

# **FITNESS TO PRACTISE PROCEDURE**

# Fitness to Practise Procedure

**Policy Owner:** ELT  
**Date Approved:** 22 April 2025  
**Next Review:** March 2028  
**Responsibility for Review:** Director of Quality

Applicable to staff: Yes/~~No~~  
 Applicable to students: Yes/~~No~~  
 Publish on College website: Yes/~~No~~

## Consultation:

Undertaken with:	Yes/No:	Date:
Board/Committee		
ELT	Yes	4 March 2025 22 April 2025
CMT		
Unions		
Students		
Employees		
Employers/Stakeholders		

## Any Associated Documentation, for Reference:

Positive Behaviour Framework, Complaints Policy/Procedure, Health and Safety procedure, Safeguarding, Child Protection and Prevent Policy, Fitness to Study Procedure

**ELT SIGN-OFF:** Marie Haworth, Vice Principal Quality, Teaching, Learning & Learner Support



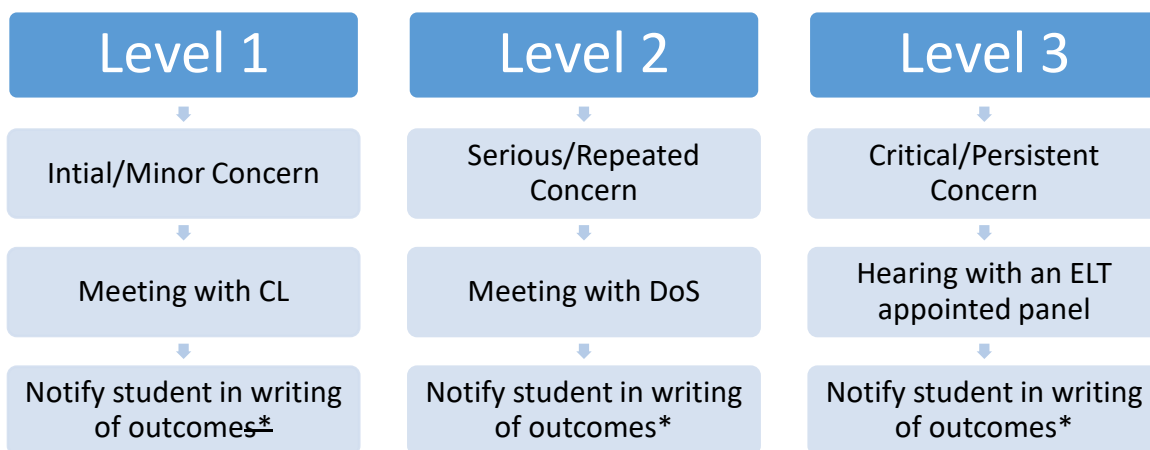
## **Fitness to Practise Procedure**

### **Summary**

The following document details the procedure concerning a student's fitness to practise in a professional setting as part of their academic programme. It is designed to safeguard the individual, students, clients, the College and the associated professions. The following important information is detailed within this procedure:

- An outline of expected professional conduct.
- Examples of how fitness to practise concerns may arise including; failure to adhere to the codes of conduct of the College/ professional body/place of work, failure to disclose criminal convictions or health conditions which could impact on the student's ability to work safely.
- Support available for students regarding professional suitability.
- Outlines the investigation process.
- Possible outcomes of professional misconduct investigations which include; additional student support, temporary removal from the programme of study, permanent removal from the programme of study.
- The appeals process following an outcome of a fitness to practise concern being raised.

Upon receiving a complaint or concern regarding a student's professional practise the appropriate level must be followed.



#### \*Outcome

##### Level 1 and above:

- No further action
- Refer to a Level 2 or Level 3
- Issue a verbal warning or sanction appropriate to the concern
- Outline support available to student
- Create action plan with student
- **Level 2 and above:**
- No further action
- Refer to a Level 1 or Level 3 Withdraw temporarily from placement
- support arrangements and/or reasonable adjustments be put in place for the student
- an action plan be drawn up
- Refer to fitness to study or any other College policies and procedures
- Issue a sanction appropriate to the concern
- **Level 3:**
- No further Action
- Refer to a previous level
- Issue a sanction appropriate to the concern
- Suspension
- Withhold achievement
- Exclusion
- Refer the matter further

##### Level 3 Panel to include;

ELT/DoS (Chair)

