

HE Fitness to Practise Policy

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4.0	Amended Template; Review of roles in reporting and panel proceedings in line with new CoLC management structure.	September 2021
5.0	Periodic Review. Update of existing hyperlinks. Addition of hyperlinks to CoLC policies.	September 2022

Please contact HEoffice@liv-coll.ac.uk or the College Reception if you would like this document in an alternative form.

Contents	Page
1. Purpose and Scope	2
2. Relevant Professional Standards	2
3. Examples of Behaviours that may question Fitness to Practise	3
4. Equality and Diversity	4
5. Procedure for reporting concerns about Fitness to Practise	4
6. Fitness to Practise Stage 1 - Concerns Raised about Fitness to Practise	5
7. Fitness to Practise Stage 2 – Significant or Ongoing Concerns	5
8. Fitness to Practise Panel: Prior to the Hearing	6
9. Fitness to Practise Panel: During the Hearing	7
10. Fitness to Practise Panel: Outcomes of the Hearing	7
11. Appeals against the decision of the Fitness to Practise Panel	8
12. Office of the Independent Adjudicator for HE	8
Appendix 1 – Additional Fitness to Practise Guidance for Students on FD Dental Technology	9
Appendix 2 – Pre-Placement Health Declaration	11
Appendix 3 - Example Procedure and outcomes for Hearing Fitness to Practise	13

This policy is written in line with the Expectations and Core practices of the UK Quality Code for Higher Education (Quality Code), which are a key reference point for higher education providers in all parts of the UK. The Policy should be considered in conjunction with other regulatory requirements, including professional, standards and regulatory bodies' (PSRB) rules and regulations.

As part of the contractual agreement with professional bodies, Higher Education Institutions are required to monitor good health, character, discipline, standards of conduct and performance on application and throughout all pre-registration / qualification programmes and other programmes leading to professional qualifications. The University Centre has a responsibility regarding students enrolled on programmes which lead to professional qualifications and/or which entitle the individual to register (either provisionally or fully) with a statutory professional body and/or to practise under license. Some programmes may require students to undertake external placements and/or work-based practice and the University Centre has a duty to both the student and to the public to ensure that any risk of harm is minimised.

1. Purpose and Scope

- 1.1. The Fitness to Practise Policy exists to ensure students adhere to strict professional standards on specific professional courses at the City of Liverpool College. Students, tutors and the City of Liverpool College University Centre have a responsibility to do everything reasonable to ensure that those people invited to join and participate in professional training or given a licence to practice are 'fit to practise', that is they are competent, safe, effective and ethically appropriate.
- 1.2. The purpose of this policy is to make explicit the intentions, expectations and actions of the relevant professional bodies and University Centre with respect to assuring the fitness of applicants and students to practise and to comply with the agreements of partners in practice and with placement providers. This policy and the process for assessing fitness to practise therefore applies to all applicants and students during the course of their programme and, where relevant, up to and including the point of confirming eligibility to register with the relevant body.
- 1.3. If there are any concerns over the student's fitness to practise, the University Centre is required to investigate and address the issue.

2. Relevant professional standards

- 2.1. The City of Liverpool College University Centre delivers the following programmes that are designed in line with an overarching professional body. They are:

- **Foundation Degree Dental Technology**

Standards are set by the General Dental Council: <https://www.gdc-uk.org/professionals/ftp-prof>

Full guidance for students is available here:

<https://www.gdc-uk.org/professionals/students-and-trainees>

Further information is provided in **Appendix 1**.

