent's University London Park Campus unless alternative arrangements have been agreed with the University.

5. As soon as reasonably practicable after the appointment of the Panel (and bearing in mind the expectation that such cases should be heard normally within six working weeks of the referral being communicated to the student) the secretary to the Panel shall, no later than 10 working days before the Panel meeting:

- i. notify the Chair and members of the Fitness to Practice Panel of the date, place and time of the meeting and supply them with copies of the referral and of any statements or documents;
- ii. inform the student of the date, place and time of the Panel meeting and that they have the right to be represented or accompanied by a fellow student or student union representative or occupational therapist, to hear all the evidence, to call and question witnesses and to submit other evidence;
- iii. send to the student copies of statements of witnesses and of documents to be placed before the committee and offer the student an opportunity to indicate any statement or documents which may be in dispute.

6. Documentary evidence shall be sent by the student to the Secretary prior to the date of the meeting and circulated to members of the Panel. Any further evidence made available on the date of the meeting may be presented to the Panel at the discretion of the Chair.

7. The student shall be required to inform the Secretary as to whether or not they intend to attend the meeting of the Panel. In the event that the student does not respond to two attempts by the Secretary to contact them, the meeting of the Panel may proceed without them. Should the student indicate that they do not wish to attend the meeting, the panel will

proceed in their absence. In such a case the student may elect to be represented at the meeting.

8. A student who intends to be accompanied or represented shall inform the Secretary of the name of the person accompanying or representing them in writing in advance of the meeting. The student will have been notified of their entitlement to be accompanied by a fellow student or student union representative or occupational therapist, or be represented by a third party on the student's behalf.

The representative may speak on their behalf but may not be a solicitor or barrister acting in a professional capacity. Any person accompanying or representing the student shall be asked by the Panel to identify themselves at the beginning of the proceedings and may be invited by the Panel during the hearing to speak in reference to the case.

9. Should a student not attend the meeting of the Panel, having previously indicated to the secretary that they would attend, the meeting shall proceed in their absence.
10. The Director of Content or nominated member of staff involved in the preliminary investigation will be invited by the Chair to present the case against the student. Documentary evidence in support of the case against the student may only be presented to the Panel on the day of the meeting at the discretion of the Chair.
11. The student will be invited to respond to the presentation of the case by the Chair. Members of the Fitness to Practice Panel may ask questions of the student. When the Panel and the student have finished presenting the case and answering/asking questions the student and any person accompanying the student shall withdraw from the meeting.
12. Once the student any person accompanying the student have withdrawn from the meeting any witnesses relevant the case may be called to the meeting so members of the Fitness to Practice Panel may ask questions. Witnesses shall be concerned only with evidence relating directly to the case and shall withdraw after questioning.
13. The student shall have the right to see evidence brought against them as presented by the Chair, and to submit other evidence in advance of the meeting. Additional documentary evidence from the student may only be presented to the Panel on the day of the meeting at the Chair's discretion. The Chair may invite contributions from a person accompanying the student; this person may not otherwise speak, or question witnesses or present other evidence.
14. When the submission of evidence and the questioning of witnesses and student are completed, all persons other than the members of the Panel and the Secretary, shall withdraw.
15. The Panel shall then consider whether a case for unfitness to practice may exist and if so what penalties should be imposed. When making a decision, the Panel will consider evidence submitted and statements made at the meeting by all parties. The panel may take into consideration any penalty previously imposed on the student for breach of any University regulation.

11. Appendix 3

Penalties available to the Fitness to Practice Panel

1. On reaching a decision the Panel shall then consider whether any penalty should be imposed. Penalties may include:
 - i. permitting the student to continue with the programme under specific close supervision and/or specified conditions;
 - ii. suspending the studies of the student for a specified time with conditional return;
 - iii. recommending any other action considered appropriate and reasonable by the committee to enable the student's successful completion of the remainder of the programme;
 - iv. requiring that the student's studies on a programme leading to a professional qualification be terminated, but recommending instead application for an alternative programme at an equivalent level, subject to usual admissions requirements;
 - v. requiring that the student's registration on a programme be terminated with immediate effect and that their enrolment as a student should cease. In such cases no award for the student's progress on the programme so far will be made.
2. Where registration is permitted to continue under specified conditions, the department will monitor progress and report any failure to meet the conditions set to the Chair of the Fitness to Practice Panel.
3. Any decision of the Fitness to Practice Panel should be communicated to the student within 5 working days specifying any action to be taken and directing the student to the Fitness to Practice appeals process (Appendix 4).

