



LIVERPOOL  
HOPE  
UNIVERSITY

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# Fitness to Practise Policy

## Version Control

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Minor Revisions	

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## 1. Overview

- 1.1. Fitness to Practise is about the ability to meet professional standards. It refers to character, professional competence and health. An offer of a place to study on some courses offered by the University are conditional upon the applicant being deemed fit to practise (see section 3). Heads of Departments/Schools must ensure that students are informed of the seriousness of maintaining professional standards and the regulations associated with the course of study. The courses subject to these procedures are listed in Appendix 1.
- 1.2. These courses may require students to undertake external placements and/or work-based practice and the University has a duty to both the student and to the public to ensure that any risk of harm is minimised.
- 1.3. The Fitness to Practise Procedure is intended to provide a clear and impartial process for dealing with Fitness to Practise concerns within a reasonable timescale having due regard to natural justice.
- 1.4. **Possible stages in the Fitness to Practise Procedure:**
  - (i) Cause for Concern/Targeted Support Plan (See section 5.4.)
  - (ii) Investigation (See section 6)
  - (iii) Panel (See section 7)
  - (iv) Appeal (See section 9)
- 1.5. **Timescale:** The University commits to dealing with cases as swiftly as possible. The matter shall normally be concluded within 90 calendar days from when the formal stage commences. Unfortunately, sometimes there are reasons why this timescale cannot be met and if this is the case any delays will be communicated by the Case Coordinator.
- 1.6. **Burden of proof:** The burden of proof rests with the University. The University must prove that the student is not fit to practise.
- 1.7. **Standard of proof:** Fitness to Practise matters that go to a panel will be determined based on a balance of probabilities (whether the student's fitness to practise is impaired or not) and will determine the most appropriate recommendations.
- 1.8. **Companions**
  - 1.8.1. Students have the right to be accompanied by a companion at all stages of the procedure. The role of the companion at a Fitness to Practise hearing is to support the student; all communication will be take place with the student, not the companion. This can be a Students' Union representative or another member of the University who is not connected in any way to the investigation. The Companion is not allowed to cross examine the panel.
  - 1.8.2. The Fitness to Practise procedure is not a legal one. As such, the University does not usually allow legal representation but understands that it may be necessary for fairness in certain extremely complex cases. Such cases will require authorisation by the Case Worker (or nominee). Any legal representation will have to be funded by the student.

**1.8.3.** It is the responsibility of the Student to regulate the behaviour of the companion. If the University deems that the companion is not acting in the best interests of the student, the University has the right to remove the companion and/or prevent the companion from participating in the process any further.

**1.8.4.** The name and capacity of the person accompanying the student should be notified to the Case Coordinator at least 4 working days before the hearing.

**1.9. Ongoing Responsibility:** Students are obliged to notify the University of any situation that may change the status of their DBS disclosure or any health issue that may impact upon a professional element of their course at the earliest possible opportunity.

## **2. Purpose of this Policy**

**2.1.** The purpose of the Fitness to Practice Policy is:

- (i) To protect individuals and students;
- (ii) To ensure students are appropriately prepared for entry to the profession, including developing professional attitudes and clearly demonstrable and understood professional behaviour
- (iii) To identify students who are unfit to practice (e.g. through Safeguarding and DBS investigations before and during a course)
- (iv) To protect Liverpool Hope University from significant risk during the student's professional training.

**2.2.** Where appropriate, the University is responsible for ensuring that students meet the minimum relevant professional standards in addition to academic standards. The University may also be required to make a declaration confirming that an individual is a safe and suitable entrant to the given profession and is 'Fit to Practise'.

**2.3.** The Fitness to Practise of students on professional courses will be assessed throughout the duration of the course and if there are any concerns over the student's Fitness to Practise the University is required to investigate and address the issue.

**2.4.** The University will be required to consider circumstances where members of staff or work-based placement staff, or other appropriate individuals, have concerns regarding a student's fitness to practise with regard to:

- (i) Breaches of professional responsibility (including but not limited to safeguarding and social media)
- (ii) Health and Safety Breaches
- (iii) Inaccurate or falsified placement documents
- (iv) Persistent inappropriate behaviour
- (v) Poor attendance at sessions and placement
- (vi) Breaches of the University's Code of Student Discipline and other rules and regulations
- (vii) Breaches of University Regulations on academic misconduct
- (viii) Failure to make a declaration in line with the Universities Criminal Convictions Policies
- (ix) Failure to self-reflect, lack of insight.

