Policy on and procedures for the determination of 'Fitness to Practise'

[For the purposes of the processes described in this document, in Henley Business School the Programme Area Director will be fulfilling the functions of the School Director of Teaching and Learning.]

[Students are normally expected to attend. However, in the case of students who are registered at a branch campus for example, 'attend' shall include attendance via the telephone.]

Introduction

1. The concept of 'fitness to practise' applies to those students undertaking programmes which lead to a professional qualification in one of the health or social professions. Under the terms of the accreditation of such programmes by the professional, statutory or regulatory bodies, the University has a responsibility to assess the fitness to practise of students and their suitability for a demanding and responsible profession, and to take appropriate action in respect of that assessment.
2. Schools are responsible for notifying students if they are on a programme which is subject to fitness to practise requirements.
3. These requirements apply in addition to both the University's and applicable professional, statutory and regulatory bodies' (PSRB) academic standards for those programmes, along with the University's *Regulations for Student Conduct* which apply to all students.
4. During the assessment of a student's fitness to practise, the University also has a responsibility to consider if a referral to the Disclosure and Barring Service (DBS) is appropriate.
5. In this document:
   - The generic term 'clients' is used to refer to those individuals with whom a student interacts in a professional capacity.
   - The term 'programme' is used to refer to any module, group of modules, qualification or degree to which fitness to practise requirements apply.

Definitions of fitness to practise

6. Standards of conduct relating to fitness to practise are drawn from the relevant legislation or regulations and/or codes of conduct, professional standards or similar documents produced by the applicable PSRB(s).

Policy on fitness to practise

7. The University takes its role in preparing students for professional practice very seriously. It discharges its responsibility with regard to fitness to practise both through the process of selecting and screening

applicants and a process for addressing concerns relating to fitness to practise which may arise after a student has been admitted.

8. The University ensures that in its admissions and induction processes for the relevant programmes students are made aware of the codes of conduct and professional standards required by the appropriate professional body. Where a DBS check or similar is required the University will ensure that students are made aware of this requirement and that the assessment is conducted as early as possible, preferably before the start of the programme.
9. In assessing adjustments for disability or the impact of a student's health on their fitness to practise – either during the admissions process or later – the University will consider students on an individual basis and in accordance with the University *Policy on equal opportunities and diversity*.
10. Academic Schools will ensure that students are aware of the University's obligation to inform the PSRB(s) of any reportable breach of the relevant standards which occurs during the course of their studies.
11. The University's responsibility ceases to apply upon completion of the programme.

Communicating fitness to practise requirements to students

12. Schools should ensure that students are made aware of the fitness to practise requirements applicable to their programme.
13. Information on the fitness to practise requirements specific to the programme, including any requirements to notify the PSRB(s), along with reference to this document, must be included in:
    - information provided during the application and admissions process;
    - information sessions during induction;
    - the Programme Handbook, as appropriate; and,
    - an annual reminder of fitness to practise and disclosure requirements.

Assessment of fitness to practise

Admissions

14. Schools will ensure that reference to fitness to practise is made within the relevant entries in the University prospectus and in other sources of information provided to prospective applicants.
15. A general assessment of fitness to practise will be made at application stage taking into account the information disclosed by the applicant and provided at interview (if held).
16. If information disclosed or revealed (for instance through a DBS check or similar process) subsequent to an offer having been made raises a cause for concern as to an applicant's fitness to practise the decision whether or not to withdraw the offer will be made by the relevant Associate Pro-Vice Chancellor (Education & Student Experience) (APVC E & SE) after seeking advice from the relevant School Director of Teaching and Learning. For programmes delivered at international branch campuses the decision whether or not to withdraw the offer will be made by the Provost (or their delegate) after seeking advice from the relevant School Director of Teaching and Learning (or their delegate).
17. If the offer is not withdrawn, consideration as to whether the information needs to be reported to the relevant PSRB (given specific reporting requirements) will be made by the School and the applicant will be informed prior to any report being made.

