

Policy and Procedures

UCW Fitness to Practise Policy

2018 - 2021



Document Consultation		Approval	Dissemination		
HEDMT	STUDENT engagement	CLB	HEMT	HE CPD	HEBS
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1. Purpose and Scope

University Centre Weston (UCW) is committed to supporting its students and recognises the importance of a student's health and wellbeing in relation to their academic progress and student experience. In some courses at UCW, academic progress is linked to professional competency in practise. The courses are normally directed towards the achievement of professional competence and/ or a professional registration. UCW seeks to ensure that students on these courses comply with professional codes of conduct and professionalism, alongside meeting the academic elements of the course. UCW has an obligation to provide support so that students can fulfil their potential while studying on a course at UCW and this policy has been created to ensure that concerns about a student's professional suitability are acted upon promptly. UCW believes that early intervention in these matters will help to prevent the situation from becoming more serious, which will minimise distress for the students.

UCW needs to be satisfied that students admitted and undertaking such programmes are professionally suitable to do so, with reference to the standards of the particular profession and/or the requirements of any relevant professional, statutory or regulatory bodies. UCW's Admissions Policy sets out the arrangements for the admission of students with police warnings, cautions or convictions. Once students are enrolled at UCW they are subject to this Policy in the event that professional suitability concerns are raised.

The courses this policy applies to are listed at the end of this document.

Examples of where professional suitability may arise include (but are not limited to) instances where a student has or is suspected of having:

- health, mental health, emotional or inter-personal problems, which indicate a lack of insight and which gives rise to concerns about possible risk to self or others
- failed to comply with professional bodies in relation to professional suitability
- breaches of acceptable conduct (including those set out in UCW's Student Code of Conduct Policy), for example in connection with (but not limited to):
 - abuse or harassment, including through the use of social media
 - violent, aggressive or threatening behaviour (physical, verbal or other)
 - sexual misconduct
 - failure to treat others with dignity or respect, or to practise in a non-discriminatory way
 - dishonesty or untrustworthiness (such as the forging of documents or signatures)
 - activities which constitute a criminal offence
 - alcohol or substance abuse problems
 - anti-social behaviour which adversely affects the normal operation of a work-based setting
 - failure to demonstrate an attitude or communication appropriate for individuals working in the profession concerned
 - breach of confidentiality
 - lack of communication and engagement with the programme team, including failures to respond to communications
 - inconsistent, unreliable or inappropriate behaviour in learning, study or work-based settings
 - poor attendance at work-based setting
 - inappropriate use of social media

Due to the nature of the courses this policy applies to, UCW may be concerned that the student's professional suitability may be, or may become, impaired in light of a suspicion that as a result:

- a risk is posed to the student's own health, safety or wellbeing and/or that of others
- the operation of the profession is or could be adversely affected
- the work based setting is or could be adversely affected
- the profession or UCW may be undermined or brought into disrepute

UCW recognises that concerns regarding students' professional suitability may arise in a number of ways (e.g. as result of a disclosure made by the student, or from academic performance or conduct, or from issues raised by UCW staff, other students, health professionals or placement providers).

UCW will consider and address concerns however they arise and will endeavour to take action to deal with concerns promptly and fairly. Staff to whom disclosures are made or concerns are raised are encouraged to consult with this policy or the Higher Education Academic Registry Team (HEART) for advice. UCW recognises that dealing with matters in a consistent manner is critical to ensuring that the relevant professional standards are maintained. A Cause for Concern Form (Appendix One) needs to be completed by the member of staff raising the concern.

If concerns are raised about a student's professional suitability then it may be necessary to share information with external professionals (such as placement providers or community support agencies). UCW will always be mindful of the sensitive nature of the situation and its obligations under the General Data Protection Regulation (GDPR).

2. Aims

The aims of this policy are to provide:

- A transparent and practical procedural framework for students, prospective students and relevant staff at UCW
- A basis for a consistent, transparent and sensitive approach.

This policy sets out how UCW will normally respond where a concern is raised regarding a student's professional suitability and the type of action that UCW may take to deal with the concern and the measures to support the student. This policy is not intended to deal with issues of assessing practice competencies, this falls within the relevant Academic Regulations.

This policy applies to students throughout their period of enrolment with UCW, both on and off campuses, and at all times.