- **HNC Construction and the Built Environment**

Chartered Institution of Building Services Engineers (CIBSE)

<https://www.cibse.org/about-cibse/governance/the-code-of-professional-conduct>

The Chartered Institute of Building (CIOB)

[file:///C:/Downloads/Rules%20and%20Regulation%20of%20Professional%20Competence%20and%20Conduct_1%20\(2\).pdf](file:///C:/Downloads/Rules%20and%20Regulation%20of%20Professional%20Competence%20and%20Conduct_1%20(2).pdf)

Institution of Civil Engineers

<https://www.ice.org.uk/download-centre/code-of-conduct/>

The Royal Institution of Chartered Surveyors

<https://www.rics.org/uk/upholding-professional-standards/standards-of-conduct/rules-of-conduct/>

- **Foundation Degree Early Years / BA (Hons) Early Childhood Studies**

Informed by the DfE standards for Sector Endorsed Foundation Degrees;

Every Child Matters; Youth Matters; Common Core Knowledge and Skills for Children's Workforce; and QAA Benchmark Statements relating to Early Childhood Studies, Education Studies and Health Studies which can be found at:

<https://www.qaa.ac.uk/quality-code/subject-benchmark-statements/early-childhood-studies>

The Liverpool John Moores University Fitness to Practise procedures are also applicable to this programme.

- **HNC/D Healthcare Practice**

Fitness to Practise process with the HCPC (Health and Care Professions Council):

<https://www.hcpc-uk.org/concerns/what-we-investigate/fitness-to-practise/>

HCPC Standards of Education:

<https://www.hcpc-uk.org/standards/standards-relevant-to-education-and-training/>

- **Initial Teacher Education (CertEd/PGCE/PGDipE)**

In consultation with the sector, the Education and Training Foundation have developed a set of Professional Standards that set out clear expectations of effective practice in education and training:

<https://www.et-foundation.co.uk/professional-standards/>

Teacher Education applicants for the University Centre's Pre-Service (full-time and part-time) programmes are expected to complete a health declaration. The College form is used for this purpose (**Appendix 2**).

The University of Huddersfield Fitness to Practise procedures are also applicable to this programme

3. Examples of behaviours which may question Fitness to Practise

3.1. Some examples of issues which may give cause for concern and may lead to action under the policy are listed below:

- Criminal conviction, caution or reprimand
- Drug or alcohol misuse
- Aggressive, violent or threatening behaviour
- Inappropriate use of social media
- Persistent inappropriate attitude or behaviour in the University Centre environment

- Cheating, plagiarism or other academic misconduct
- Dishonesty or fraud, including dishonesty outside the professional role
- Unprofessional behaviour or attitudes in the work environment
- Health issues and/or impaired performance. Failure to seek medical treatment or other support; refusal to follow medical advice or care plan including monitoring / reviews; failure to recognise limits and abilities; unable to meet required competencies even after reasonable adjustments have been made
- Any other case where a student's behaviour or attitude is giving cause for significant concern, whether or not it is believed that this is a result of an underlying condition, and where the use of the Student Disciplinary Procedure would be inappropriate or counter-productive
- A determination of impairment of fitness to practise by a PSRB, regardless of whether or what sanction was imposed.
- Non-disclosure of information

4. Equality and Diversity

4.1. In responding to and managing situations where a student's fitness to practise is a concern, the College remains mindful of its duty of care and of its obligations under the Equality Act 2010, including its duty to make reasonable adjustments to teaching and learning, assessment and other activities, as appropriate. In dealing with these cases the College also remains mindful of its duties under the Data Protection Act 1998 and GDPR (2018).

4.2. In implementing the procedure the College will ensure that it offers and encourages students to seek appropriate support from the outset for example by referring students to their medical practitioner or the College's own services in relation to mental health and learning support.

4.3. The College is committed to equal opportunities and aims to make its procedures easy to use and accessible. The College will take steps to accommodate any reasonable adjustments to enable access to this procedure or receive responses in other formats, and provide such assistance as may be reasonably required.