- (x) Poor self-management
- (xi) lack of personal accountability
- (xii) Dishonesty
- (xiii) Failure to seek help or engage
- (xiv) Poor communication or language skills.
- (xv) Breaking Patient /Service User Confidentiality
- (xvi) Drug use or alcohol dependency
- (xvii) Poor mental or physical health that interferes with the Student's ability to practise safely
- (xviii) Conduct contrary to professional regulatory body guidance
- (xix) Conduct contrary to the work-based placement code of conduct.

The above list is not intended to be exhaustive

### **3. Fitness to Practise at Admission**

- 3.1.** Fitness to Practise at admission is tested by a variety of factors as part of the selection process on courses, for example, scrutiny of qualifications, health questionnaire, personal statement and personal references.
- 3.2.** DBS Enhanced disclosures are required to be carried out for programmes where the applicant will be in regular and/or sustained contact with minors or vulnerable adults. Further information can be found in the University's Professional Criminal Convictions Policy.

### **4. Fitness to Practise Concerns whilst studying**

- 4.1.** Staff and/or work-based placement staff should formally report in writing with their professional judgment, and any supporting evidence, any concerns related to a student's fitness to practise to the Subject Lead who will decide whether informal (see 5.4) or formal (see 5.5) action is required.
- 4.2.** Any member of Student Development and Well Being or anyone providing support or pastoral care to a student must inform the Subject Lead if there is a reasonable belief that the student's behaviour or health raises, or may raise, fitness to practise concerns.
- 4.3.** The University will not normally take forward anonymous reports, unless corroborating evidence can be provided
- 4.4.** There may be cases when a student may not be well enough to go through a Fitness to Practise process at the time the concern is raised. In such cases, the University may be willing to allow the student to interrupt their studies. However, once the student is well enough to return to their studies, the Fitness to Practise process will start.

### **5. Fitness to Practise Procedure**

- 5.1.** The Fitness to Practise Procedure has two stages; informal and formal. The process for each procedure is set out in 5.4 and 5.5.

**5.2.** Where concerns are raised regarding a student's Fitness to Practise, the student will be informed of the concerns and the actions of the University.

**5.3.** Students will have access to the evidence (except where such evidence may be in contravention of any legal requirements) and will be able to respond to those concerns at either stage of the procedure.

#### **5.4. Informal Stage: Cause for Concern/Targeted Support Plan**

**5.4.1.** A Cause for Concern/Targeted Support Plan is the informal stage of the Fitness to Practise procedure and will involve a meeting with the student and the subject lead or their nominee; even though this is an informal meeting, the student will be informed that they can be accompanied at the meeting (see 1.8). This procedure is intended to be developmental and supportive. The Cause for Concern/Targeted Support Plan gives the student the opportunity to improve their practice or approach.

**5.4.2.** A Student who is placed on a Cause for Concern/Targeted Support Plan may be required to comply with a plan of action in order to demonstrate that they are abiding by the relevant standards

**5.4.3.** The informal stage of the process may be skipped if the concern for a student's behaviour/conduct suggests that a Cause for Concern/Targeted Support Plan would be deemed by the University to be of no benefit.

**5.4.4.** Such circumstances could include:

- (i) The student has received a criminal conviction
- (ii) The student has harmed or is at risk of harming others
- (iii) The student disputes the events or behaviour giving rise to the concern
- (iv) Cases where a student's mental health is at risk
- (v) Serious safeguarding concerns
- (vi) Where a student has demonstrated unsafe practice
- (vii) Serious incidences of unprofessional behaviour/ serious misconduct.

This list is not intended to be exhaustive.

**5.4.5.** In all other cases, if the student does not appear to be making the necessary progress under Cause for Concern/Targeted Support Plan then they may be referred to the formal part of the process.

#### **5.5. Formal Stage**

The Subject Lead will inform the Case Coordinator of their concerns. If the Subject Lead decides there may be grounds for formal action, they will discuss with the Case Coordinator a suitable investigator to formally investigate the allegations and to report to the Head of School. The Head of School will decide if a Fitness to Practise Panel should be convened.