3. Implementation of the Policy

In implementing this Procedure, UCW will at all times remain mindful of its duty of care and its obligations to students under the Equality Act 2010, including in appropriate cases its obligation to make reasonable adjustments. It will also remain mindful of the confidential and sensitive nature of fitness to practise matters and of its obligations under the General Data Protection Regulation (GDPR).

When dealing with students under this policy, UCW will consider what support and guidance may be offered to students. Students will be reminded of the support services provided by HEART and will be

encouraged where appropriate to seek support from relevant external sources (e.g. GPs or external mental health services) as well as from sources with HEART and the wider Weston College Group.

Concerns about a student's health and wellbeing

There may be times when a student's physical or mental health means that they pose a risk to themselves, or to others. For students following professional programmes, especially where the student's presentation gives rise to professional suitability concerns, this policy would apply.

In some cases, it might be deemed appropriate to manage health concerns through the UCW Fitness to Study Policy. The decision on the appropriate policy framework will be made jointly by the HE Assistant Director: Academic Registry and the relevant Programme or Curriculum Co-ordinator.

Conduct which may also be a criminal offence

If a student's conduct may be in breach of the criminal law, UCW may, at its discretion, refer the matter to the Police. UCW may then delay taking action under this policy pending the outcome of any Police inquiry and/or criminal investigation/prosecution. UCW may then manage this process through the UCW Student Code of Conduct if a serious breech has occurred. UCW is not bound by the outcome of any criminal prosecution although it may at its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this policy.

The Fitness to Practise policy has three stages. Depending on the perceived and/or assessed severity of the situation and the nature of the professional suitability concern, action may be initiated at any stage. It is anticipated that most situations can be managed at Stage 1 or 2.

Students dealt with under this policy will be entitled at any stage to be accompanied and/or represented by one member of staff (a member of HEART for example), friend or relative. This is in addition to any health professional or support worker who may usually accompany the student. The role of this individual is to provide support to the student. It is not to advocate or represent the student. Should a student want third party representation then a Consent for Third Party Representation Form (Appendix Two) needs to be completed prior to the implantation of any Stage detailed within this policy.

4. Stages of the Fitness to Practise Policy

Stage 1: Informal Action

Initial or minor concerns about a student's professional suitability will normally be dealt with under Stage 1. The Programme Co-ordinator or Curriculum Co-ordinator will inform the student that there is a concern about their professional suitability and the nature of the concern and that the matter is to be dealt with under Stage 1 of this policy. Concerns about professional suitability could be raised in a number of ways, such as a student's presentation or behaviour in lectures or within the wider UCW environment (library etc), conversations in tutorials, conversations with support staff or concerns raised by other students. A Cause for Concern Form will be completed by the Programme Co-ordinator or Curriculum Co-ordinator. The student will be given a copy of this policy and a meeting will be arranged to discuss the concern, a member of HEART will also be present at the meeting.

It is UCW's hope that this meeting is supportive and will involve a frank discussions about the concerns raised. The student will have the opportunity to express their views on the situation and it could be that an action plan is agreed, which may include on-going contact with the HE Welfare & Retention Officer and/or the HE Welfare and Wellbeing Lead or referral could be made to an external specialist agency. An application for Personal or Mitigating Circumstances could be made in order to enable the student to continue with their studies.

This meeting will include the following members of staff:

- Programme Co-ordinator or Curriculum Co-ordinator (Chair)
- Personal Tutor
- A member of HEART
- Any other relevant members of academic staff (personal tutor/module lead/work based learning assessor etc).

Following the meeting, the Programme Co-ordinator or Curriculum Co-ordinator will determine whether or not the student's professional suitability is compromised and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- no further action to be taken
- the matter be referred to another Stage (including Stage 3)
- issue a warning (verbal or written)
- support arrangements and/or reasonable adjustments be put in place for the student
- an action plan created
- the matter be referred for consideration under another UCW process (the UCW Student Code of Conduct or the UCW Fitness to Study policy).

The student will be notified in writing (normally via email) within seven working days of the date of the meeting of the decision, with reasons, and any actions to be taken. A note of the outcome and any associated documentation will be uploaded to the student's eilp (Educational Individualised Learning Plan).

It is hoped that most cases can be resolved at this stage and that students will respond positively to, and co-operate fully with the process and take advantage of the support available. A review period will be agreed and a meeting scheduled to review the progress made by the student and to address the concerns raised. Further review meetings may be arranged in order to further monitor progress and to ensure access to all appropriate support continues.