5. Procedure for reporting concerns about Fitness to Practise

5.1. College staff and/or work-based placement staff or employers should formally report in writing any concerns related to a student's fitness to practise to the Programme Leader who in turn will inform the Dean of University Centre (or nominee). They will determine if any immediate action needs to be taken. This may include:

- Assessing if there are any immediate risks to staff, students, clients or visitors.
- Occupational Health referral
- Referring the student to appropriate support services
- Suspension of attendance at placement.
- Referral to Fitness to Practice Stage 1 procedures
- Direct referral to Fitness to Practice Stage 2 procedures
- Referring the matter for consideration by the relevant Criminal Convictions Panel
- Referring the matter for consideration under [*HE Code of Behaviour and Disciplinary Policy*](#)
- Recommend that the student is suspended from the College until the issues are investigated and addressed/outcome determined.
- Informing the relevant PSRB of the outcome.

- 5.2. The above list is not exhaustive and a combination of the above list of actions may be deemed appropriate in specific individual circumstances. For a flowchart of a typical process, see Appendix 3.
- 5.3. Cases or incidences of alleged academic misconduct will be investigated through the [HE Academic Integrity Policy](#)

6. Fitness to Practise Stage 1 - Concerns Raised about Fitness to Practise

- 6.1. When a low-level concern is raised about a students' fitness to practise, the Head of School or nominee will request a formal meeting with the student to discuss concerns.
- 6.2. The Head of School or nominee will refer to relevant PSRB guidance in order to decide whether the case meets the threshold of referral to Stage 2 Fitness to Practise Panel.
- 6.3. The Programme Leader will present evidence relating to fitness to practice and information or evidence from the placement provider or workplace may be included at this stage.
- 6.4. The nature of the concern should be explained to the student, and they should be encouraged to discuss the issues. The meeting will be supportive and aim to facilitate a moderation of the behaviours to enable the student to improve their practice.
- 6.5. A formal action plan will be put in place with the student and a review date will be set to monitor the student's development. The student may be referred to relevant support within or external to the College, such as student welfare or counselling.
- 6.6. The outcome will be sent in writing to the student within one week of the formal meeting.
- 6.7. It is anticipated that the student will respond positively, co-operate and access the support, or, where appropriate, modify their behaviour. Any student who does not accept the outcome of the meeting will be referred to a Fitness to Practice Stage 2 hearing.
- 6.8. When significant or serious concerns are raised about a student's fitness to practise or repeated occurrence of the Stage 1 concerns occur, or the student refuses to attend a Stage 1 meeting, the student will be referred directly to Fitness to Practice Stage 2.
- 6.9. Where there is serious cause for concern, the Head of School will consult with the Vice Principal, who may decide to suspend the student with immediate effect from their programme of study or place limitations or conditions on the continuance of their studies or supervised practice, pending the outcome of an investigation.
- 6.10. Suspension, limitations or other conditions in these circumstances will automatically result in the student being referred to the Stage 2 Fitness to Practise Panel.

7. Fitness to Practise Stage 2 – Significant or Ongoing Concerns

- 7.1. If concerns about a student have not been resolved by Stage 1 of these procedures, or a student's behaviour raises serious and immediate concern, the matter will be referred to the Fitness to Practise Panel. The Head of School will request a formal hearing of the Panel with the student that will be chaired by the Dean of University Centre or nominee from the Strategic Leadership Team (the Chair).
- 7.2. The Chair will refer to relevant PSRB guidance in order to decide whether the case meets the threshold of referral to Stage 2 Fitness to Practise Panel.
- 7.3. The University Centre will notify the student of the concern, provide support and pastoral care, and keep them informed about progress and timescales.
- 7.4. Fitness to Practise Panel Members will include:
- The Chair (Dean of University Centre or Strategic Leadership nominee)
 - An Academic Manager, such as Head of Faculty or Director, not previously involved in the case
 - Director of Student Services or nominee

- Someone qualified to practice in the same profession as the student being considered or who is a member of the Professional Body to which the student aspires (internal or external to the University Centre)
- Where appropriate, a current registered practitioner from within the relevant profession, not previously involved in the case.
- Administrator (minute taker).