During a Programme

18. Cause for concern in relation to a student's fitness to practise can be raised relating to a wide range of behaviours, including, but not limited to:
    - Criminal conviction, caution, reprimand or equivalent;
    - Concerns raised by their placement employer;
    - Continuing compliance with the entry requirements for the programme;
    - Drug or alcohol misuse;
    - Aggressive, violent or threatening behaviour;
    - Persistent inappropriate attitude or behaviour;
    - Academic misconduct;
    - Dishonesty or fraud (whether or not linked to the professional role);
    - Unprofessional behaviour or attitudes;
    - Health concerns and lack of insight or management of these concerns; and,
    - Putting client, staff or student safety at risk.
19. Anyone may raise a cause for concern, including academic staff, administrative staff, students, clients or staff of the placement provider. All University staff that have responsibility for students on programmes to which fitness to practise requirements apply should be attentive with regard to the various means by which a cause for concern might be initially presented.
20. Where a cause for concern has been raised it should be referred immediately to the relevant School Director of Teaching and Learning for initial investigation and the relevant Programme Director and APVC (E & SE) should be notified. The School Director of Teaching and Learning may delegate responsibility for conducting the initial investigation to another member of academic staff. For programmes delivered at international branch campuses, a cause for concern should be referred immediately to the relevant School Director of Teaching and Learning (or their delegate) for initial investigation and the relevant Programme Director (or their delegate) should be notified.
21. On receipt of the details of a cause for concern the relevant School Director of Teaching and Learning or their delegate will begin an initial investigation. At the outset of the investigation the School Director of Teaching and Learning will write to the student, informing them that concerns regarding their fitness to practise have been raised, outlining the steps and timescales of the investigation process, and where the student might wish to go for support and advice.
22. It must be borne in mind that an allegation of professional misconduct or unsuitability to practise is a serious and potentially defamatory one. Consequently it is essential that all proceedings be conducted on a basis of strict confidentiality.

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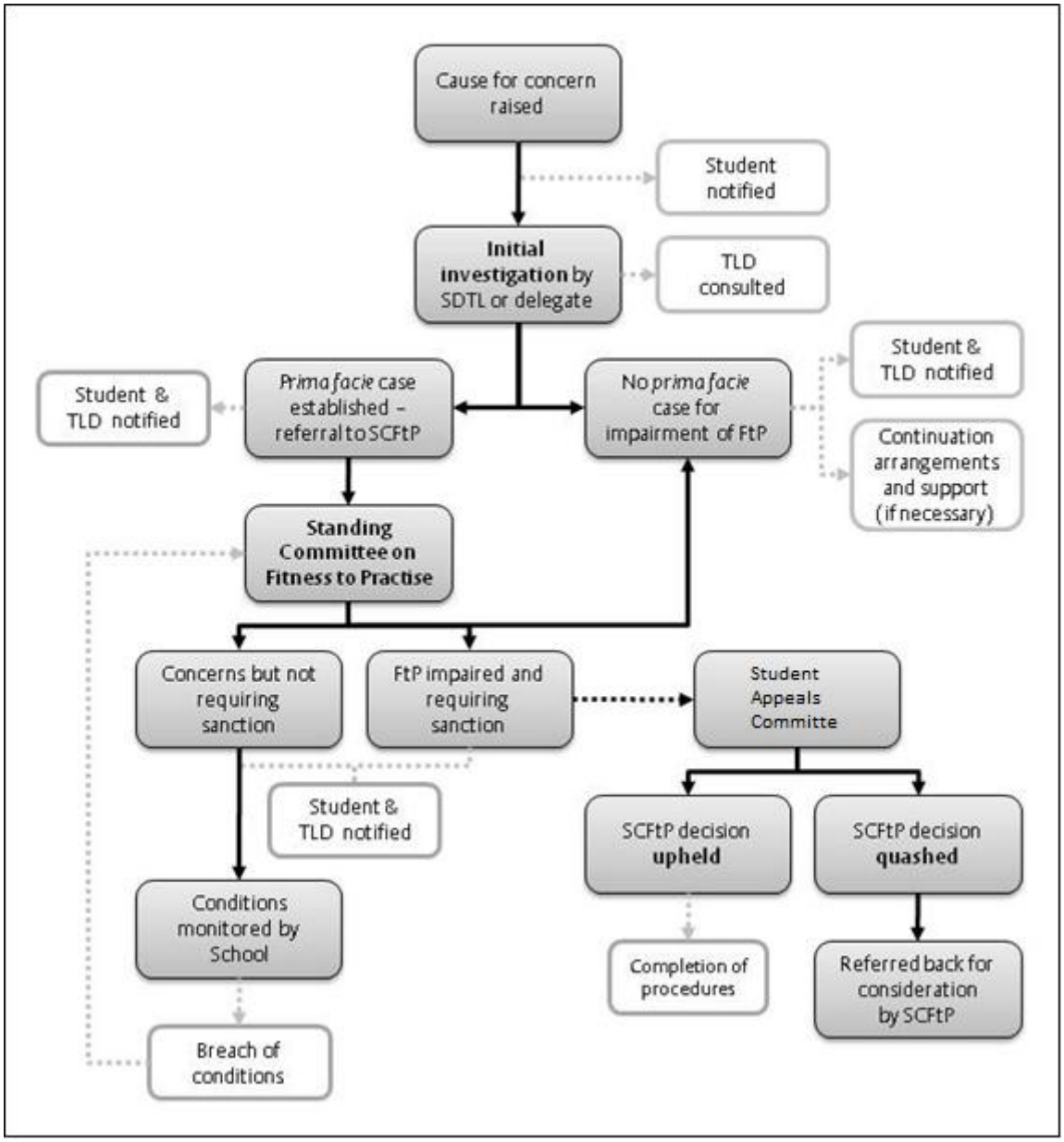
Overview of 'fitness to practise' procedure