Stage 2: Formal Action

Serious or repeated concerns about a student's professional suitability will normally be dealt with under Stage 2. The Subject Area Manager will inform the student in writing (normally via email) that there is a concern about their professional suitability and the nature of the concern and that the matter is to be dealt with under Stage 2. The student will be given a copy of this policy and a meeting will be arranged to discuss the concern, a member of HEART, the Programme Co-ordinator or Curriculum Co-ordinator will also be present at the meeting. The student will normally be given at least five working days' notice of the meeting and will be provided in advance of the meeting with relevant documentation supporting the concern (if appropriate).

The Subject Area Manager 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 student. Records of previous meetings under this policy and any action plans may be available at the meeting.

This meeting will include the following members of staff:

- Subject Area Manager
- Programme Co-ordinator or Curriculum Co-ordinator
- Personal Tutor

- Work Based Assessor or Module Lead
- Representation from the placement provider (if appropriate)
- A member of HEART (to provide support for the student)

As with Stage 1, the student will have the opportunity to express their views on the situation and it could be that an action plan is agreed, which may include on-going contact with the HE Welfare & Retention Officer and/or the HE Welfare and Wellbeing Lead or referral to an internal or external specialist agency. Special academic conditions may also be agreed, alongside a personal or mitigating circumstances submission, in order to enable the student to continue with their studies.

Following the meeting, the Programme Co-ordinator or Curriculum Co-ordinator and the Subject Area Manager will determine whether or not the student's professional suitability is compromised and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- no further action to be taken
- support arrangements and/or reasonable adjustments be put in place for the student
- an action plan created
- issue a warning (written)
- the matter be referred to another Stage
- the matter be referred for consideration under another UCW process (the UCW Student Code of Conduct or the UCW Fitness to Study policy).

The student will be notified in writing (normally via email) within seven working days of the date of the meeting of the decision, with reasons, and any actions to be taken. A copy of the decision letter and any associated documentation will be uploaded to the student's eilp.

A review period will be agreed and a meeting scheduled to review the progress made by the student and to address the concerns raised. Further review meetings may be arranged in order to further monitor progress and to ensure access to all appropriate support continues.

Stage 3: Final Review

Critical and/or persistent or cumulative concerns about a student's professional suitability will normally be dealt with under Stage 3 in the following way. It is important to note that in some cases, it may be necessary to take a concern about professional suitability immediately to Stage 3. The student will be informed in writing (by the Chair of the Professional Suitability Panel) that there is a concern about their professional suitability and of the nature of the concern and that the matter is to be dealt with under Stage 3. The student will be given a copy of this policy and a meeting will be arranged to discuss the concern, a member of HEART will also be present at the meeting.

The student will be invited to a hearing before a Professional Suitability Panel. At least ten working days in advance of the hearing the student will normally be given in writing:

- notice of the date, time and place of the hearing
- details of the professional suitability concern
- details of the members of staff attending the hearing
- a reminder of the right to be accompanied and/or represented at the hearing

A member of staff from the HE Directorate will act as a neutral observer at the panel hearing and will provide advice and guidance on procedure. A note-taker may also be in attendance at the hearing. The Chair of the panel hearing will be identified to the student in advance of the hearing taking place.

The student may submit to the Chair, at least five working days in advance of the hearing date, a written statement in response to the concern to be considered at the hearing. Notice of any witnesses to be called by the student and/or UCW at the hearing must be given in writing to the Chair at least two working days in advance of the date of the hearing, together with a written statement of the contribution that each witness will make.

A Professional Suitability Panel will be convened by the HE Assistant Director: Academic Registry and will normally consist of:

- the Head of Faculty for the subject area (Chair of the Panel)
- HE Assistant Director: Academic Registry
- a member of staff from the HE Directorate (acting as a neutral observer)
- Programme Co-ordinator or Curriculum Co-ordinator
- External Professional (if appropriate)
- Placement Provider (if appropriate)

and

- a member of HEART (to provide support for the student)
- a Minute Taker

A sample agenda for a Professional Suitability Panel is provided in Appendix Three.

All Professional Suitability Panel members will be impartial and will have not normally had prior involvement in the case (although sometimes this may be unavoidable). Two thirds of the panel need to be present before the meeting can take place.

Whilst the order and procedure to be followed at a hearing before a Professional Suitability Panel will be at the discretion of the Chair, the following will normally occur:

- the professional suitability concern and the evidence in support of the concern will be discussed
- witnesses may be called upon
- the student will present their case
- the members of the Professional Suitability Panel may question any witness at any time during the hearing and may recall them at any time.

