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1. Introduction

New City College (NCC) offers a number of Higher Education (HE) programmes that involve students working with children, young people and adults in educational and health and social care contexts. These children, young people and adults may be vulnerable and in need of professional interventions that enhance their lives and change their circumstances. It is central to the educational and training processes that students working with these service users, in whatever contexts, are able to meet the professional standards and expectations as set by Professional, Statutory and Regulatory Bodies (PSRBs) or Professional Advisory Bodies (PABs).

This policy covers the following programmes:

- Level 5 Diploma in Education and Training
- BA(Hons) Early Years, Childcare & Education
- BA (Hons) Integrative Counselling
- Post Graduate Certificate in Education (PCET)

This Procedure has been approved by the College in order for it to fulfil the requirements of professional bodies to whom it must, normally, make recommendation about the fitness to practise of students when they complete their professional studies. This Procedure is distinct from the disciplinary process or other misconduct procedures. The purpose of this Procedure is to ensure the safety of the student and those around them and to manage and regulate student professional suitability, as explained in section 2.

Pending the initial exploratory investigation, depending on the allegation and the nature of the issue, the student may be referred for investigation under another college policy for example the disciplinary or academic misconduct.

In accordance with the Office for the Independent Adjudicator (OIA) fitness to practise good practice framework:

A fitness to practise process is distinct from a disciplinary process. The purpose of a fitness to practise process is not to punish the student for wrongdoing. It is to ensure the safety of the student and those around them, including members of the public, and to safeguard public confidence in the profession. The process should be supportive even when the outcome is that the student can't continue with their studies."

2. Definition

Fitness to practise refers to the ability of an individual to meet professional standards, to have the skill, knowledge, character and health to practise their profession safely and effectively at a given point in time whilst on a programme in preparation for future employment. New City College has a duty to:

- ensure that students on a professional course are fit to practise in that profession, or will be when they complete their programme;
- protect present or future patients, clients, service users and members of the public; safeguard public confidence in the profession;
- comply with the requirements of professional/regulatory bodies; and
- ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so.

Programmes with placement modules have a placement handbook, which details fitness to practise requirements. In addition, fitness to practise is covered within the specific modules related to practise.

3. Background

Students studying on programmes of professional training must demonstrate their fitness to practice. This may be in line with the requirements of the PSRB, for example, Social Work England for Social Workers, the British Association for Counselling and Psychotherapy (BACP) for counselling and the Education and Training Foundation (ETF) Professional Standards.

If at any time a concern arises regarding a student's fitness to practice, the College's procedures on fitness to practise, set out below, will be implemented. Copies of this Procedure will be made available to students on relevant HE programmes and are also available on the VLE.

4. What concerns may trigger the fitness to practise Procedure

The following list provides indicative concerns where the student's ability to meet professional standards may be impaired:

- academic misconduct (for example plagiarism, 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 at the point of application 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;
 - indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
 - failure to engage with investigations into unprofessional behaviour; poor self-management, lack of personal accountability;
 - dishonesty;
 - breaking patient/client confidentiality
- behaviour away from the student's studies, including:
 - criminal conviction e.g. violent offence;
 - offence of dishonesty;
 - disruptive behaviour in the community;
 - inappropriate use of social media;
 - safeguarding concerns;
 - poor mental health that interferes with the student's ability to practise safely in accordance with professional standards;
 - poor physical health or serious physical impairment that interferes with the student's ability to practise safely in accordance with professional standards;
 - failure to seek help or engage with appropriate services in relation to health issues; and
 - poor communication or language skills.

5. Responding to concerns about fitness to practise

When a concern is raised about a student's fitness to practise the College will follow the procedures set out below.

6. Fitness to practise process

Any person who has concerns about a student's fitness to practise may refer the matter for consideration and or investigation, however, concerns raised anonymously will not be considered in the absence of corroboratory evidence. The Procedure may be invoked at any time during the student's programme of study. Concerns about fitness to practise may be raised by anyone, for example students, staff, colleagues from placement agencies, third parties or through personal declarations or comments made by students themselves.

Where a concern about the fitness to practise of a student is identified the matter will be reported to the Senior Curriculum Manager (SCM) responsible for the programme. The report should include: the name of the student against whom the alleged concern is being

raised, the nature of the alleged concern, and the evidence upon which the allegation is based. The SCM reports the alleged concern to HE Quality and Standards, the placement provider and the requisite professional body if applicable, who will inform the student involved and members of staff as appropriate.