Member of staff from department

Member of staff outside of department

A member of the profession external to the college if required

**All written communication must be kept on College central records**

## Introduction

1. Preston College provides a number of programmes of study where students' fitness to practise, to register for and undertake the programmes require assessment and monitoring by the College.
2. These programmes of study usually lead to a professional registration and/or a license to practise in a professional context. They are characterised as being practise-centred and are normally directed towards the achievement of professional competence and/ or professional registration. In addition, most of these programmes are accredited and/or regulated by professional, statutory or regulatory bodies (PSRBs). In particular, PSRBs, together with other professional advisory bodies (PABs) are concerned with seeking to ensure that students comply with professional codes of conduct and demonstrate developing standards of professionalism.
3. The College needs to be satisfied that students admitted, registering for, and undertaking such programmes are professionally suitable, with reference to the standards of the particular profession and/or the requirements of any relevant PSRBs and/or PABs. The College's Disclosure and Barring Checks (DBS) Policy and procedures sets out the arrangements for the admission of students with police warnings, reprimands, cautions and convictions. Once students are registered at the College, they are subject to this Fitness to Practise Procedure in the event that professional suitability concerns are raised.
4. Students undertaking such programmes will be required at all times to:
  - demonstrate acceptable standards of conduct
  - demonstrate relevant values and attitudes
  - satisfy relevant criminal record requirements
  - satisfy relevant health requirements
5. This procedure sets out how the College will normally respond to instances where a concern is raised regarding a student's fitness to practise and the type of action that the College may take to deal with the concern and to support the student. The College has the right to suspend and/or exclude a student if deemed appropriate.
6. Examples of where fitness to practise concerns may arise include, but are not limited to, instances where a student has or is suspected of having:
  - health, mental health, emotional or inter-personal problems, which indicate a lack of insight or self management which raises a concern about a possible risk to self or others
  - failed to comply with PSRB and/or PAB requirements in relation to fitness to practise
  - failed to act within any statutory frameworks which set out students' professional duties and responsibilities
  - breached standards of acceptable conduct including those set out in the College's Code of Conduct and Positive Behaviour Framework or by a relevant PSRB and/or PAB, for example in connection with but not limited to:
    - abuse or harassment, including via an online format, for example social media
    - violent, aggressive or threatening behaviour (physical, verbal or other)
    - sexual misconduct
    - failure to disclose conviction(s)
    - failure to treat others with dignity or respect, or to practise in a non-discriminatory way
    - failure to act with professional integrity

- dishonesty or untrustworthiness, such as but not exhaustive of, the misrepresentation of qualifications or professional experience, the forging of documents, signatures, practice hours, theft or making false expenses claims
  - academic misconduct including the inappropriate use artificial intelligence according to the associated College and awarding body guidance
  - health and safety breaches
  - activities which constitute a criminal offence
  - the commission or suspected commission of a criminal offence
  - alcohol or substance abuse problems or addiction
  - anti-social behaviour which adversely affects the proper operation of placement/work-based settings
  - the failure to demonstrate an attitude, demeanour or communication appropriate for individuals working in the profession concerned
  - breach of confidentiality
  - lack of motivation or interest and/or failure to engage in learning activities, including the non-submission of academic work that would act as evidence of sufficient progress and learning commensurate with preparing for industry
  - unsafe practise, incompetence or requiring too much supervision
  - failure to self-reflect, lack of insight, poor self-management, lack of personal accountability
  - safeguarding concerns
  - poor mental and physical health which interferes with the student's ability to practise safely
  - failure to seek help and engage with appropriate services in relation to any health concerns that may impact a students' fitness to practise
  - failure to communicate and engage with the College, including long periods of absence without notice
- Where, due to the nature of the programme, the College is concerned that the student's fitness to practise may be, or may become, impaired in light of a reasonable suspicion that as a result:
    - a risk is posed to the student's own health, safety or wellbeing and/or that of others
    - the proper operation of the profession is or may be adversely affected
    - a relevant placement or work-based setting is or may be adversely affected and/or
    - trust in the profession or the College may be undermined or the profession or the College brought into disrepute

7. The College recognises that concerns regarding students' fitness to practise may arise in a variety of ways (eg as result of a disclosure made by the student, or from the circumstances of a student's practise, academic performance or conduct, or from issues raised by College staff, other students, health professionals, placement providers, service users or PSRBs). The College will consider and address concerns regarding students' fitness to practise if they arise and will endeavour to take action to deal with concerns promptly and fairly. A staff member who receives a disclosure will share this information with the Director of that School to discuss next steps. The College recognises that dealing with matters in this way is critical not only to ensuring consistency and that relevant professional standards are attained and maintained, but also to support student learning, academic achievement and to provide a positive student experience.
8. This procedure applies to students throughout their period of registration with the College, both on and off campus. It is not limited to term time, placement or work-based learning.