7.5. The Panel will be considered quorate provided that one academic staff member, one senior staff member, and qualified or registered practitioner are present, in addition to the Chair.

7.6. The Programme Leader or nominee will be invited to attend the panel to set out the concerns.

7.7. The student may bring a representative to the hearing, such as a Student Union representative.

Students are usually not permitted to bring legal representation to the Fitness to Practise Panel hearing. Any requests for the students to be legally represented must be requested via the administrator as soon as possible and not later one week prior to the hearing. The Chair of the hearing will decide whether to permit the request.

7.8. Panellists should:

- know and understand the rules and regulations of fitness to practise and disciplinary matters at the University Centre
- know and understand relevant guidance and fitness to practise procedures for the relevant PSRB
- be fair-minded and open to hearing the case before reaching a decision
- have no conflict of interest with the investigation nor the student
- seek appropriate expert advice, especially in cases involving health or impairment issues
- ensure the fitness to practise proceedings are fair and proportionate
- know and understand legal requirements and good practice in relation to equality and diversity.
- ensure that all matters discussed within the Panel are held in the strictest confidence.

8. Fitness to Practise Panel: Prior to the Hearing

8.1. The student will be given at least 10 working days' notice of the date of the Hearing. If the student is unwell or prevented from attending the Hearing by other valid circumstances, the student will notify the Administrator as soon as possible. Where there are valid circumstances supported by corroborating evidence, the Hearing may be rearranged.

8.2. If a student fails to attend the Hearing and fails to provide sufficient justification and evidence for their absence, the Panel may hold the Hearing in the student's absence. All cases should come to a formal decision and conclusion, even if the student leaves voluntarily before or during a hearing.

8.3. The University Centre will ensure that appropriate reasonable adjustments are in place for students and for members of the Panel who may require them.

8.4. Input can be sought from a range of individuals including academic staff, wellbeing staff, academic support staff, practice or placement staff and the student. The Chair of the Panel may call for written witness statements in support of the allegation in advance of the hearing. If such statements are obtained, members of the Panel will be entitled to see them in advance of the Hearing and copies will be made available to the student at least one week before the hearing.

8.5. Either the Programme Leader or student may make a written submission to the Panel and this must be available at least one week before the hearing and a copy made available to the Panel and the student.

8.6. Documentary evidence must be submitted in advance of the hearing and copies made available to members of the Panel and student at least one week before the hearing. Documentary evidence submitted late will only be admitted with permission of the Panel.

- 8.7. Evidence may be in the form of medical or other reports and by consenting to the preparation of medical reports or similar reports, the student is consenting to the Panel having access to them.
- 8.8. The Chair must ensure that all documentation and witness statements relied on by any party at the Hearing have been circulated at least one week in advance of the Hearing. They will also ensure that the student has a proper opportunity to meet the case against them, including by making a statement and by calling witnesses.
- 8.9. The student must ensure that the Chair has copies of all documentation (including witness statements) which the student will rely upon, at least one week before the Hearing.

9. Fitness to Practise Panel: During the Hearing

- 9.1. The Chair of the Fitness to Practise Panel has discretion over the running of the Hearing. The Administrator to the Panel will maintain a formal record of the Hearing.
- 9.2. The Chair will have discretion to determine the order of proceedings, the times of attendance of any witness invited by either party, and the time of conclusion of the Hearing.
- 9.3. The Chair may use his or her discretion to adjourn proceedings or curtail evidence or statements in order to ensure that the Hearing is conducted in an orderly and reasonably expeditious manner.
- 9.4. The meeting will typically run as follows:
- i. The Chair will stress to all present the importance of ensuring that matters discussed within the Hearing are treated with the strictest confidence.
 - ii. The Programme Leader or nominee will set out the case regarding the concerns about the student's fitness to practise and may call witnesses and refer to evidence, which shall have been disclosed in advance.
 - iii. The student will be invited to ask questions and be given the opportunity to respond to the case. The student's representative or supporter may also speak on their behalf. The student may call witnesses and refer to evidence which shall have been disclosed in advance.
 - iv. The Panel members may ask questions of the investigator and the student, their representative or supporter, and any witnesses.
 - v. The student, their representative or supporter, will be invited to make a closing statement, and will have the last word.
 - vi. All parties other than the Panel members and Administrator will be asked to leave. The Panel will deliberate in private, only recalling the Programme Leader and the student to clarify points of uncertainty on points of evidence already given.
 - vii. In the event of a split vote the Chair will have the casting vote.