The evidence will be reviewed by HE Quality and Standards and there are three possible outcomes:

- No further action
- Informal exploratory process
- Formal investigation by an independent manager

This investigation will be conducted by a senior manager independent of the programme to establish the facts of the allegation, interview students and staff if appropriate and record findings into a report. The investigating manager will then present the report to a fitness to practise panel, if required.

7. Suspending a student when fitness to practise concerns are raised

The College may, in its discretion, decide to suspend a student, as a neutral act, at any stage of these procedures. A decision to suspend a student will be taken by a Group Deputy Director: HE (GDDHE) or the Group Curriculum Director with responsibility for that curriculum using information about the alleged concern. As part of the suspension, the GDDHE may impose conditions on the student's continued study as she/he deems appropriate, for example, a student may be directed not to enter College premises, or may be directed to stop attending a placement with an external agency.

The student will be informed of the reasons for suspension and any conditions of their suspension, both in person and in writing within 2 working days of the decision to suspend being taken. A student who has been suspended under the Procedure may request a review of the decision by an independent senior manager. Any such request must be made by the student in writing within five (5) working days of the written suspension notification.

8. Informal Exploratory Process

Where concerns of fitness to practise have been raised about a student, but are not deemed serious enough for a formal investigation by HE Quality, the case should be referred back to the SCM. At this point the SCM should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to practise have been raised.

The student should be made aware of:

- The nature of the issue(s) that has caused fitness to practise concerns to be raised;
- If appropriate, the risks perceived by the College

The student should be invited to a meeting with the programme SCM. Prior to the meeting, the student should be sent written confirmation of the concerns and any supporting evidence, to be discussed.

At the meeting the SCM should:

- Reiterate and where necessary expand upon the nature of the concerns that have been raised;
- Hear and consider the student's views
- Explore with the student any explanations for the issue that has caused fitness to practise concerns to be raised.

At, or shortly after the meeting, the SCM should make a decision on the outcome of the meeting which may include recommendations or improvement targets. This decision will be confirmed in writing in a letter within five (5) working days. The recommendations may include one or more of the following:

- No further action;
- A time constrained action plan to remedy the concerns raised;
- That, following discussions with the student, the issues are serious enough to warrant consideration at a Fitness to Practise Panel.

The recommendations must (unless no further action is recommended) include a review meeting to discuss the steps taken by the student and whether the concerns regarding fitness to practise have been addressed. The period for the review meeting should be determined as part of the recommendations.

The SCM will:

- Notify the student of the outcome in writing within five (5) working days with reasons;
- Make the necessary arrangements to put the Recommendations into effect.

9. Fitness to Practise Panel

If, after a reasonable period of time, the recommendations from the informal exploratory process have not been successful, or the SCM deems the matter as being too serious, after carrying out the informal exploratory process the matter shall be referred to the Fitness to Practise Panel. The validating or awarding institution that the students is studying will be notified.

The Fitness to Practise Panel shall consist of:

- The GDDHE, or representative who shall be Chair of the Panel;
- Two Senior Managers independent of the curriculum area concerned
- A representative of HE Quality for minutes
- Support staff (co-opted if required)

The Panel will be convened by the Chair. No person may sit on the panel if they have:

- Provided pastoral care to the student;
- Been involved with the matter once proceedings under these procedures had been started;
- Any other potential conflict of interest.

The student shall be invited to attend a meeting of the Panel to discuss the concerns and all relevant issues. The student shall be given at least 5 days' written notice of the panel meeting, which will include a summary of the concern(s) and the evidence to be considered by the Panel, copies of any documents to be considered at the meeting and a list of witnesses that the Panel intends to call.

The student will be asked to provide copies of any documents they wish the Panel to consider to the Panel's secretary at least 3 days before the meeting, along with a list of witnesses they intend to call. It is the student's responsibility to arrange for these witnesses to attend the meeting. The student must also notify in writing in advance of the meeting the name and status of any person accompanying them to the meeting and the capacity in which they will be attending. The person the student brings may be permitted to make representations on the student's behalf, but not answer questions. However, reasonable adjustments for students, for example with any disability will be considered and support provided in line with their needs.

At the commencement of the panel the investigating manager or SCM will present the key issues and concerns involved in the case.

The Panel shall be conducted in accordance with the directions of the Chair of Panel (whether given at a meeting of the Panel or beforehand)

The Panel may call witnesses, institute enquiries, and/or request further evidence (including medical evidence) to assist its deliberations and may adjourn its meetings to another time or place.

The Panel may proceed in the absence of the student, if the student did not provide a valid reason for absence in advance of the meeting. If a valid reason is submitted the panel will re-convene at a later date.

