

Belfast Metropolitan Fitness to Practice Policy 2015/2017



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Lorraine Lavery

Compliance with Equality Legislation:-

| | |
|--|--|
| Screening date | Screening being undertaken August 2015 |
| Screening outcome | |
| Consultation date | |
| Equality Impact Assessment (EQIA) date | |
| EQIA key outcomes | |

Policy Approval Process (excerpts only):

| | | |
|--|---|--|
| Policy Owner (operational) | - | Lorraine Lavery |
| Policy Owner (strategic) | - | Lorraine Lavery |
| Date approved by Executive Team (step 7) | - | |
| Date approved by Governing Body (step 8) | - | |
| Date policy implemented (step 9) | - | |
| Date of first review | - | September 2016 |
| Period for subsequent reviews | - | every 24 months or sooner following recommendations from Awarding Bodies, HEI, PSRB, QAA and/or DEL. |

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1. Policy Context

Any programme of study which may lead to a professional registration will be governed by a requirement that students demonstrate their 'Professional Suitability and Fitness to Practise'. At the heart of the Professional Suitability and Fitness to Practise Policy and Procedure is recognition of the College's duty of care to all students and stakeholders.

All training makes high academic and personal demands on students. Students are required to demonstrate not only academic ability but also personal suitability, fitness to practise and a commitment to their chosen profession at the point of admission as well as throughout their programme.

The responsibilities in relation to suitability and fitness to practise are not confined to the process and content of the academic programme but have a broader scope and application. They encompass all behaviour including that outside the academic or placement setting which may reflect negatively on the profession, College or University awarding body.

Suitability and fitness for professional work include qualities such as patience, honesty, integrity, resilience and the ability to help people face difficult situations. Evidence of clear thinking, sound judgement, sensitivity and tolerance is required, together with the ability to establish and maintain appropriate personal and professional boundaries. This demands sound interpersonal and communication skills as well as both physical and mental ability to carry out the role appropriately.

On occasions, students may be the subject of concerns about their suitability and fitness to practise in one or more of these fields. It must be clear to all parties (students, academic staff, and placement supervisors) what kinds of concerns or information will trigger formal action on behalf of the College, how the formal action will be implemented and what are the possible outcomes.

There is a clear professional obligation laid down by regulating bodies to have robust processes that encourage the disclosure of matters that may affect suitability and fitness to practise.

Professional Suitability and Fitness to Practise procedures are distinct from Belfast Metropolitan College's general disciplinary procedures. There may be situations, however, where more than one set of College procedures are utilised to consider the College's position and professional implications of a student's behaviour or fitness to practise.

2. Definitions:

- HE - Higher Education
- PSRB - Public, Statutory & Regulatory Bodies
- HEI - Higher Education Institutes
- QAA - Quality Assurance Agency
- DEL - Department Education & Learning
- CAM - Curriculum Area Manager
- HoD - Head of Department
- UU - Ulster University

3. Policy Development:

3.1 Policy aim

The policy seeks to ensure the consistency of practice in the relevant Higher Education curriculum offered for delivery across Belfast Metropolitan College. It is to prohibit actions outside the above processes and guidelines and to offer staff protections under the same procedures and guidelines with the implementation of consistent rules & regulations for each relevant qualification at that may lead to professional recognition.

3.2 Policy objectives

To comply with the codes of practice, regulations, as set out by the relevant Awarding Bodies and/or partner Higher Education Institutions (HEIs), Public, Statutory & Regulatory Bodies (PSRBs) and the [UK Quality Code](#).

3.3 Scope of policy

Students registered on a programme of study that requires them to undertake practical training in a professional role in relation to patients, pupils, clients or service-users, or where the end qualification provides a direct license to practice or is a requirement for a license to practice, are subject to this policy of fitness to practice.

The purpose of this policy is to give effect to the College's duty to ensure that such students are fit to practise, in order to protect present or future patients, pupils, clients or service users and to comply with the requirements of professional/regulatory bodies and to maintain public confidence.