The Chair may adjourn or postpone the hearing where it is reasonable to do so. The Professional Suitability Panel may ask for specific enquiries to be undertaken, additional witnesses to be called and/or additional information to be presented. Minutes will be taken of the proceedings.

The Professional Suitability Panel will retire in private to deliberate. The neutral observer may retire with the Panel in order to provide procedural advice but will play no part in the Panel's decision-making. Matters will be determined by the Professional Suitability Panel on the balance of probabilities. If a consensus of decision is not achieved, the Chair will have the casting vote.

The Professional Suitability Panel will determine whether or not the student's professional suitability is impaired, or may become impaired, and any actions to be taken.

Such actions may include (but are not limited to) one or more of the following outcomes:

- no action be taken
- support arrangements and/or reasonable adjustments be put in place for the student
- an action plan be drawn up

- the matter be referred for consideration under another UCW process (the UCW Student Code of Conduct or the UCW Fitness to Study policy)
- a written warning be given to the student
- the student be withdrawn from placement or other work-based activity or related learning activity
- a recommendation be made to the awarding body that a professional award is withheld or withdrawn
- a recommendation be made that the student be suspended from the programme for a specified period of time (with conditions that details the basis of returning to study and the support available)
- a recommendation be made that the student be excluded from UCW
- a recommendation be made that the student be excluded from UCW and not be permitted readmission on a professional programme in the future

The student will be notified in writing normally within seven working days of the date of the hearing of the decision of the Professional Suitability Panel, with reasons, and any actions to be taken. The hearing (and any subsequent meeting held to review progress and/or to provide additional support) will be formally recorded with one copy sent to the student, one copy retained and a third copy uploaded to the student's eip.

Should a student be unwilling or unable to participate at any level of this policy or to attend a meeting, UCW may nonetheless follow this procedure where it is reasonable to do so. The panel, where it is reasonable to do so, may deal with issues on the basis of written reports and/or statements in the absence of the student and/or their representative.

UCW will communicate the outcome of the Suitability Panel hearing with the relevant partner university. They will also be informed if a student is returning to study, thus minimising the need for the student to inform their partner university of the situation.

5. Appeals

Students may raise a written appeal against the outcome of any Stage of this policy within ten working days of the date of the notification on one or more of the following grounds:

- UCW has failed to follow its own Fitness to Practise Policy
- The decision is unreasonable
- The student has new information/evidence which was not reasonably available before.

The Vice Principal Higher Education will consider the appeal submission and determine whether there are valid grounds to appeal.

Where valid grounds have been determined, the student will be invited to submit additional evidence within a specified timeframe for further consideration by Vice Principal Higher Education. The evidence provided will be considered and he/she will determine an appeal against suspension or expulsion. One of the following decisions will be made:

- Dismiss the appeal; or
- Uphold the appeal, and:
- Refer the matter back to an earlier level of this Procedure for reconsideration
- Impose an alternative sanction.

The outcome of the appeal will be notified to the student in writing together with reasons within seven working days of determination of the appeal. This decision is final and will conclude this procedure. A 'Completion of Procedures' letter will be issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website (www.oiahe.org.uk).

6. Return to Study

Should the sanction imposed on a student require them to suspend their studies, there is a process that must be followed for returning to study at UCW. A request to return to study must be made in writing to the Assistant Director HE: Academic Registry. Each student's case will vary depending upon the context and specific circumstances. In each case, however, a return to study by a student will be dependent upon the student satisfying the Assistant Director HE: Academic Registry that they have complied with any conditions placed upon their return (if applicable).

Normally the student will be invited to meet with the Assistant Director HE: Academic Registry or the Deputy Academic Registrar to consider the request to return to study. The Assistant Director HE: Academic Registry will determine whether to permit the student to return to study. In reaching their decision, they will usually consult with relevant staff and/or external professionals.

The Assistant Director HE: Academic Registry may impose conditions upon any return to study (for example, relating to the student's conduct, any support they should seek or academic progress). The student will be notified in writing, with reasons, normally within ten working days of the student's written request to return to study. If the request is turned down, the letter will include information on the process of re-application for a return to study (if appropriate).

The decision of the Assistant Director HE: Academic Registry is final.

