



Student Fitness to Practise Procedures and Guidelines

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1. Introduction

The UCD Student Fitness to Practise Policy was developed in recognition of the University's duty of care to the public as well as to support students in fulfilling programme requirements and helping to prepare students for future professional practice. Programmes that require students to undertake practical training in professional environments may be subject to the University's Student Fitness to Practise Policy. For a list of programmes that are subject to the policy please see appendix to the policy at: <http://www.ucd.ie/registry/academicsecretariat/sfp.htm>

The information set out in this document is intended to provide clear procedures to be followed in instances where student fitness to practise concerns have been formally raised. It also describes the roles and responsibilities of relevant parties in managing student fitness to practise concerns. This document should be read in conjunction with the Student Fitness to Practise Policy, relevant Student Fitness to Practise Programme Statements and the UCD Student Code.

2. Scope of the Student Fitness to Practise Policy and Procedures

Programmes with Student Fitness to Practise requirements will normally fall into one or more of the following categories:

- Programmes that prepare students for a particular profession and where employment in that profession will be dependent on meeting 'Fitness to Practise' criteria.
- Programmes which lead to the award of a professional qualification/membership of a professional body where meeting 'Fitness to Practise' criteria is required as part of achieving that professional qualification/becoming a member of that professional body.
- Programmes with mandatory placements involving contact with the general public, patients, children, vulnerable adults and animals.

It is a matter for the relevant Programme Boards/Graduate School Boards to determine whether or not their programmes will be subject to the Student Fitness to Practise Policy. The Policy will only be applied to students who are registered to a programme that is identified in an appendix to the policy which has been approved by Academic Council.

3. Definition of Fitness to Practise

The Student Fitness to Practise Policy describes fitness to practise as students possessing *"the skills, knowledge, health and character necessary to undertake and complete a programme with professional practice, experiential learning or clinical work safely and effectively, fulfilling their responsibilities with their scope of practice in their chosen field"*. (UCD Student Fitness to Practise Code, section 2)

Issues that might impair fitness to practise are wide ranging. Programmes subject to the Student Fitness to Practise Policy will describe in detail what fitness to practise means within the context of the specific programme or discipline in Programme Fitness to Practise Statements (see section 4). Examples of areas of concern or circumstances that might render a student unfit to practise include, but are not limited to: *substance misuse; aggressive, violent or threatening behaviour; persistent inappropriate attitude or behaviour; failure to accept and follow educational advice, failure to follow health and safety requirements or the regulations; impaired judgement; lack of competence; having health concerns and lack of insight or management of these: failure to seek medical treatment or other support; refusal to follow medical advice or care plans including monitoring and reviews, in*

relation to maintaining fitness to practise; failure to recognise limits and abilities or lack of insight into health concerns.

3.1. Student Fitness to Practise and Student Discipline

It is acknowledged that some of the behaviour described above may constitute a breach of the UCD Student Code. It is intended that Programme Board/Graduate School Board Fitness to Practise Sub Committees will deal with instances that primarily fall outside the remit of the Student Discipline Process (outlined in the Student Code). Any alleged breaches of the Student Code shall normally be reported to the Registrar to be dealt with under the University's student disciplinary procedures. Where there is more than one procedure (and/or policies) of the University applicable to any one matter, the Registrar shall decide which of the University's procedures (and/or policies) should have priority or be the most appropriate in the circumstances, and may direct the continuation of some procedure(s) (and/or policies) and the suspension of others pending the outcome of the former.

3.2. Student Fitness to Practise and Student Health

In this context of the policy ill health means long term, untreated or unacknowledged physical or mental health condition that impairs a person's ability to practise without supervision. Good health means that person is capable of safe and effective practice without supervision. It does not mean the absence of any disability or health condition.

3.3. Student Fitness to Practise and Students with Disabilities

UCD is committed to equal opportunities and the support of students with disabilities. Students with disabilities are welcomed and reasonable accommodation will be made where practicable. However, for some programmes leading to professional qualifications, students must have the ability to perform skilled tasks safely, smoothly and rapidly. Where additional support is necessary, it must be practicable within the current sphere of professional practice. It is therefore possible that, regrettably, some persons otherwise qualified to undertake certain programmes of study may be unable to complete elements of the programme required for professional registration for reason of health or physical ability.