Initial investigation

23. The purpose of the initial investigation is to determine whether there is a *prima facie* case to answer as to whether the fitness to practise of the student is impaired.

24. Where the cause for concern raised may have implications for the student's placement setting it may be necessary for the student to be suspended from their placement pending investigation. Suspension of a placement will take place in accordance with normal University procedures. Suspension of a placement pending investigation is not in itself to be regarded as a disciplinary measure.

25. The initial investigation should normally include an interview with the student in addition to the gathering of documentary evidence. A student has the right to be accompanied to any meeting by a 'friend'. A 'friend' for this purpose, is defined as: an adviser from Reading Students' Union Advice Service team, a current member of staff of the University of Reading, a currently registered student of the University of Reading, or an RSU Student Officer. A person who does not fall within these categories will not be able to act as a 'friend' unless otherwise agreed by the Chair. Disabled Students may also be accompanied by a Support Worker in addition to a 'friend', as appropriate to their needs.

26. The interview should be minuted. This interview should normally take place within 10 working days of the concern being raised to the School Director Teaching and Learning or their delegate.

27. When investigating a cause for concern the School Director of Teaching and Learning or their delegate will weigh the interests of the clients, other students and staff against those of the student with proportionality. The School Director of Teaching and Learning or their delegate will consider:

    - The specific facts of the case, including but not limited to, in particular:
        - the seriousness of the behaviour in question;
        - whether it is part of a pattern of behaviour; and,
        - the year of study of the student and their experience of higher education and/or professional practice.

    b) The risk factors involved, including but not limited to, in particular:
        - how likely a repeat of the behaviour may be; and,
        - how well the student might respond to support.

28. Within 10 working days of the interview taking place, the School Director of Teaching and Learning or their delegate shall produce a report outlining the concerns raised, details of the investigation undertaken and concluding one of the following:

    a) that there is no *prima facie* case for impaired fitness to practise; or,

    b) there is a *prima facie* case for impaired fitness to practise and the matter should be referred to the Standing Committee on Fitness to Practise (SCFtP).

29. The School Director of Teaching and Learning or their delegate will notify the student and the Teaching and Learning Dean or, in a case relating to a student at a branch campus, the Provost (or their delegate) of the outcome of the investigation, enclosing a copy of the report.

30. In the case of 28 a) the School will be responsible for ensuring that any additional support requirements identified during the initial investigation are put in place, and all reasonable efforts are made to enable the student to continue on their programme. The ongoing fitness to practise of the student should be monitored as normal.

31. In the case of 28 b) the School Director of Teaching and Learning or their delegate shall immediately forward the report and any supporting documents to the Secretary of the SCFtP. Also in the case of 28 b), the School Director of Teaching and Learning or their delegate may want to recommend a referral to the DBS, and should therefore outline in the report their reasons why.

Standing Committee on Fitness to Practise

32. The Committee is responsible for considering matters of fitness to practise and for imposing appropriate conditions or sanctions on those students found to be unfit to practise.

33. The membership of the Committee comprises:

    - a Pro-Vice-Chancellor;
    - a registered member of the relevant profession from within the University who has not previously been involved with the investigation (should this not be a possible, then a second member of senior academic staff, meeting the criteria below, would take this place);
    - an APVC (Education & Student Experience);
    - a registered member of the relevant profession from outside the University (in the event of a case relating to a student based at a branch campus, the registered member of the profession should be based in the same country);
    - a student officer from RSU;

- (in the event of a case relating to a student based at a branch campus) the Provost or their delegate; and,
- a Secretary nominated by the University Secretary.

34. The published guidance of the relevant PSRB with regard to the composition of panels determining fitness to practise will be consulted and adjustments made to the membership of the Committee (normally by adding member(s) as required) by decision of the Chair.

35. On receipt of the report of the initial investigation, the Secretary will write to the student, enclosing the report, supporting information and copies of the relevant sources of professional standards (see paragraph 6), and informing the student of the procedure to be followed and the date and time of the meeting.