UCW will work collaboratively with the student in respect of any support arrangements put in place for a return to study. Before or on their return, the student will be invited to attend a Return to Study Meeting with appropriate members of academic staff (e.g. the Course Co-ordinator) and HEART. At the Return to Study Meeting, an action plan will be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified in respect of the student's return. The action plan will include a timetable for any review meetings which have been deemed necessary to assist the student's successful return to study. If conditions are attached, failure to comply will lead to further Fitness to Practise procedures under Stage 3. The student will be sent a summary of the Return to Study Meeting and a copy of the action plan, normally within five working days of the meeting.

7. Working with Workplace Providers

Concerns about a Work Placement Provider

If UCW is concerned about the quality of a placement provider or its services, appropriate UCW staff will raise their concerns with senior staff in the work place, or external agencies if appropriate. However, if change is not implemented and UCW feels the benefit to students is compromised then additional action will be taken. In these circumstances UCW reserves the right to remove students from the placement. Where this happens UCW would work with the students to support them in finding an alternative provider. If a student is employed and their role forms an integral part of their programme, but UCW has serious concerns about the employer and experiences students are exposed to, UCW reserves the right to refuse

progression to subsequent years of study or fail placement elements of the programme. This would be in extreme circumstances where UCW believes students' ability to implement best practise would be limited or restricted or vulnerable services users were at risk. This would be shared with the student at the earliest possibility in order to enable them to seek alternative employment.

Whilst UCW would try and assist a student in this situation and provide support, it is not duty bound to provide an appropriate work placement or setting, this responsibility lies with the student.

Concerns about a student

Concerns about a student's professional suitability would be shared with work place providers with the intention of safeguarding service users and students, whilst also ensuring agreed actions plans or reasonable adjustments can be mirrored in the work placement.

8. Applicable Courses

List of courses this Fitness to Practise Policy applies to:

FdSc Counselling
BSc Counselling
BA Digital and Technology Solutions
FdA Early Childhood Studies
FdA Early Years
BA Early Years Education
FdSc / BEng Engineering (all pathways)
FdSc Health & Social Care Practice
FdA Inclusive Practice
FdSc Integrated Mental Health & Social Care

9. Other Relevant Policies

UCW Admissions Policy
UCW Fitness to Study Policy
UCW Academic Regulations
UWE Academic Regulations
Bath Spa Regulations

9. Review

This Policy and the effectiveness of these procedures will be reviewed on a regular basis and updated if necessary. It will be formally reviewed every 3 years with the next formal review in 2021.

Appendix 1



Cause of Concern Form

(To be completed by the member of staff raising the concern regarding professional suitability)

Name:	
Student Name & WS Number:	
Course:	
Outline of the Cause of Concern: (Please use additional sheets of paper if necessary)	

Have you discussed this concern with anyone or the student?

(Please include dates and summarise the discussions):

Have you discussed this concern with any other members of staff or external professionals?

(Please include dates and summarise the discussions):

Please complete & return to the Assistant Director HE: Academic Registry
Room 017 Winter Gardens or email heart@ucw.ac.uk

Appendix 2



Consent for Third Party Representation Form

Full name of student:	
Student Number:	
Course:	
Contact Number:	
Email Address:	

I hereby give my consent for the following named person (name of third party):

To act on my behalf in relation to the concern regarding my professional suitability:

I authorise University Centre Weston to disclose any personal data in relation to the above situation.

Signed: _____

Please complete & return to the Assistant Director HE: Academic Registry
Room 017 Winter Gardens or email heart@ucw.ac.uk



Sample Agenda: Professional Suitability Panel

Date:

Time:

Membership

- Head of Faculty for the subject area (Chair of the Panel)
- HE Assistant Director: Academic Registry
- a member of staff from the HE Directorate (acting as a neutral observer)
- Programme Co-ordinator or Curriculum Co-ordinator
- External Professional (if appropriate)
- Placement Provider (if appropriate)

and

- a member of HEART (to provide support for the student)
- a Minute Taker

The quorum of the Professional Suitability Panel is two-thirds of the members stated above.

1. Introductions
2. Explanation of the purpose of the panel and potential outcomes
3. Presentation of the professional suitability concern (and evidence)
4. Witnesses called (or statements read out)
5. Student presents their case
6. Witness recalled (if appropriate)
7. Chair summarises the concern and student response
8. Opportunity for student to ask questions
9. Timescale of the proceeding (when the decision of this panel is communicated and the Appeals process).