3.4. Student Fitness to Practise Concerns may be Temporary

Fitness to practise issues can occur at any stage during a student's time at University. The role of the policy is to establish a university-wide approach for dealing with such issues and facilitate Programmes and Schools in providing students experiencing difficulties with the appropriate supports and opportunities to remedy any problems that they experience. It is important to note that fitness to practise issues can arise and be satisfactorily dealt with during a student's programme of study and outcomes of a formal fitness to practise procedures reflect a judgement on a particular issue, at a particular moment in time, and is not necessarily intended to be a judgement about a student's fitness to practise in the future.

4. Fitness to Practise Programme Statements

The policy requires that programmes clearly articulate and communicate to their students what constitutes failure to meet fitness to practise requirements. Each programme subject to the policy will publish fitness to practise programme criteria within Fitness to Practise Programme Statements. These are published with the policy at: <http://www.ucd.ie/registry/academicsecretariat/sfp.htm>

The purpose of the Fitness to Practise Programme Statement is to:

- Ensure that students have a clear understanding of the standards of professional attitudes and behaviour required of them and that they are supported in their continuous attainment of these standards

- Safeguard the well-being of members of the public, service users, placement providers and other students.

5. Initiation of Procedure

In most instances student fitness to practise concerns can be addressed and resolved informally. For minor infringements the existing practice of placement supervisors discussing their concerns directly with the student to agree steps to remedy the situation will usually be sufficient. Serious or persistent fitness to practise concerns are likely to warrant the initiation of formal procedures. Supervisors should formally report their concerns or complaint using the preliminary report template and any other relevant documentation.

- Reports will be forwarded to the relevant Chair of the Programme Board/Graduate School Board in the first instance.
- On receipt of a preliminary report the Chair of the Programme Board/Graduate School Board, will decide whether to initiate formal fitness to practise proceedings and request that the Chair of the Programme Board/Graduate School Board Fitness to Practise Sub-Committee convenes a meeting to consider the matter.
- Reported misconduct that represents a breach of the Student Code should be referred directly to the Registrar, where it may be dealt with under the University's student disciplinary procedures of the Student Code.

6. Terms of Reference and Procedures of Programme Board/Graduate School Board Fitness to Practise Sub Committee

The policy requires that Programme Boards/Graduate School Boards with programmes subject to the policy should establish a sub committee to consider reported student fitness to practise concerns.

6.1. Responsibilities of the Sub Committee

A Sub Committee shall act with full delegated powers of the relevant Programme Board/ Graduate School Board and may make decisions on behalf of the Programme Board/Graduate School Board regarding the fitness to practise cases referred to it. This delegation of function shall be in accordance with Programme Board/Graduate School Board terms of reference.

The responsibilities of the Programme Board/Graduate School Board Fitness to Practise Sub Committee are to:

- consider student fitness to practise matters referred to it by the Chair of the Programme Board/Graduate School Board.
- ensure a fair, clear and consistent approach to dealing with student fitness to practise matters.
- advise the Chair of the Programme Board/Graduate School Board and the Programme Board/Graduate School Board on matters relating to fitness to practise.
- provide reports to the relevant Programme Board/Graduate School Board, Academic Council or its nominated committee, as required.

6.2. Composition of the Sub Committee

The Programme Board Fitness to Practise Sub-Committee shall normally comprise three voting members as follows:

- The Chair of the Sub Committee will be nominated by the Chair of the Programme Board/Graduate School Board

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- Member of the Programme Board/Graduate School Board, nominated by the Chair
 - Relevant Programme Co-ordinator

From time to time a Programme Board/Graduate School Board Fitness to Practise Sub Committee may wish to co-opt additional members to provide required expertise or specific representation and advice to the Committee. The co-option of members will be on a case-by-case basis and requires the agreement of the Chair of the Programme Board/Graduate School Board. Co-opted members will act in a strictly advisory capacity and shall be non-voting. The attendance of co-opted members should be noted in the record of the meeting and the report to the Committee's report to the Programme Board /Graduate School Board.

6.3. Conduct of Business of the Sub Committee

- Meetings will be convened as required by the Chair of the Sub-Committee at the request of the Chair of the Programme Board/Graduate School Board.
- Decisions of the sub-committee shall be taken by a simple majority.
- Proceedings shall be recorded.
- Reports and recommendations are drafted as soon as possible after the meeting and submitted to the Programme Board/Graduate School Board, via the Chair.
- A member of the administrative staff shall be appointed as a non-voting secretary of the committee.