If students registered on a programme of study are subject to this policy, this shall be stated in the Course Regulations for that programme of study.

If any student subject to this Regulation is the subject of alleged or proven academic misconduct or disciplinary offence, this shall be disclosed without prejudice to the relevant Head of Department, so that any implications regarding fitness to practice may be considered.

The basis for any determination or action concerning the fitness to practice of a student shall be the relevant professional requirements and code of behaviour. The standard of proof required shall be the balance of probabilities.

3.4 General Principles

This policy refers to the procedures to be implemented when a student is judged unfit for entry to a profession for which there are academic, behavioural and health requirements that must be met in order to ensure suitability to practice that profession. Examples of relevant profession are Nursing, Health Visiting, Health and Social Care, Early Years Education, Occupational Therapy, Physiotherapy, Radiography, Optometry, Podiatry, Chiropractic, Dietetics, Clinical Physiology, Sports Studies, Speech and Language Therapy, Education, Counselling, Social Work, Youth and Community Work.

This list is not exhaustive and may be added to by the College at any time.

All provision that **may** lead to professional recognition, with the exceptions stated in the paragraph below will be required to adhere to this policy and procedures.

Social Work provision within Belfast Met is directly linked with the Northern Ireland Social Care Counsel (NISCC) who are integral part of the partnership for delivery of the Higher Education Health & Social Care, programmes in Northern Ireland. Therefore Health & Social Care and Early Childhood Studies provision will not fall under this policy.

* Programmes delivered in partnership with the University of Ulster that fall under this policy currently are:

- Level 3/4 Certificate in Counselling Studies;
 - Certificate of Higher Education in Counselling Skills;
 - Foundation Degree in Counselling; and
- *Details correct at date of implementation June 2015, but must be reviewed annually in line with College provision*

This Fitness for Professional Practice procedure exists to protect:

- the public interest, by safeguarding client/patient well-being; and
- the student's interests by ensuring that students do not proceed into a career for which they may well not be suited or for which a regulatory body may not register them.

Students may be considered unfit for practice on the grounds of:

- physical or mental health reasons;
- criminal or other serious misconduct;
- unprofessional conduct or action;
- Failure to disclose information at the admissions stage of a course;
- Academic unsuitability for the demands of the professional training.

Concern that a student may, for behavioural or health reasons, be deemed unfit to be admitted to or to practise in a profession towards which his or her course of study leads, should be disclosed in writing to the appropriate Head of Department. Concerns may arise from one incident or from a pattern of behaviour over time

Anyone, including College teaching staff and academic support staff involved in student placement who become aware of evidence of health, behavioural or academic unsuitability which may preclude a student from completing the course of study or from undertaking the required professional practice should report the facts in writing to the at the earliest opportunity.

Anyone making such disclosure, must identify his or herself. Anonymous disclosure **will not** be accepted. In exceptional circumstances the may permit the discloser's identity to remain confidential, provided this is consistent with natural justice.

Examination Boards, Staff Student Consultative Committees and College Disciplinary Investigation Reports may also refer students to the Head of Department under this Fitness for Professional Practice policy.

Students whose courses are covered by the Fitness for Practice policy **must disclose** any criminal convictions to the College before entering the course or immediately such a conviction occurs during the course. This will enable the student to be provided with guidance about entry requirements for registration within the profession concerned. If a student fails to disclose this information and it subsequently comes to light, the student will be referred to the Head of Department who may instigate the Fitness for Professional Practice procedure.

Issues relating to professional practice may arise as a consequence of behaviour associated with diagnosed or suspected mental illness or from addiction. In such circumstances the Fitness for Professional Practice policy will only be invoked if medical and counselling interventions have not successfully addressed the behaviour or if the student has refused all such interventions.