10. Fitness to Practise Panel: Outcomes of the Hearing

- 10.1. The Fitness to Practise Committee may impose any outcome or combination of outcomes, including formal warnings, undertakings or other sanctions, as may be deemed appropriate by the Committee, acknowledging that outcomes will be proportionate, workable and measurable.
- 10.2. The decision of the Panel will be formally notified to the student and Programme Leader in writing by the Chair within 10 working days of the Panel Hearing. Reasons will be given for the Committee's decision, and if a warning, sanction or condition is imposed, the student shall be informed of its intended purpose, expected duration and when or if the student's fitness to practise will be reviewed or considered again in a formal hearing.
- 10.3. The Panel should make clear to the student the consequences of breaching any sanction or condition.
- 10.4. The decision of the Panel, irrespective of the outcome, may be considered at the Assessment Board and shared with PSRBs, awarding bodies and other appropriate bodies.

11. Appeals against the decision of the Fitness to Practise Panel

11.1. Students have the right to appeal against the decision of the Fitness to Practise Panel. The grounds for appeal are limited to one or more of the following:

- (a) New evidence has emerged which can be corroborated and could not reasonably have been expected to have been submitted for consideration at the original meeting of the Fitness to Practise Panel
- (b) There is evidence of bias or a procedural irregularity

11.2. An appeal cannot be made against the academic or professional judgement of the Fitness to Practise Committee.

11.3. The appeal will be to the Vice Principal. Any such appeal must be lodged in writing via the HE Office (HEoffice@liv-coll.ac.uk) within 10 working days of the decision of the Fitness to Practise Panel being sent to the student.

11.4. The decision of the Vice Principal or Executive Leadership Team nominee shall be final. The Vice Principal (or nominee) may either endorse the decisions of the Fitness to Practise Panel or uphold the appeal against the Panel's decision in which case a new fully constituted Fitness to Practise Panel must reconsider the case following the procedures described above.

12. Office of the Independent Adjudicator (OIA)

12.1. If, after exhausting the Appeals Stage, the student remains dissatisfied with the University Centre's final decision they may submit a complaint to the Office of the Independent Adjudicator for Higher Education.

12.2. The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter. Information about the OIA and its processes can be found at:
<http://www.oiahe.org.uk/>

12.3. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator
Second Floor, Abbey Gate
57 – 75 Kings Road
Reading,
RG1 3AB
Tel: 01189 9599813
Email: enquiries@oiahe.org.uk

Appendix 1: Additional Fitness to Practise Guidance for Students on the FD Dental Technology

The City of Liverpool College University Centre is committed to protecting patient safety by meeting the GDC's Standards for Education. This is achieved by having the necessary guidance, policies and procedures in place to monitor fitness to practise of students and record any reported issues and outcomes.

This guidance applies to:

1. any student enrolled or wishing to enrol on the FD Dental Technology programme which leads to eligibility to apply for professional registration with the General Dental Council (GDC);
2. any mentor / employer that works with the student;
3. The City of Liverpool College

Responsibilities

Students – must:

- Ensure they are familiar with the GDC's guidance for students on Student Professionalism and Fitness to Practise;
- Act in a way that is consistent with their development towards meeting the Standards for the Dental Team;
- Discuss with the Programme Leader / Mentor any concerns about themselves or other students not meeting the standards;
- Discuss any patient safety concerns with their Programme Leader / Mentor.