6.4. Procedures of the Sub Committee

- 6.4.1 On receipt of a Fitness to Practise Preliminary Report, and having decided that the matter requires the initiation of a formal procedure, the Chair of the Programme Board/Graduate School Board or their nominee shall arrange for the Fitness to Practise Sub Committee to be convened as soon as practicable. A copy of the preliminary Fitness to Practise Report and any other relevant documentation should be circulated to the members of the committee in advance of the meeting.
- 6.4.2 The Sub Committee shall normally comprise 3 members (see 6.2). Where it is deemed helpful to do so, and at the discretion of the Chair of the Programme Board/Graduate School Board, an appropriately experienced person from the relevant discipline may be co-opted as an adviser to the Sub Committee.
- 6.4.3 Students should be informed in writing that the fitness to practise procedure has been initiated and that the Sub Committee has been convened. The student should be given appropriate notice of the date / time of the meeting.
- 6.4.4 A copy of the preliminary Fitness to Practise Report and any other relevant documentation that has been supplied in respect of the case should be provided to the student in advance of the meeting.
- 6.4.5 The student should confirm their availability to attend the meeting and should advise if they intend to be accompanied by a friend, parent, student advisor or Student Union representative. Should a student indicate that they intend to bring legal representation the matter should be referred directly to University Fitness to Practise Committee.
- 6.4.6 Members of the Sub Committee may seek the attendance of other relevant parties, including the placement supervisor to provide a verbal account of incidents or behaviour that have called into question the student's fitness to practise.

- 6.4.7 At the meeting the Chair of the Sub Committee should outline the procedures of the meeting and advise that the student may request that the matter is referred to the University Fitness to Practise Committee, whilst bearing in mind the different outcomes available to the University Fitness to Practise Committee.
- 6.4.8 Members of the Sub Committee may ask the student questions relating to the concerns raised in the Preliminary Report and other relevant documentation.
- 6.4.9 The student will receive copies of all documents relating to the matter and shall be permitted to make their own written submission in advance of the meeting.
- 6.4.10 When all of the documentation and oral evidence had been considered the Sub Committee will decide on whether there has been a breach of the Programme's Statement on Fitness to Practise and which of the available outcomes is appropriate. (see *Student Fitness to Practise Policy*, section 6.2)
- *The case can be dismissed with no further action;*
 - *On the recommendation of the sub-committee the Programme Board may require the student to undertake a second attempt for certain elements of the programme of study without academic penalty;*
 - *On the recommendation of the sub-committee the Programme Board may require the student to interrupt her/his programme of study for an unspecified period of time or to resolve a specifically identified problem;*
 - *On the recommendation of the sub-committee a Programme Board may suspend a student from a placement with immediate effect if the well-being of patients/clients/students or other service providers is put at risk. If this occurs, then the fitness to practise procedures must be expedited to enable a review to be activated within 2 working days of the suspension. The programme Fitness to Practise Policy will need to indicate what constitutes 'at risk' in the context of the programme;*
 - *On the recommendation of the sub-committee a Programme Board may recommend to the relevant University Board that an exit strategy be followed by the student;*
 - *The sub-committee may refer the matter to the Registrar or their nominee to be dealt with by the University Fitness to Practise Committee;*
 - *The student may be allowed to continue, subject to review under certain specified conditions such as careful mentoring by a named senior academic member of staff.*
- 6.4.11 The outcome of the Sub Committee shall be given in writing to the student with a copy to the Chair of the Programme Board/Graduate School Board. The student shall be informed of their right to appeal a decision to the University Fitness to Practise Committee, the procedure for lodging an appeal and the time limit for lodging an appeal (normally 2 weeks from notification of the decision).

7. Terms of Reference and Procedures of the University Fitness to Practise Committee

7.1. Responsibility of the University Fitness to Practise Committee

The responsibilities of the Programme Board/Graduate School Board Fitness to Practise Sub-Committee are to

- Consider student fitness to practise cases referred to it by the Programme Board/Graduate School Board Fitness to Practise Sub-Committee or the Registrar
- Ensure a fair, clear and consistent approach to dealing with fitness to practise cases.
- Refer cases which fall under the University student disciplinary procedures to the Registrar, where appropriate.

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- Provide Reports to Academic Council, or its nominated committee, as required.

