



## **UCP- FIT001 Higher Education Fitness to Practise Policy**

### **1. INTRODUCTION**

- 1.1 For courses which qualify students for professional accreditation by another organisation, we have a duty to protect the public by setting standards for professional practice, overseeing the education of students and acting when we doubt whether they are fit to practise. 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 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.

### **2. PURPOSE**

- 2.1 The Fitness to Practise Policy reflects University Centre Peterborough's (UCP) commitment to prepare students to become effective, safe and qualified professionals. This policy applies if UCP identifies that a student has issues in meeting professional requirements. It is designed to make sure University Centre Peterborough (UCP) takes appropriate action in the best interests of the public, the profession and the student. It is not appropriate for us to enrol a student or allow them to continue to study on a programme when they would be unable to enter that profession such as education where they must be able to hold a successful enhanced Disclosure and Barring (DBS; formerly the Criminal Records Bureau) check.
- 2.2 This policy aim to provide a framework within which UCP can work with students to maintain satisfactory standards of conduct and ongoing fitness to practise and to encourage and support improvement where necessary.

### **3. SCOPE**

- 3.1 This policy applies exclusively to all Higher Education provision offered by University Centre Peterborough. This also applies to sub contractual provision.
- 3.2 Allegations may relate to behaviour while a student is in UCP premises or in attendance at a placement setting related to their course of study. However, if it is reasonably believed that any behaviour in other settings has damaged or compromised relevant professional standards, action may be taken under this procedure.
- 3.3 In the context of this policy the term Fitness to Practice encompasses both student conduct and good health in determining a student's professional suitability for a particular programme of study and subsequent professional qualification and eligibility for future registration with a Professional, Statutory or Regulatory Body (PSRB).
- 3.4 Issues which could cause concern will vary from profession to profession but may include:
- i. criminal convictions;
  - ii. criminal convictions which prevent a student from obtaining a DBS;
  - iii. information previously not declared which raises questions of a student's suitability;
  - iv. allegations of inappropriate behaviour; and
  - v. illness.

This is not an exhaustive list.

- 3.5 The expected standards of behaviour and responsibilities of students studying some programmes may be different to those of other students and must at all time justify the trust the public places in these key professions which can involve children, young people and vulnerable adults.
- 3.6 Issues relating to the assessment of professional competences or allegations of academic misconduct will usually be managed under the Assessment and Academic Integrity policies.
- 3.7 UCP is mindful of its duty of care and of its obligations to students under the Equality Act 2010, including in appropriate cases to make reasonable adjustments.

#### 4. **RELATED DOCUMENTS**

- 4.1 UCP-FIT002 Higher Education Fitness to Study Policy  
UCP-CRI001 Higher Education Declaration of Criminal Convictions Policy  
UCP-REC001 Higher Education Recruitment and Admissions Policy  
UCP Terms and Conditions of Admissions and Enrolment  
UCP-ASS005 Higher Education Academic Appeal Policy

#### 5. **RESPONSIBILITIES**

- 5.1 The Academic Director has overall responsibility for the policy but has delegated day-to-day responsibility for overseeing its implementation to the staff identified. All relevant members of staff have been made aware of the procedure and have received appropriate training.

#### 6. **RISK ANALYSIS**

- 6.1 This policy is required to ensure that any impact on a student's fitness to practise is fairly evaluated and supported by the institution as bound by UK legislation.

##### **Analyse risks of non-adherence to this policy**

- 6.2 Failure to adhere to this policy could lead to academic failure of students, complaints and in extreme cases, legal action with regard to the Equality Act 2010.

##### **Staff training needed**

- 6.3 All staff involved in teaching, enrolling, supporting students and offering Information Advice and Guidance (IAG) are required to undertake annual training delivered by the HE Student Support Team to outline the support that is available and the process by which students can be referred for support. This training will be enhanced by annual updates provided on procedural requirements which will be delivered by the Academic Office.