3.5 Related Policies/Procedures

This policy should be read in conjunction with:

- College Disciplinary Policy;
- Belfast Met Criminal Records policy & Procedures;
- Safeguarding Children and Vulnerable Adults Policy;
- Student Charter; and
- Student Code of Conduct.

3.7 Controls

3.71 Precautionary Suspension

The Head of Department, in which the student is registered, may suspend a student pending a fuller investigation of the circumstances reported. This power may be used when a student displays inappropriate behaviour while on clinical placement or when about to go on clinical placement.

When such action is necessary, the Head of Department will prepare a report on the circumstances of the case, normally within 3 working days of the action and will make this report available to a Fitness for Professional Practice panel.

During a period of precautionary suspension, the student will be entitled to access the Colleges Learner Services and will be offered any pastoral support required.

Accurate completion of the documentation within the processes, procedures and guidelines set out above will evidence correct implementation and adherence to this Policy.

3.72 Investigation

The Head of Department will, within 5 working days of receiving the disclosure, appoint a Departmental Fitness for Professional Practice Panel (hereinafter the Panel). The Panel shall consist of:

- the Head of Department or his/her nominee (the Head of Department will normally Chair the Panel);

- the Higher Education Co-ordinator;
- a member of academic staff from the same professional discipline as the student;
- a University representative from the appropriate Faculty (if relevant);
- a member of academic staff who is not from the professional area concerned and who does not know the student; and
- a registered professional practitioner from the professional area concerned.

The panel will meet within 21 days of the disclosure being received.

The student will be given 10 working days' notice of the meeting of the Panel. The notice will include:

- a brief statement of the allegations against him or her;
- details of any precautionary suspension or limitations on or conditions placed upon his or her studies or clinical placement experience during the investigation; and
- information on his/her right to be accompanied at the Panel meeting by a representative who is a member of the College student or staff body.

The Head of Department or their representative may ask academic or clinical staff connected with the case to provide written comments on the student's academic standing, conduct or health, explaining why there is concern as to the student's fitness for professional practice. The Head of Department will also be provided with information about the student's professional and academic progress and any other relevant information.

The Panel will establish the facts of the case and in so doing may interview relevant individuals, including the student. The student may be accompanied at the interview by a member of staff of the College, by another student, by a representative of the Students' Union or by a member of the professional organisation. Legal representation is not permitted.

A member of the College administration staff will, with due regard to confidentiality, keep records of the proceedings and be responsible for circulating relevant documents.

The Panel shall satisfy itself that the student understands the purpose and import of the proceedings of the Panel in respect of his/her case, understands his/her rights within the process, and has adequate support.

Wherever possible the Panel will resolve the issue in consultation with the student.

The Panel has the following powers when considering the student's behaviour and conduct:

- no action may be required;
- the student may be referred to Occupational Health, which may result in a period of leave of absence;
- recommend to the College Senior Management team that the student discontinue studies on the course with or without possibility of transfer to another course;
- if the student is at an appropriate stage in his/her programme, he/she may be offered an alternative award which does not lead to a professional qualification;
- the student may be referred to the Colleges Disciplinary procedures; or

- other action as deemed appropriate to the situation.

Should the Panel take the decision to refer a student to the College Disciplinary procedures, it will state in writing the reasons for its recommendation and supply any evidence it may have.

When the Fitness for Professional Practice Panel takes the decision to remove a student from a professional course it will: -

- inform the student in writing, within 10 days of the Panel meeting, of the decision of the Panel, giving reasons for the decision;
- appraise the relevant Head of Department and/or College Director of Curriculum;
- provide feedback to the complainant(s); and
- the findings of the Panel will be entered on the student's file.

3.73 Appeals

The student may appeal against the decision of the Departmental Fitness for Practice Panel on any of the following grounds:

- that new evidence has become available;
- that there has been procedural irregularity;
- that the decision of the panel was inappropriate or too severe.