7.2. Composition of the University Fitness to Practise Committee

The University Fitness to Practise Committee shall be convened on a case-by-case basis and drawn from a panel of senior academic staff approved by Academic Council. *Ex officio* members of the panel shall include Vice-Presidents, Principals, Vice-Principals, Deputy Registrars, Deans, Chairs of Programme Boards, Directors of Graduate Schools, and Heads of Schools.

- The University Fitness to Practise Committee for each case shall consist of three members of the panel and should ensure gender balance.
- One member of the committee shall be appointed the Chair.
- The University Fitness to Practise Committee membership should not include staff members from the programme or school of the student being investigated.
- A member from the relevant subject or discipline and a clinical representative shall be invited to attend to provide advice and guidance, where relevant.
- A member of the administrative staff shall be appointed as a non-voting secretary of the committee.
- It is recommended that two thirds of the Committee shall be from schools where programmes have adopted the Student Fitness to Practise Policy.

7.3. Conduct of Business

- The University Fitness to Practise Committee will be convened as required on a case by case basis.
- Decisions of the University Fitness to Practise Committee shall be taken by a simple majority.
- Proceedings shall be recorded.
- The University Fitness to Practise Committee shall report outcomes to the relevant Programme Board/Graduate School Board.
- The University Fitness to Practise Committee shall report to Academic Council annually.

7.4. Procedures of the University Fitness to Practise Committee

- 7.4.1 The Registrar (or their nominee) will convene a meeting of the University Fitness to Practise Committee under the following circumstances:
- where a Programme Board Sub Committee has decided to refer a matter to the University Fitness to Practise Committee
 - where a student has requested that their case be referred to a University Fitness to Practise Committee
 - where a student has appealed the outcome of Programme Board/Graduate School Board Sub Committee.
- 7.4.2 The Committee will comprise of 3 members of staff from a panel of senior academic staff of the University.
- 7.4.3 The student will be notified in writing that a University Fitness to Practise Committee had been convened. The student should be given appropriate notice of the date / time of the meeting. A period of 10 days notice should be provided to students, however, a student may choose to waive this period should the University be able to convene a committee earlier.

- 7.4.4 A copy of the preliminary Fitness to Practise Report, or where relevant the report of the Sub Committee, and any other related documentation that has been supplied in respect of the case should be provided to the members of the Committee and the student in advance of the meeting.
- 7.4.5 The student should confirm their availability to attend the meeting with the Committee Secretary and should advise in advance of the meeting if they intend to be accompanied by a friend, parent, student advisor, Student Union representative or legal representation.
- 7.4.6 Members of the Committee may seek the attendance of other relevant parties to provide verbal evidence and accounts of incidents or behaviour that have called into question the student's fitness to practise.
- 7.4.7 At the meeting the Chair of the Committee should outline the procedures of the meeting.
- 7.4.8 Members of the University Committee may ask the student questions relating to the Preliminary Fitness to Practise Report and the report of the Programme Board/Graduate School Board Fitness to Practise Sub Committee.
- 7.4.9 At the end of the meeting the University Fitness to Practise Committee will deliberate. The Committee will decide on whether there has been a breach of the Programme's fitness to practise requirement and which of the available outcomes is appropriate. In addition to the outcomes available to the Programme Board/Graduate School Board Fitness to Practise Sub Committee, and where fitness to practise requirements have been breached have been established the University Fitness to Practise Committee may also apply the following outcomes in whole or in part (see Student Fitness to Practise Policy section, 6.5.3):
- *Require the student to undergo medical, psychiatric, and/or psychological testing at the University's expense. A student failing to comply with this requirement may be required to withdraw until such time as s/he is certified by an appropriately qualified person to be fit to proceed with their studies. The qualified person must have a high level of expertise in the health area concerned and currently work in this area;*
 - *Suspend the student from participating in their programme of study subject to the satisfactory fulfilment of specified conditions;*
 - *Terminate the student's programme of study but allow the student to transfer to another programme of study or exit strategy, with the permission of the relevant programme board and subject to compliance with the University's transfer regulations and policy;*
 - *Expulsion from the University.*
- 7.4.10 The decision of the University Committee should be communicated to the student at the end of the meeting and provided in writing as soon as possible after the meeting. The student should be informed of their right to appeal and notified that appeals are required to be made in writing to the Governing Authority within two weeks from the date of issue of the decision, i.e. the date the decision is posted or handed to the student.