#### 7 **DATA PROTECTION**

- 7.1 UCP complies with the provisions of the General Data Protection Regulation Data Protection Act, 2018. As such, applicant and student data are treated as confidential by all staff involved in this process and are not divulged unnecessarily or inappropriately. However, the aforementioned Act requires UCP to release certain information to UK authorities upon request in order to assist those authorities with the prevention and detection of fraud or other crimes. We will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the Police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions. We may use

anonymised data collected as part of the purpose of fulfilling statistical and reporting requirements.

## **8 PROCEDURE**

8.1 UCP will act to deal with concerns promptly and fairly with a view to managing matters effectively and supporting students, and where necessary, other students and relevant staff. UCP recognises that dealing with matters in this way is critical, not only to ensuring that relevant professional standards are attained and maintained, but also to supporting student learning, academic achievement and a positive student experience and working environment for staff.

8.2 Examples of where fitness to practise concerns may arise include, but are not limited to, instances where a student has, or is suspected of having:

- Health concerns including failure to seek or adhere to medical treatment or support, where mental health, emotional or inter-personal issues pose a risk to the student's own safety, health or well-being or that of others,
- Aggressive, violent or threatening behaviour;
- Unprofessional behaviour including breach of confidentiality and failure to maintain appropriate professional boundaries;
- Persistent inappropriate attitude or behaviour;
- Criminal convictions
- Drug or alcohol misuse
- Failure to comply with PSRB requirements in relation to standards of acceptable conduct.

8.3 If there is, for whatever reason, concern about a student's fitness to practise, the person identifying this must report it to UCP's Academic Director.

8.4 The Academic Director will investigate the concern and outcomes could be:

- i. Apology from the student and agreement to abide by the UCP code of conduct
- ii. Verbal warning
- iii. Written warning
- iv. Or escalation to the Fitness to Practise Committee

8.5 If, as a result of the investigation, the Academic Director considers that there are reasons for calling a meeting of the Fitness to Practise Committee, they will pass to the committee secretary, a written statement with the reason for concern.

8.6 Once the Academic Director has lodged a concern with the committee secretary, the student may continue with their course, without affecting the outcome of the hearing, as long as they do not put themselves or others at risk. The final decision on whether they can carry on attending UCP or a placement will be with the Academic Director.

## **9 Procedure when concern for a student is referred to the Fitness to Practise Committee**

9.1 The committee secretary will refer the concern to the Fitness to Practise Committee.

9.2 At least seven working days before the hearing, the committee secretary will give to the Academic Director and to the student, copies of any documents which are to be placed before the committee.

- 9.3 The committee secretary will do the following.
- a. Call a meeting of the committee, normally within 20 working days from the day on which they receive the written statement in section 8.5 above.
  - b. Ask the student if they object to the Student Officer or a member of the Student Council/Student Representative being at the meeting of the committee.
  - c. At least 15 working days before the meeting, give notice to the Academic Director and the Student Officer or a member of the Student Council/Student Representative of the date, time and place of the meeting.
  - d. At least 15 working days before the meeting, they will give the student notice in writing and by hand or if this is not possible by recorded or special delivery to their last known address. The notice will give details of:
    - i. the reasons for concern;
    - ii. the date, time and place of the committee hearing;
    - iii. their right to be heard at the hearing;
    - iv. their right to be accompanied by a friend (who may not also be a witness) or by a representative of the Student Council;
    - v. their right to provide a written statement or written evidence for the committee to consider (this must be received at least two working days before the hearing);
    - vi. their responsibility to let witnesses know about the hearing and to make sure they attend; and
    - vii. their responsibility to let the committee secretary know, as soon as possible and at least two working days before the hearing, the names of the witnesses they plan to call and, if they want to be accompanied by a friend, the name of the friend or name of the representative of the Student Council.