36. The date and time for the meeting of the Committee will be set in a timely fashion. Where the case relates to a student in a branch campus, the meeting will be scheduled, to enable members at branch campuses to attend. The Committee will be provided with the same set of documents as the student. The Secretary will keep a record of the proceedings and of evidence given to the Committee. The Committee's meetings shall be held in private.

37. The student has the right to attend the hearing of the case, and to be accompanied by a 'friend' (see paragraph 25) who should normally be a currently registered student of the University, a member of staff of the University, a sabbatical officer or student adviser of the Students' Union.

38. The School Director of Teaching and Learning (or the member of staff to whom the responsibility has been delegated) is required to attend the hearing of the allegation.

39. In the case where the student does not attend the meeting, the Committee will not normally take further evidence at the meeting except for clarification of points of fact.

40. The student and their 'friend' and the School Director of Teaching and Learning have the right to be present throughout the Committee's meeting unless directed at any point to withdraw by the Chair if the Committee wishes to consider any matter or point in private. If any person obstructs the proceedings, the Chair may require any or all of those present to leave the meeting.

41. The proceedings of the Committee will not be invalidated by the failure of the student, their 'friend' or the School Director of Teaching and Learning to attend the meeting, by the exclusion of the student or their 'friend' or the School Director of Teaching and Learning from the meeting, or by the absence of a witness.

42. The Committee will consider the written evidence, together with any supporting documents, submitted by the School Director of Teaching and Learning and/or student. The student and the School Director of Teaching and Learning have the right to give oral evidence and to call witnesses. The Committee may at its discretion permit evidence to be given other than orally.

43. In the case where a student or School Director of Teaching and Learning wishes to call a witness, reasonable advance notice must be given in writing to the Secretary.

44. The Committee has the power to call any witnesses or seek such evidence as it deems necessary. The Secretary will notify the student and the School Director of Teaching and Learning of any witnesses who have been called, or of any evidence which has been sought.

45. The student and School Director of Teaching and Learning may speak, comment or ask questions at any time with the permission of the Chair.

46. The 'friend' may speak, comment or ask questions at any time with the permission of the Chair. The Committee has the power to question the student, their 'friend', the School Director of Teaching and Learning or any witness at any time during the hearing of a case.

47. The Committee has the power to adjourn a meeting for a reasonable period.

48. In making its assessment the Committee will take into account all relevant information presented to it, including any evidence of mitigating circumstances put forward by the School and/or the student. The Committee will make its decision regarding fitness to practise based upon the balance of probabilities.

49. The Committee may determine that:

    a) the student's fitness to practise is not impaired and that their studies be resumed;

    b) the concerns raised are not so serious that the student's fitness to practise is impaired to a point requiring sanction; or,

    c) the student's fitness to practise is impaired and requires sanction.

50. In the case of 49 a) the School will be responsible for ensuring that any additional support requirements identified during the initial investigation are put in place, and all reasonable efforts are made to enable the student to continue on their programme. The ongoing fitness to practise of the student should be monitored as normal.

51. In the case of 49 b) the student will receive a formal notice that their conduct has caused concern and that they must comply with any imposed conditions. Conditions may include, but are not limited to:
    - close supervision by the School; and,
    - engagement with an appropriate medical or mental health professional.

52. This notice will remain on the student's record until graduation. The School is responsible for monitoring compliance with the conditions and reporting on compliance to the relevant APVC (E & SE), or, in a case relating to a student at a branch campus, the Provost (or their delegate). Failure to comply with conditions will result in automatic referral back to the SCFtP. The School should make all reasonable efforts to enable the student to complete their programme. The ongoing fitness to practise of the student should be monitored as normal.

53. In the case of 49 c) the Committee will determine an appropriate and proportionate sanction given: the extent to which fitness to practise is impaired; the extent to and means by which that impairment might be addressed and, if applicable, any mitigating circumstances accepted. Sanctions may include any of following alone or in combination:
    - suspension for a specific period of time with or without further conditions;
    - requirement to re-sit or retake part of the programme, with or without further conditions;
    - termination of training but transfer of University registration to an alternative programme if available;
    - termination of training and removal from membership of the University, but retaining eligibility to receive any lesser award if applicable; and/or,
    - termination of training and removal from membership of the University.

54. If termination of training is the sanction, then the Standing Committee should also decide if a referral to the Disclosure and Barring Service is appropriate.

55. If conditions have been applied alongside a sanction the School is responsible for monitoring compliance with conditions; failure to comply would result in automatic referral back to the SCFtP.