12. Appendix 4

Appeals

1. The University is only prepared to consider appeals which are based on one or both of the following grounds and providing that the student's claims are supported by documentary evidence:
 - the student can establish that there has been an administrative error or material irregularity in the operation of the Fitness to Practice Policy; or that any elements of the Fitness to Practice Policy were not conducted in accordance with current regulations or special arrangements formally agreed.
 - exceptional personal circumstances which were not known to the Panel at the time that the student's case was considered, and which can be evidenced to be relevant to the suggestion of unfitness to practice. (In appeals based on these grounds the appellant must evidence good reason why such personal circumstances were not made known to the Fitness to Practice Panel before its meeting. Where a student could have reported exceptional personal circumstances to the Panel prior to its meeting, those circumstances cannot subsequently be cited as grounds for appeal.)
2. Any appeal against a decision of the Fitness to Practice Panel (including any penalty imposed) shall be sent in full, in writing to the Quality Office within 10 working days of the notification of the outcome of the panel using the Fitness to Practice Appeal Form. Simple notice of appeal given in writing by a student within the above deadline shall not be deemed to constitute an appeal proper and shall not be accepted. The Quality Office shall have discretion to declare inadmissible any matter introduced by the appellant, or by any member of staff or student accompanying the appellant, if they deem it not directly related to the contents of the appeal previously lodged in writing within the stipulated deadline.
3. On receipt of an appeal the Quality Office shall acknowledge receipt, normally within three working days and, where appropriate to the circumstances of the case, consult the Chair of the Fitness to Practice Panel. The appeal will then be considered by the Quality Office. The appellant shall be provided with a written progress report within 25 working days.
4. The Quality Office is required to disallow an appeal normally within three months of its receipt if the appeal:
 - is based on factors which were known to the Fitness to Practice Panel when the penalty was imposed;
 - introduces information which was known to, and could have been reported by, the student prior to the meeting of the Panel.
5. If it is decided by the Quality Office that there is a prima facie case to be considered, they will call an Appeal panel to hear the appeal in accordance with section C10.4 of the Academic Regulations.
6. The Appeal panel shall base its decision on the evidence of the appellant's submission and the testimony of the Chair of the Fitness to Practice Panel concerned, together with any further evidence which it considers relevant.

7. The decision of the Appeal panel, and recommendations or advice where appropriate to the circumstances of the case, shall be conveyed by the Quality Office as soon as possible to the appellants by issuing a Completion of Procedures letter and the Chair of the Fitness to Practice Panel.

The Appeal panel shall be empowered to take one of the following decisions:

- to reject the appeal;
 - to disallow the original penalty and to refer the case back to the original Fitness to Practice Panel for a review of the penalty imposed;
 - to require a new Fitness to Practice Panel to re-hear the case.
8. Where a new Fitness to Practice Panel is required to re-hear a case, the membership of that Panel should be entirely different from that of the previous Panel. The new panel shall be constituted from equivalent members of staff to ensure appropriate levels of seniority and expertise. The new Panel shall not be provided with any evidence of any penalty imposed by the previous Panel, or details of any other matter discussed by the previous Panel or Appeal panel, other than that it is re-hearing a case on appeal.
 9. An obligation to hear the case on the basis of the facts presented before them at the hearing and not in the light of anything that they may have heard or discovered outside the FTP Panel, shall be framed within any Terms of Reference applying to the FTP Panel members.
 10. The decision of the Appeal panel shall be final in so far as the internal procedures of Regent's University London are concerned and the matter shall, thereafter, be regarded as the completion of the final part of the internal University procedure. On receipt of the Completion of Procedures letter, the appealing student has the right to take their case to the Office of the Independent Adjudicator (OIA)

13. Appendix 5

Examples of Circumstances that might render a Student Unfit to Practice

Examples of issues that may lead to fitness to practise concerns, if the student's ability to meet professional standards may be impaired, include:

- 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.