## **10 The Hearing**

- 10.1 The Chair will be elected. The Chair may invite other people to be at the hearing for the purpose of maintaining security or safety.
- 10.2 The committee secretary will keep a record of the proceedings and may, for this purpose, appoint a recording clerk.
- 10.3 If two or more students are the subject of the hearing, the committee will decide whether it would affect the interests of either student hearing the concern against them jointly. If, in the committee's opinion, interests might be affected or proceedings could not be easily or fairly carried out against two or more students together, they will continue the hearing against them individually.
- 10.4 Evidence will be taken in the following order.
  - i. the Academic Director.
  - ii. witnesses called by the Academic Director.
  - iii. the student or their friend or representative of the Student Council.
  - iv. any witnesses requested by the student.
- 10.5 The Academic Director will then give a final statement.
- 10.6 The student or their friend or representative of the Student Council will then give a final statement.
  - a) The committee can put questions to anyone at the hearing.
  - b) The student and the Academic Director will have the right to be present when evidence is taken and can put questions to the witnesses and to each other. However,

- they cannot ask any questions after each other's final statement.
- c) The Student Officer or a member of the Student Council/Student Representative, can be present when evidence is taken but not during the committee's decision.
  - d) If the student does not appear at the hearing, the committee may deal with the matter without them, as long as they are satisfied that the committee secretary has given proper notice to the student of the hearing.
  - e) The committee will sit in private to make its decision. The committee secretary will be present.
  - f) If the student attends the hearing, the committee will give them their decision at the end of the hearing. Normally within five working days, the committee secretary will inform the student in writing of the committee's decision, and let them know that they have a right to appeal against the decision, to the UCP Council. If the student wants to use this right, they must give notice within 10 working days of the date of the committee's decision.
  - g) After sending notice of the committee's decision to the student, normally within 10 working days, the committee secretary will send them a set of formal minutes taken at the hearing.

## **11 Powers**

11.1 The committee will, by majority, have the power to:

- a) decide that there are no reasons for concern; or
- b) decide that there are reasons for concern, but they are not serious enough to recommend that the student is not fit to practise (in this case, the committee may recommend to the Academic Director a course of action to take); or
- c) decide that the student is not fit to practise and recommend to the Academic Director that they are withdraw from their course at UCP (unless there is a reasonable alternative).

## **12 Appeal**

12.1 The student has the right of appeal to the UCP Council as shown in the Appeals Committee Procedure (appendix A) for appeals by students. UCP will only consider appeals if the student claims alleged maladministration or if new information is presented. Maladministration in broad terms might include failure to adhere to or consider properly policies in decision making or poor administration such as bias, inattention, delay or perversity.

## **13 Fitness to Practise Committee Constitution**

- a) The committee is made up of:
  - i. An independent Academic;
  - ii. two members of UCP's staff; and
  - iii. an independent member who is not a current member of staff or a current student of UCP.
- b) The independent academic will normally be an individual with experience of teaching on a relevant course in a UK university.
- c) The two members of staff and the independent member will be members of the profession which accredits your course of study or will be suitably

qualified in the reasonable opinion of the Academic Director.

13.1 Quorum

The quorum is the minimum number of committee members needed to make decisions. For this committee the quorum is three.

If fewer than three committee members are present and notice has been properly given, the secretary will call another meeting, normally within 20 days.

13.2 Chair

The Chair will be elected by the Committee.

13.3 Secretary

The Secretary and Clerk (or their nominee) is the secretary to the committee.



## Appendix A

### Procedure for appeals by students to the UCP Council

#### Procedure

- 1 If you want to appeal against a decision of the Student Discipline Committee or those of the Fitness to Practise Committee for reasons of maladministration (other than in cases where you have failed to make a payment where the appeal will be to the Academic Director), you must make your appeal in writing within 10 working days of the decision and send it to the clerk / secretary to the UCP Council.
- 2 Your request should clearly give the reasons for the appeal.
- 3 When they receive your request, the clerk / secretary to the UCP Council will:
  - a. call a meeting of the committee as soon as possible.
  - b. make available to the members of the committee copies of all papers to do with the case.
  - c. ask you if you object to an elected Student Representative being at the committee hearing.
  - d. at least five working days before the meeting give notice to the Member of the Student Council of the date, time, and place of the meeting.
  - e. invite you and our representative, at least seven working days before the hearing, to give a statement of your and our case and reveal any relevant documents you want to rely on at the hearing (if you or we miss the deadline or do not limit the size of documents you provide, it may lead to an adjournment or other delays); and
  - f. at least 15 working days before the meeting, give you notice in writing and by hand or if this is not possible by recorded or special delivery to your last known address. The notice will give details of:
    - i. the date, time and place of the committee hearing.
    - ii. the names of the witnesses to be called by our representative.
    - iii. your right to be accompanied by a friend or elected Student Representative (but they may not also be a witness).
    - iv. your right to decide whether or not to attend the hearing.
    - v. your responsibility to give witnesses, that you plan to call, details of the hearing, and to make sure they attend.
    - vi. your responsibility to let the committee secretary know, as soon as possible and in any case not less than two working days before the hearing, the names of the witnesses you plan to call: and
    - vii. your responsibility if you want to be accompanied by a friend, to give the name of the friend or elected Student Representative to the committee secretary.
- 4 The sides may agree to change the time limits to suit the circumstances of the case.