#### **5.6. Precautionary Measures**

If a student reaches the formal stages for the reasons in 5.4.4. or 5.4.5. the Head of School, with the advice from the Senior Officer for Legal Services, Governance and Risk (if applicable) will determine if any immediate action needs to be taken. This may include:

- (i) Assessing if there are any immediate risks to staff, students, clients or visitors
- (ii) Occupational Health Referral
- (iii) Referring the student to appropriate support services
- (iv) Suspension of attendance at placement
- (v) Referring the matter for consideration under the University Disciplinary Procedures
- (vi) Recommend to the Deputy Vice Chancellor and Provost that the student is suspended from the University until the issues are investigated and addressed/outcome determined; this is not a disciplinary sanction
- (vii) Any action taken must be formally recorded (with a rationale for the decision) and written notification of any recommendation sent to the student.

The above list is not exhaustive and a combination of the above list of actions may be deemed appropriate in specific individual circumstances. For example, appropriate action may include an Occupational Health Referral followed by consideration of the Fitness to Practise Panel.

## **6. Investigations**

- 6.1.** Any case being referred to Fitness to Practise Panel will normally be subject to an investigation prior to the hearing. However, where there appears to be a clear case, for example a student has received a criminal conviction, the matter may be referred directly to a Fitness to Practise Panel without investigation.
- 6.2.** As part of the investigation, a student may be invited to an interview with the investigating officer. This is not the panel but will be part of the process for deciding whether action is warranted (i.e. A panel needs to convene). Non-verbatim notes will be taken at the meeting and these notes may be used in the Fitness to Practise hearing.
- 6.3.** The Investigating Officer will prepare a written report detailing the evidence obtained normally within 10 working days and submit it to the Head of School who will establish whether there is a case to answer in respect of Fitness to Practise. The Investigating Officer will then notify the student in writing, normally within 5 working days, of the outcome of the investigation.
- 6.4.** When information is collected in connection with a Fitness to Practise allegation as part of an investigation, the information may be shared with the other witnesses to the case. In certain circumstances, the University may have a duty to report the concern to third parties, such as the Local Authority or the police. The information may also be shared with placement providers.

## **7. Operation of the Fitness to Practise Panel**

- 7.1.** If a Fitness to Practise Panel is deemed necessary by the Head of School then the Case Worker will be informed and will help to convene the Panel to consider the evidence.
- 7.2.** The panel will consist of:
  - a senior member of the University not already involved in the case (Chair);
  - an Academic Staff Representative (who has not had any previous dealings with the student);
  - an Independent Professional/Service Representative and



- a Students' Union sabbatical officer.

**7.3.** In all cases that are referred to a Fitness to Practise panel, the student shall receive a letter that sets out:

- (i) The grounds for concern
- (ii) The time, date and place of the hearing
- (iii) Their right to be accompanied as outlined in 1.8.
- (iv) Their right to call witnesses, how they will be able to question these and other witnesses
- (v) Their right to submit documentary evidence and/or a written statement
- (vi) A copy of any documentation that will be referred to or made use of during panel, including a copy of the investigation report
- (vii) Notification that the panel may ask the student questions
- (viii) A notice that potential outcomes of the hearing could result in exclusion (removal from the course).

**7.4.** The student will be made aware of the Panel prior to any documentation being disclosed to members of the Panel so that the student can notify the University of any conflict of interest. The Student cannot object to a member of a panel just because they do not like/know them.

**7.5.** The student should be given a reasonable period in which to seek advice and prepare their response. At least 10 working days' notice of the Panel hearing shall be given to the student who shall be entitled to attend the hearing to present his/her case and to hear evidence from others. The hearing (unless all parties agree otherwise) shall normally be held not more than two months after the allegation was first communicated to the student.

**7.6.** If a student fails to attend a hearing, the Panel will consider the evidence and make a decision in the student's absence. The student also has the opportunity to consent to the hearing taking place in their absence by notifying the Case Coordinator at [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk).

**7.7.** Fitness to Practise procedures are intended to be concluded as speedily as possible but the Panel has the power to postpone a hearing pending any investigation by the police or prosecution in the courts or where medical reports are awaited. Any postponements will be explained to the student by the Case Coordinator.

**7.8.** The Panel may consider evidence from a range of sources including occupational health referrals. Evidence to be considered by the Panel will be made available to the student except where such evidence may be in contravention of any legal requirements.

**7.9.** The panel will also consider the aggravating and mitigating circumstances of the case which could include:

- (i) The level of insight the student has shown
- (ii) Evidence of good practice
- (iii) Personal circumstances
- (iv) Previous disciplinary concerns
- (v) Patterns of behaviour

This list is not intended to be exhaustive.