An appeal should normally be made through the College Director of Curriculum within 10 days of receiving the decision of the Panel. The College Director of Curriculum will set up an Appeal Board (hereinafter the Board). The Board will consist of:

- College Director of Curriculum (chair);
- the Head of Department of another curricular area;
- a member of the Professional Body concerned who has not been involved in the consideration of the case;

and consequently

- the appeal will be considered within 28 days of the date the appeal was lodged;
- the Board will consider the statements and information provided by the panel. The board may set aside or vary or confirm the decision of the panel. There shall be no appeal against the decision of the appeal board; and
- all previously established ordinances not listed above are hereby repealed.

3.8 Sanctions

3.81 Students

- no action may be required;
- the student may be referred to Occupational Health, which may result in a period of leave of absence;
- recommend to the College Senior Management team that the student discontinue studies on the course with or without possibility of transfer to another course;

- if the student is at an appropriate stage in his/her programme, he/she may be offered an alternative award which does not lead to a professional qualification;
- the student may be referred to the Colleges Disciplinary procedures; or
- other action as deemed appropriate to the situation.

Should the Panel take the decision to refer a student to the College Disciplinary procedures, it will state in writing the reasons for its recommendation and supply any evidence it may have.

3.82 Staff

Failure to comply with College policy will result in an investigation by the Centre for Curriculum Quality Assurance and Performance Development and the Disciplinary Procedure for Teaching staff may be invoked.

MONITORING AND REVIEW

The College will establish appropriate information and monitoring systems to assist the effective implementation of this Policy.

The College will ensure that adequate resources are made available to promote this Policy effectively and is committed to reviewing this Policy on a regular basis, in consultation with the recognised trade unions, statutory organisations such as the Equality Commission for Northern Ireland and in line with models of good practice.

| | | | | |
|---------------------------------------|--|-------------------------|--|--------------------|
| <i>DIRECTOR SIGNATURE</i> | | | | |
| <i>PRINT NAME</i> | | <i>SIGNATURE</i> | | <i>DATE</i> |
| <i>CHAIR OF GOVERNING BODY</i> | | | | |
| <i>PRINT NAME</i> | | <i>SIGNATURE</i> | | <i>DATE</i> |

This Higher Education Assessment Policy integrates all guidelines associated with all Higher Education curriculum offered within Belfast Metropolitan College. The guidelines associated with all Awarding Bodies, Public, Statutory & Regulatory Bodies and Higher Educational Institutes have been subsumed into this Policy. Adherence to this Policy is necessary to ensure coherency in relation to assessment processes if effective quality assurance and ongoing maintenance of academic standards is to be achieved. Failure to comply with this policy could result in disciplinary proceedings.

This policy is supported by processes, procedures and guidelines which provide specific guidance to staff on the design, validation (IV), delivery, assessment, internal verification, Appeals and Extenuating Circumstances in respect to higher education assessment.

Supporting documentation will be adjusted to take cognisance of changes in guidelines and procedures as a result of internal reviews and external engagements with the Awarding Bodies, Professional Statutory & Regulatory Bodies, the Quality Assurance Agency and the UK Quality Code.

This Policy replaces the Higher Education Assessment policy version 1.1 last issued on 22nd June 2013.

4. Policy Implementation

4.1 Revision History

Date of this revision: 05/04/2016

| Revision date | Previous revision date | Summary of Changes | Changes marked |
|---------------|------------------------|---|----------------|
| 05/04/2016 | 22/06/2015 | Update to reflect the change in College structure | |
| | | | |
| | | | |

4.2 Distribution

This document will be distributed to:

| Name | Date of Issue | Version |
|---|---------------|---------|
| School HE Co-ordinators, CAM and cc to HoS with HE content (cc HoF) | | 1.0 |
| All College staff | | |
| | | |

4.3 Training / Awareness

| | |
|-----------------------------|---|
| Training Awareness Sessions | Planned for beginning of each College Academic year |
|-----------------------------|---|