#### The Hearing

- 5 The committee will choose a Chair from among its members.
- 6 The committee secretary will keep a record of the proceedings and may appoint a record clerk for this purpose.
- 7 The committee will consider any written evidence.
- 8 Your and our witnesses will receive equal treatment throughout the proceedings.
- 9 The committee will hear representations and evidence in the following order.
  - i From you or your friend or elected Student Representative
  - ii From your witnesses
  - iii From our representative

#### iv From our witnesses

- 10 You or your friend or your elected Student Representative can give a final statement. We will give a final statement.
- 11 Members of the committee will have the right to put questions to any person at the hearing.
- 12 You and our representative will have the right to be present when taking evidence. You and our representative will have the right to put questions to the other and to witnesses. However, you and our representative cannot ask questions relating to final statements.
- 13 A member of the Student Council or their representative will have the right to be present, as an observer, when evidence is taken but not during the committee's decision.
- 14 The committee may call for other documents, explanations, or evidence they decide they need. The committee may seek any other advice in the hearing and in any subsequent consideration from UCP's solicitors and/or any such other source as the committee may determine.
- 15 If you or our representative do not appear at the hearing, the committee may go ahead, as long as they are satisfied that the committee secretary has given you notice properly.
- 16 In considering its decision, the committee will sit in private. The committee secretary will be present.
- 17 The committee secretary will tell you the committee's decision at the end of the hearing. Normally within five working days of the end of the hearing, the committee secretary will confirm in writing the committee's decision and send you a letter of 'completion of procedures.
- 18 Following this notice, normally within 10 working days, the committee secretary will send you a formal set of minutes taken at the hearing.

#### **Powers**

- 19 The committee will, by majority, have the power to:
  - a confirm the decision of the Academic Director;
  - b withdraw the decision of the Academic Director; or
  - c change the decision of the Academic Director.

#### **The Decision**

- 20 The decision of the appeals committee of the UCP Council will be final. However, you may have a right of complaint to the Office of the Independent Adjudicator (OIA) and your rights as an individual in law.



## Appendix B Appeals Committee

### **The Appeals Committee will be made up of the following.**

- A member of the UCP Council.
  - Two other members who are either members of the UCP Council or members of the IEG Board of Governors.
  - Staff Governors, student Governors and the IEG CEO cannot serve as members of this committee.
- 1 The aims of the committee are to:
    - a consider, hear, and decide on appeals in line with procedures approved by the UCP Council.
    - b confirm, cancel, or amend decisions which are referred to the committee in line with appeals procedures approved by the UCP Council.
    - c consider, hear, and decide on appeals to do with maladministration when applying university rules, regulations, or procedures; and
    - d use all powers shown above, for complaints or appeals made to the committee by students at university member institutions in line with the rules of those institutions.
  - 2 The committee will not deal with appeals which dispute the academic or professional judgement of a member of our staff or an External Examiner. It will also not deal with judgements pertaining to the Fitness to Study Committee.

### **Quorum**

The quorum will be three members of the committee.

### **Rules for the committee**

The committee will be governed by the rules for the committees of the UCP Council.

### **Chair**

The Chair will be elected from among the members of the committee.