- 7.10.** Notes of the case presented to the Panel and the decisions of the Panel will be taken and made available upon request to the student. Verbatim minutes will not be recorded.
- 7.11.** If the concerns raised relate to the health of the student or medical evidence is submitted, the student may be asked to undergo a medical examination/assessment by a medical practitioner nominated by the Panel. If the student does not consent to undergo a medical examination, this shall be reported to the Panel who may take this into account in their deliberations.
- 7.12.** The Panel will reach a decision and make recommendations based upon all the available evidence.
- 7.13.** Where necessary, the Chair may decide to suspend the deliberations of the Panel and reconvene pending further information.

## **8. Recommendations available to the Panel**

- 8.1.** Recommendations may include the following:
- (i) The student receives no formal warning or sanction
  - (ii) Referring the matter to other University Procedures such as Student Code of Conduct and Disciplinary Procedure if there is evidence of misconduct but the student's fitness to practise is not impaired
  - (iii) Formal monitoring of the student's progress for a specified period of time, with or without specified support and/or conditions/undertakings
  - (iv) Warning/caution on file for a specified period
  - (v) Suspension from the course for a specified period\*<sup>1</sup>
  - (vi) Resit the placement with or without costs
  - (vii) Exclusion from the placement for a specified period
  - (viii) Expulsion from the placement
  - (ix) Exclusion from the course of study/University for a specified period
  - (x) Expulsion from the course of study/University.
- 8.2.** The Chair of the Panel will inform the student in writing of the outcome and the recommendations of the Panel within 5 working days of the decision being made. The decision, together with the reasons underlying it (including any mitigating or aggravating factors) and any timeframe or conditions applying, will be confirmed in writing to the student, Head of School/Department, the Case Coordinator, and the Registrar, as well as the applicable Regulator where a sanction has been imposed, normally within 5 working days of the hearing.

## **9. Appeals against the decision of the Fitness to Practise Panel**

- 9.1.** In all other circumstances, the student has the right to appeal against the decision of the Fitness to Practise Panel if they believe and can demonstrate that:
- (i) the process has not been conducted correctly, in accordance with the procedures

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<sup>1</sup> Even if the student is allowed to continue on the course, they will be required to find a new placement/ the University will find a new placement.

- (ii) there has been a material administrative error
  - (iii) the decision of the Panel is unreasonable.
- 9.2.** Appeals should be made in writing, with full supporting evidence, to [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk) within 10 working days of the receipt of the letter notifying the student of the Fitness to Practise Panel decision.
- 9.3.** Students should be made aware that this is not a re-opening of the investigation and that they must provide reasonable evidence to substantiate their appeal. Students should be made aware that disagreement with the decision of the Panel is not in itself sufficient reason to appeal.
- 9.4.** The Vice Chancellor or nominee will consider whether the documentation of the case suggests that the decision of the original Fitness to Practise Panel was reasonable and the procedure was followed correctly. If the Vice Chancellor or nominee decides that there is a ground for an appeal they will convene an Appeal Panel comprising The Chair of Council who may appoint additional members depending upon circumstances.
- 9.5.** The Appeal Panel may:
- (i) Amend the decision of the original Fitness to Practise Panel
  - (ii) Uphold the decision of the original Fitness to Practise Panel
  - (iii) Refer the case back for reconsideration
  - (iv) Defer the decision pending further information and advice
  - (v) Reject the Appeal.

The decision and any recommendations of the Chair of Council will be notified to the student and to the original Fitness to Practise Panel.

## **10. Completion of Procedures and the Office of the Independent Adjudicator for Higher Education (OIA)**

When the student has exhausted the University procedures the student will be issued with a completion of procedures letter. Students who remain dissatisfied with the final outcome of their Appeal, (and believe that the University has failed to follow this procedure correctly,) may take their case to the Office of the Independent Adjudicator for Higher Education (OIA). Further information can be found at <http://www.oiahe.org.uk/>

## **Appendix 1: List of courses subject to Fitness to Practise Procedures**

- (i) Those in Education where QTS forms part of the final award
- (ii) BA and MA in Social Work
- (iii) BA and MA in Youth and Community Development

Additionally, other University awards which are accredited by a professional body may also be subject to this procedure if stipulated by that body. This includes the:

- (i) BSc Nutrition (Single Honours)
- (ii) BSc Sport Rehabilitation (Single Honours)
- (iii) PGCert Musculoskeletal (MSK) Ultrasound
- (iv) PGCert - National Award for SEN Coordination
- (v) PG Cert in Specific Learning Difficulties (Dyslexia)