56. The minutes of the hearing and the formal outcome letter of the Committee will be communicated in writing to the student normally within ten working days along with information on their right to submit an appeal of the decision. The decision will also be communicated to the School Director of Teaching and Learning or their delegate, APVC (E & SE), or, in a case relating to a student at a branch campus, the Provost (or their delegate) and will be reported to the Senate.

57. The student must notify the Secretary that they will accept the conditions or submit an appeal within ten working days of the notification letter. Failure to do so will result in the case being referred back to the Committee for further consideration and where an appropriate decision may be made by Chair's Action.

58. The Secretary will record the decision of the Committee on the student's record where it will remain as long as the record is kept in accordance with the University's data retention schedule.

Appeals process

59. Appeals against decisions of the SCFtP are made to the Student Appeals Committee. Full details can be found in the Student Appeal Committee (SAC) Policy. The Student Appeals Committee shall have the authority either to overturn or uphold the decision of the SCFtP.

60. The student should notify the Student Complaints, Appeals and Regulations Team by email to studentappeals@reading.ac.uk of their request for a review and the basis for that request within ten working days of the date of issue of the notification of the decision of the SCFtP.

61. Admissible grounds for review shall be one or more of the following:
    - There has been a procedural error; or
    - New and relevant evidence is available that was not known at the time; or
    - The decision-making Committee acted unreasonably, or the impact of the sanction imposed was unreasonably disproportionate.

62. Upon submission of an appeal, a member of the Student Complaints, Appeals and Regulations Team will acknowledge receipt within five working days and will refer the request to the Director of University Corporate Services (or their designee) for eligibility review.

63. The Director of University Corporate Services (or their designee) will carry out a review to ensure the appeal request has been submitted on time and that the student has adequately demonstrated that they meet one of the grounds for an appeal. The Director of University Corporate Services (or their designee) will make one of two decisions:

    - That the appeal request meets the eligibility criteria and shall be passed on to the Student Appeals Committee for consideration; or
    - That the appeal does not meet the eligibility criteria and a Completion of Procedures Letter will be issued, thereby ending the University internal procedures.

64. Following an eligibility review by the Director of University Corporate Services (or their designee), a member of the Student Complaints, Appeals and Regulations Team will notify the student of the outcome within ten working days and either pass the case on for consideration or issue a Completion of Procedures Letter.

65. All decisions made at eligibility review are final and cannot be appealed.

66. Where cases are accepted, the Student Appeals Committee shall consider the appeal and, if upheld, refer the case back to the SCFtP, notifying it of the grounds on which it believes the case should be re-considered. The Secretary of the Student Appeals Committee will notify the student

67. The SCFtP will reconvene to hear the case for a second time in the light of the decision of the Student Appeals Committee. The normal appeals process will apply with the exclusion that the basis for the appeal must not be the same substantive matter as in the first appeal.

68. If the Student Appeals Committee decides to uphold the decision of the SCFtP its decision shall be final. The student will be notified in writing and a Completion of Procedures Letter will be issued.

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69. The Student Appeals Committee will not make a professional determination on fitness to practise and, consequently, in its review it will determine only whether the grounds presented are valid and sufficient for the decision of the SCFtP to be overturned.

Interaction with other University disciplinary processes

70. Where the conduct, or one element of the conduct, which has caused concern falls in to a category of misconduct dealt with through other disciplinary processes within the University it is important that those processes are concluded prior to the determination of fitness to practise by the Standing Committee on Fitness to Practise. However, a student may be suspended from a placement pending an investigation where deemed necessary.

71. Prior to these processes being concluded the allegations remain undetermined and therefore cannot be taken into account with regard to fitness to practise. However, where fitness to practise is a concern every reasonable effort will be made to expedite the process(es).

Notification to professional, statutory or regulatory bodies

72. Every PSRB has its own set of guidelines regarding the reporting of information and disciplinary decisions relating to fitness to practise.

73. The DBS's guidance and advice regarding referrals can be found at: https://www.gov.uk/government/publications/dbs-referrals-factsheets. The referral form can found at: https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance

74. Schools must ensure that students and staff are aware of the specific reporting requirements for their programmes and that these are followed when information relating to a student's fitness to practise is received, and/or when a decision regarding fitness to practise has been made.

Version	Keeper	Reviewed	Approved by	Approval date	Effective date
1	CQSD	Annually	UBTL	3 March 2011	March 2011
2			Minor changes only		September 2016
3			UBTL	11 July 2017	2017/18
4			UBTLSE	22 January 2021	Immediately
5		Every 3 years	UBTLSE	10 March 2026	Immediately