The Panel shall consider in private whether the student's fitness to practise is impaired and whether any action should be taken in light of its findings.

The Panel shall endeavor to reach consensus, but in the event that no consensus is reached the Chair of Panel shall make the decision of the Panel having considered the views of the other Panel members.

In light of its decision on whether or not the student's fitness to practise is impaired, the Panel may decide on one or more of the following outcomes;

- Take no further action;
- A time constrained action plan to address the concerns raised;
- Give the Student a formal written warning, which will remain on record;
- Suspend or intermit the student from the programme for a fixed period;
- Withdraw the student from the programme and, if applicable, with an exit award.

The secretary to the Panel will notify the student of the decision of the Panel in writing with reasons within 5 working days of the hearing.

The College reserves the right to disclose as it deems reasonable any of the above outcomes and decision, other than 'no further action', to future placement providers or in any reference requested by a student.

Depending on the circumstances of the case, the College may consider it appropriate to refer matters, i.e. the outcome of the fitness to practise procedures to external third parties, such as placement providers, a particular Professional, Statutory or Regulatory Body, the Police, Social Services or the Disclosure and Barring Service. Any referral will be made by the College in line with its responsibilities and obligations under the Data Protection Act 2018 and GDPR.

Where fitness to practise concerns raise issues which may represent a breach of the criminal law, the College will refer the matter to the Police for it to be investigated by the appropriate authorities. In such a case, the College may suspend its fitness to practise procedures until the Police investigation is complete and the outcome known. The College may, at its discretion, return to proceed with the fitness to practise Procedures to complete its internal processes.

10 Appeal

After a fitness to practice panel hearing, the student may appeal the decision and outcome. The appeal must be made in writing within 10 working days of the outcome letter. The appeal is addressed to a campus Principal and must meet the following grounds for appeal:

Grounds for an appeal may include:

1. Procedural irregularities in the Fitness to Practise panel process;
2. Extenuating circumstances that the student could not make known to the Fitness to Practise panel
3. A consideration that the outcome of the panel was unreasonable or disproportionate

The campus Principal may either uphold the original panel decision or overturn the decision and if the appeal is not upheld the student can ask the awarding institution for a review, see section 11 of this document.

11. Return to Studies

After a suspension or intermission of studies, as a result of fitness to practise outcome, a student may wish to return to study. The College will only permit a student to return to study if it is satisfied that the student is fit to practice or that their fitness to practise is not materially impaired. The decision to permit a student to return to study will be made by the GDDHE, after consultation with the SCM, as appropriate.

The student should provide and the College may request confirmation of their ability to resume their studies, which may include medical evidence.

The SCM in consultation with the GDDHE of may permit a student to return to study and may impose certain conditions. The conditions may include (but are not limited to) provisions relating to:

- Mode of attendance (full time or part time);
- Compliance with appropriate continuing treatment (for example, medication, psychotherapy, physiotherapy);
- Regular review meetings (for part or all of the student's remaining time at the College);
- A time constrained action plan to address any outstanding concerns.

A student permitted to return to study under conditions must comply with the conditions. Failure to comply with the conditions may give rise to further concerns about the student's fitness to practise or be considered a disciplinary matter and may cause the student to be suspended and possibly withdrawn under this Procedure or under the disciplinary process.

12. External Review Process

Where a student has been required to suspend studies or is withdrawn from the programme, the student can request the awarding body or validating university to review the decision. The contact details are:

The Open University

The Vice-Chancellor's Delegate,
The Open University,
Academic Services,
Student Casework Office,
Walton Hall,
Milton Keynes, MK7 6AA,
United Kingdom.

Students can also contact the Student Casework Office (SCO) for help or advice regarding the case:

Contact SCO by email: SCO-VC-Delegate@open.ac.uk

Contact SCO by phone: +44 (0)1908 659535

Bath Spa

Students should contact the Student -Wellbeing Services for advice regarding the case:

Email: studentwellbeing@bathspa.ac.uk

Pearson

Pearson Support

<https://support.pearson.com/uk/s/qualification-contactus>

In addition, Higher Education students may choose to contact the Office of the Independent Adjudicator, the independent ombudsmen service, on receipt of a Completion of Procedures letter from the awarding body/university, although this must be done within 12 months of the date of the Completions of Procedures letter.

Contact details for the OIA are as follows:

Office of the Independent Adjudicator

OIA Second Floor,

Abbey Gate

57-75 Kings Road

Reading

RG1 3AB

Tel: 0118 959 9813

Email: enquiries@oiahe.org.uk - www.oiahe.org.uk