

FITNESS TO PRACTISE PROCEDURES

Fitness to Practise Regulations

1 Introduction

- 1.1 Edge Hill recognises that its academic awards may result in a professionally recognised qualification and that academic success alone may not meet all of the professional requirements which might include for example, physical health, mental health, moral or behaviour matters. In confirming appropriate academic qualifications or admission to a professional body and/or statutory registration Edge Hill must be satisfied that the student will be a safe and suitable entrant to the given profession.
- 1.2 Where it is deemed that these Fitness to Practise Regulations need to be applied, the student will still be subject to the Edge Hill Student Regulations.
- 1.3 Faculties which have programmes that prepare students for a profession and which require a student to undertake practical training will have regulations and procedures to review and address issues arising from situations where a student does not comply with the requirements of the relevant professional body or who demonstrate behaviour which is deemed to be inappropriate (Section 2).
- 1.4 Students accepting a place at Edge Hill are required to comply with all regulations and procedures of Edge Hill which apply equally off Edge Hill sites and especially in the various placement settings into which a student may be placed as part of their programme of study.
- 1.5 Students who do not comply with the relevant programme regulations and/or where their behaviour or issues have not improved following the application of Faculty procedures as outlined in Section 1.3, will be subject to the Fitness to Practise Regulations if their behaviour is considered to be damaging or dangerous to service users, other students, staff of Edge Hill and its partners or judged to present any unacceptable risk.

2 Fitness to Practise

- 2.1 Where a student is registered on a programme that leads directly to, or which satisfies the conditions of, a professional qualification or which gives the right to practise in one or more professions, the student must not engage in any behaviour which renders them unfit to be admitted to that profession. These procedures apply to any Edge Hill University course under which students would be permitted to practise or be enabled to undertake professional registration upon successful completion.
- 2.2 These procedures should not be initiated in cases where a student is not meeting the required competencies for the programme. Students failing to meet the academic or practical aspects of their programme should be considered under the academic regulations.
- 2.3 The following circumstances are examples which could render a student unfit to practise:

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- a) offences against or exploiting the vulnerable, including children, the elderly and the mentally incapacitated;
- b) chronic drug or alcohol abuse;
- c) acting in a violent manner on or away from Edge Hill premises;
- d) conviction of a relevant criminal offence;
- e) intimidation of pupils, fellow students, patients or clients;
- f) failure to rectify behaviour that has been subject to any disciplinary actions under the Edge Hill regulations;
- g) repeated inappropriate behaviour towards others;
- h) falsification of records;
- i) severe or relapsing mental illness;
- j) being a carrier of a serious communicable disease;
- k) any circumstances which may breach the professional code of practise applicable to the profession which the programme qualifies the student to enter upon graduation

3 Initiation of the Procedure

- 3.1 Once a Faculty has exhausted its own procedures for dealing with a student's behaviour or health and where it is felt that such concerns could prevent the student from continuing on their programme of study, the Associate Dean for Teaching and Learning (or nominee) will report such concerns to the Academic Registrar, in writing, together with details of any actions taken. Any report must state whether or not the full Faculty procedure has been followed.
- 3.2 Where a student's behaviour is considered to be extreme and such a serious risk then the student may be referred directly to a Fitness to Practise Panel
- 3.3 On receipt of a report the Academic Registrar (or nominee) will, in conjunction with the Director of Student Services, decide whether the issues should be dealt with under the Edge Hill Student Regulations incorporating the Code of Behaviour and Disciplinary Procedures and/or under this Fitness to Practise Procedure.
- 3.4 Where a student withdraws before these procedures are completed but the behaviour in question would normally result in suspension pending an investigation, the process should be completed and the outcome recorded for future reference.

4 Referral to an Edge Hill Fitness to Practise Panel

- 4.1 The Academic Registrar will refer cases to the Fitness to Practise Panel.
- 4.2 In all cases the Vice-Chancellor or their nominee will decide whether or not to suspend the student from attending part or all of their programme with Edge Hill pending the outcome of the Fitness to Practise proceedings or investigation into the student's health.
- 4.3 The membership of the Fitness to Practise Panel will be:

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- The chair of the panel will be appointed from a list of academic managers approved by the Vice-Chancellor (the chair should not be from the student's Faculty)
- One member of teaching staff who is not associated with the teaching of the student
- An elected representative of the Students' Union
- A representative of the profession concerned
- A member of the Academic Registry will act as Secretary to the Panel.