Mentors / Employers – must:

- Ensure they are familiar with the GDC's guidance for students on Student Professionalism and Fitness to Practise;
- Discuss with the Programme Leader any concerns about students not meeting the standards;
- Inform the Programme Leader of any student who has been dismissed, made redundant or is the subject of Disciplinary action.

The City of Liverpool College– must:

- Provide a programme of study which meets the GDC Standards for Education, including having a robust Fitness to Practise policy and procedures in place which are communicated to students and employers and are actively monitored;
- Deliver guidance and support to students from the beginning of the course and explain to students what support and guidance is available;
- Promote ethical principles in the way in which they conduct the course and in their interactions with those connected with the course;
- Ensure students understand what might be classed as a fitness to practise issue and what the GDC may consider an issue that calls into question their fitness to practise;
- Ensure students have access to and understand the information on the GDC's website about Student Professionalism; Student Fitness to Practise; Raising concerns; Professional Duty of Candour; Social Media guidance as well as Standards for the Dental Team;
- Follow GDC guidance and procedures for monitoring, identifying, investigating and reporting Student Fitness to Practise issues;
- Inform the GDC and validating body of any Fitness to Practise issue. Including details of the investigation, the remedial action taken and the outcomes.

References

General Dental Council <https://www.gdc-uk.org/information-standards-guidance>

'Student professionalism and fitness to practise' – guidance for students


'Student professionalism and fitness to practise' – guidance for training providers

'Standards for the dental team'

'Preparing for Practice'

'Standards for Education'

Appendix 2: Pre-Placement Health Declaration

	PRE-PLACEMENT HEALTH DECLARATION Page 1 of 2
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SECTION 1

JOB DETAILS

Post title..... Department.....

LocationProposed start date.....

SECTION 2

PERSONAL DETAILS – To be completed by applicant

Forename(s): Surname:

Date of Birth:..... Male/Female Mr/Mrs/Ms/Miss/Other.....

Address::

.....

.....

.....

..... Postcode:

Daytime Contact Number: Home..... Mobile.....

Email:.....

Guidance Notes

The purpose of this form is to see whether you have any health problems that could affect your ability to undertake the duties of the post you have been offered or place you at any risk in the workplace. The company's occupational health service can then advise management how to adjust your work and/or work environment accordingly.

You should have had the opportunity to read the job description for the role to which you are being recruited and to discuss practical matters with your recruiting manager.

Please tick the statement (A or B) that you think applies to you and sign and date the declaration.

Either:

- ☐ **A.** I am aware of the job role I have been offered
- I am not aware of any health condition such as back problems, eyesight problems, hearing problems, high blood pressure, chest complaints or any other disability which might impair my ability to undertake effectively the essential functions of the position which I have been offered including, if applicable:
- Manual handling/manual labouring
 - Use of vibrating tools

OR:

- ☐ **B.** I do have a health condition or disability which might affect my work and which might require special adjustments to my work and/or work environment.

Declaration

I consent to providing this information and declare to the best of my knowledge and belief that the answers to the questions above are complete and accurate.

Signature.....**Date**.....

If you ticked box **A**

The recruiting manager will keep this form and no referral to occupational health will be necessary.

If you ticked box **B**

You will be sent a link by email to a questionnaire which will ask you for some further details relating to your health condition or disability.

Occupational health staff may then contact you by telephone, or ask you to attend an appointment with an Occupational Health Nurse or Physician. They will then discuss your health further **in confidence** in order to determine if any special measures are required to accommodate you at work.

Occupational health staff will not reveal any medical information to anyone else in the Company, but will simply provide advice to management relating to any workplace adjustments.

Appendix 3: Example Procedure and Outcomes for Hearing Fitness to Practise