9. In implementing this procedure, the College will remain mindful of its duty of care and of its obligations to students under the Equality Act 2010 including in appropriate cases to make reasonable adjustments. It will also remain mindful of the often confidential and sensitive nature of fitness to practise matters the Colleges obligations under the Data Protection Act 2018 and General Data Protection Regulations (GDPR)
10. The standard of proof applied at every stage of this procedure is the balance of probabilities.
11. When dealing with students under this procedure, College staff will consider what support and guidance may be offered to the student. Students will be reminded of the support services provided by the College and will be encouraged where appropriate to seek support from relevant external sources (eg local GPs or mental health services)
12. Students should be aware that when dealing with fitness to practise concerns, the College may consider it appropriate to discuss and/or refer matters and/or their outcomes to third parties such as University Partners, PSRBs or placement providers and agencies such as Social Services, the Police or the Disclosure and Barring Service. The College will normally notify the student when doing so, but may do so on occasion without notification to the student in situations deemed to be of risk. Where such a third party or agency carries out any investigation or other process, the College may suspend or delay taking action under this procedure, although it is not obliged to do so. The College will not be bound by the outcome of any third party or agency investigation or other process.
13. Whilst the College anticipates that most matters involving fitness to practise concerns will be dealt with under this procedure, matters may arise where it is appropriate for the College to implement other College processes (such as its Positive Behaviour Framework and/or Fitness to Study procedure).

### **Concerns about a student's health and wellbeing**

14. There may be occasions when a student's physical or mental health means that they pose a risk to themselves, or to others, which may include service users in placement settings. For students following professional programmes, such health concerns will usually be managed through this procedure, especially where the student's presentation gives rise to fitness to practise concerns arising from a failure to disclose a health issue, a lack of insight into their condition and/or its impact upon others and/or their professional practise. In all cases, the process will be conducted in as supportive a way as possible and specialist expertise from the internal support services. In some cases, it might be deemed appropriate to manage health concerns through the Fitness to Study Procedure.

### **Conduct which may also be a criminal offence**

15. If a student's conduct may be in breach of the criminal law, the College may at its discretion, refer the matter to the Police. In addition, the College may at its discretion suspend or delay taking action under this procedure pending the outcome of any Police inquiry and/or criminal investigation/prosecution.
16. The College may take action regarding a student under this Procedure regardless of the outcome of any criminal proceedings, whether a conviction or acquittal. While the College is not obligated to follow the result of a criminal prosecution, it may, at its discretion, consider any penalty imposed by a criminal court when determining the outcome under this procedure.

## **Temporary suspension of a student to mitigate risk**

17. A temporary suspension of a student from their placement, work-based learning setting, related learning activities and/or programme-as a means of mitigating risk and not as a sanction may be used. Any temporary suspension made for this purpose is a neutral act and is not a determination regarding any fitness to practise concern(s) raised.

### **Procedure to be followed at Levels 1, 2 and 3 is detailed on page 4 in the diagram**

18. At which level the procedure is implemented will depend on factors such as the nature of the Fitness to practise concern, the seriousness of any risk posed and the student's response to any steps taken so far by the College to manage the situation.
19. Students dealt with under this procedure will be entitled at any stage to be accompanied by one person. The role of this individual is to provide support to the student and is not to advocate or represent the student.
20. Should a student without good cause be unwilling or unable to participate at any stage of this procedure or attend a meeting/ hearing, the College reserves the right to follow the procedure, in their absence and then inform the student of the outcome.
21. Where a student decides to withdraw from the programme, or is withdrawn on academic or competency grounds, and there is an outstanding professional suitability concern, the professional suitability process will normally continue until completed so that a formal judgement may be reached whether or not the student chooses to engage with the process. Failure to engage with the process would itself be considered a fitness to practise concern.