5 Procedure for the Calling of a Fitness to Practise Panel

- 5.1 The Secretary to the Panel will be responsible for informing the student of the substance of the allegations against them and/or concerns about them, arranging the hearing and advising the student and any witnesses.
- 5.2 Any party proposing to call witnesses to give evidence at the hearing must notify the Secretary of their details not less than 3 working days before the date of the hearing. The calling of witnesses will be limited to those whose identities have been notified to the Secretary.
- 5.3 The student will have the opportunity to write to the Secretary of the Panel prior to the hearing admitting or disputing the grounds and enclosing any documents or making any representations they may wish to be considered by the Panel.
- 5.4 The student must also indicate whether or not they will be attending the hearing.
- 5.5 The Chair of the Fitness to Practise Panel will have discretion to delay the date of the hearing at the request of the student or Associate Dean for such period as the Chair considers reasonable in the circumstances.
- 5.6 If the student does not appear at the hearing without reasonable explanation the Panel may proceed in the absence of the student.
- 5.7 A friend¹ may accompany the student appearing before the Panel.
- 5.8 The Panel will be entitled to call witnesses to give evidence on any matter relevant to the enquiry; from anyone that the panel wishes to hear evidence.
- 5.9 The proceedings of the Fitness to Practise Panel will be held in private.
- 5.10 The Secretary will prepare a record of the proceedings of the Fitness to Practise Panel.
- 5.11 The Associate Dean for Teaching and Learning (or nominee) will present the case on behalf of Edge Hill and call witnesses.
- 5.12 The student will be entitled to question the Associate Dean and any of their witnesses.

¹ See *Appendix 23: The Role of a Student's Friend in Academic Conduct Procedures* for full guidelines.

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- 5.13 The student will be given the opportunity to present their case and to call on any witnesses.
- 5.14 The Associate Dean will be entitled to question the student and any of their witnesses.
- 5.15 The panel will be entitled to question the Associate Dean, any witnesses and the student.
- 5.16 The Panel will conduct its deliberations in private and will be free to recall any witnesses, the Associate Dean or the student.
- 5.17 The Panel will be informed of any previous penalties imposed on the student. The Panel will be entitled to hear any relevant medical or character witnesses, and to call for a background report from the Director of Students Services or for any other Edge Hill records pertaining to the student.
- 5.18 Where any element of fact is in dispute within the hearing, the standard of proof applied by the Panel will be that of the balance of probabilities.
- 5.19 The Panel will reach its decision by way of a simple majority vote. In the case of a split decision, the Chair will have the casting vote.
- 5.20 Within 5 working days of the decision of the Panel the Secretary will write informing the student of the decision made by the Panel. The letter will notify the student of their right to appeal.
- 5.21 In imposing a sanction on a student, the Panel will, if appropriate, have regard to the relevance of the matter in relation to the student's fitness on completion of the programme of study to be registered as a professional practitioner and may in this connection seek further advice from the Dean of Faculty before deciding on the sanction to be imposed.
- 5.22 The Panel may:
- a) permit the student to continue with the programme, with or without conditions;
 - b) permit the student to continue with the programme under close supervision;
 - c) recommend a specified period of intercalation;
 - d) where programme regulations permit; require the student to resit a specified part of the programme;
 - e) require any other action considered appropriate by the Panel to enable the student's successful completion of the remainder of the programme;
 - f) recommend that the student's studies on a programme leading to a professional qualification be terminated but permit registration for an alternative academic qualification;
 - g) recommend that the student's programme be terminated and that the student be required to withdraw from Edge Hill
- 5.23 Any penalty imposed on a student by the Panel will not be implemented until such time as the appeal period has elapsed, or in the case of a student who has lodged an appeal, the appeals procedures have been completed.

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- 5.24 Where a student has been suspended under Section 4.2 of these regulations the suspension will remain in place until such time as the period of appeal has lapsed or until the appeals procedures have been completed.
- 5.25 Should the Fitness to Practise Panel recommend expulsion the Academic Registrar will inform the Vice-Chancellor, who, following receipt of a written report of the proceedings, will endorse or revoke the decision.
- 5.26 The Safeguarding Vulnerable Groups Act 2006 places a legal duty on the University to refer to the Disclosure and Barring Service any person who has;
- i. Harmed or poses a risk of harm to a child or vulnerable adult
 - ii. Satisfied the harm test (i.e there has been no action to harm but a risk of harm to a child or vulnerable adult still exists)
 - iii. Received a caution or conviction for a relevant offence

In all cases the University reserves the right to report the panel's decision to the appropriate professional and safe guarding authorities or the Disclosure and Barring Service.

6 Appeal against a decision of a Fitness to Practise Panel

- 6.1 A student will have the right to appeal against the decision of the Fitness to Practise Panel and such an appeal will be considered under the Edge Hill Appeals Procedures.
- 6.2 Any appeal must be made to the Assistant Registrar, Assessments & Appeals within 10 working days of the decision being notified to the student.

7. Re-admission to the University

- 7.1 In accordance with the Academic Regulations, students that are withdrawn from the University will be prevented from reapplication to that course for a period of two years.
- 7.2 In the event that a student who has been removed from regulated activity re-applies to the University for a programme that includes regulated activity, this must be declared by the student as part of the application process.
- 7.3 Historical activity will not necessarily bar applicants from being a student at Edge Hill University, however, a risk assessment will be necessary to ensure the University meets its safeguarding responsibilities in relation to children and vulnerable adults, considers the risk to the University community and, in relation to certain professional courses, makes an appropriate assessment in relation to the personal qualities and professional standards expected.

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