## **Investigations**

22. Prior to any outcome being determined at a meeting under Level 1 or 2 or Level 3, the College may undertake an investigation if it deems it necessary in the circumstances. The purpose of the investigation will be to inform the College of the nature of the fitness to practise concern, to recommend to the Director of School the level at which it should be dealt with (if any), A member of staff will be appointed by the relevant Director of School or ELT member to act as investigating Officer. Any investigation will be carried out in a transparent and fair manner.
23. The Investigating Officer will determine the process to be followed for the investigation. It may be necessary to speak with the student concerned, other students, staff and third parties such as placement providers or health professionals. Where concerns are level 1, an investigation meeting with the student may not be necessary, in this case, an initial response from the student to the concern will be sought.
24. In more complex cases, a professionals' meeting may be called in order to ascertain the nature of the concern and gather information. The student will be informed that an investigation is being carried out, the identity of the Investigating Officer, and will be invited to respond.

## **Action Plans**

25. Where the outcome at any level of this procedure includes the drawing up of an action plan, the plan will set out how the matter will be managed and any requirements to be placed on



the student. The action plan will state that where the student fails to comply with any requirements placed upon them, the matter may be referred to be dealt with at a higher level of the procedure. The student will be provided with a copy of the action plan. A date will be arranged at which the action plan will be reviewed by an appropriate member of staff at a review meeting. The review meeting will consider whether the action plan should continue, be amended, and/or whether any requirements have been complied with. The matter should be referred to a higher level if actions have not been complied with. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

### **Level 1 – Initial, Emerging or Minor Concerns**

26. Initial, emerging or minor concerns about a student's fitness to practise will normally be dealt with under Level 1 in the following way. Examples of such concerns include, but are not limited to, poor time keeping and/or attendance, failure to prepare appropriately for placement activities, and failure to comply with a dress code or engage with curriculum programme requirements or requirements.
27. The Curriculum Leader or Director of the School will inform the student that there is a concern about their fitness to practise and the nature of the concern and that the matter is to be dealt with under Level 1. The student will be provided with a copy of this procedure. The Curriculum Leader or Director of the School will arrange a meeting with the student to discuss the concern and any support needs the student may have.
28. Following the meeting, the students' fitness to practise will be determined as to whether it is impaired or may become impaired and any actions to be taken. Such actions may include (but are not limited to) one or more of the outcomes shown in the diagram on page 4.
29. A copy of the decision and any associated documentation will be recorded on the College system for central access

### **Level 2 – Serious and/or continuing or repeated concerns**

30. Serious and/or continuing or repeated concerns about a student's professional conduct will normally be dealt with under Level 2 in the following way. Examples of such concerns include but are not limited to failure by a student to adequately address issues dealt with at Level 1 of this procedure, ongoing health concerns that are not being appropriately managed by the student, and unsatisfactory conduct on or off campus.
31. The Director of School responsible for the area in which the programme resides will inform the student that there is a concern about their fitness to practise and the nature of the concern and that the matter is to be dealt with under the fitness to practice procedure.
32. Under Level 2. The student will be provided with a copy of this procedure.
33. The student will be invited to a meeting with the Director of School to discuss the concern and any support needs the student may have. The student will be given a full opportunity to respond to the concern. The Director of School may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to deal with the matter and to provide support to the student. Records of previous meetings under this procedure and any action plans will be available at the meeting.

34. The student will normally be given at least 5 working days' notice of the meeting and will be provided with the relevant documentation or information relating to the concern, in advance of the meeting.
35. The Director of School will determine whether or not the student's fitness to practise is impaired or may become impaired and any actions to be taken. Such actions may include, but are not limited to, one or more of the outcomes given in the diagram on page 4.
36. A copy of the decision and any associated documentation will be saved to the College central system

### **Level 3 - Critical, and/or persistent or cumulative concerns**

37. Critical and/or persistent or cumulative concerns about a student's fitness to practise will normally be dealt with under Level 3. Examples of such concerns include but are not limited to professional or academic misconduct leading to the termination of a placement, exposing service users and stakeholders to risk of harm, a criminal or serious academic offence and/or failure to address prior concerns at level 2 or level 3.
38. The student will be informed that there is a concern about their fitness to practise and of the nature of the concern and that the matter is to be dealt with under Level 3. The student will be provided with a copy of this procedure.
39. The student will be invited to a hearing before a fitness to practice panel. The student will normally be given in writing at least 7 days in advance of a panel:
  - notice of the date, time and place of the panel
  - details of the fitness to practise concern
  - a copy of the investigation report
  - a reminder of the right to be accompanied by 1 person at the panel
40. The student may submit to the Panel, a written statement in response to the concern to be considered at the hearing at least 2 working days in advance of the panel hearing date
41. A fitness to practice panel will be appointed by ELT will normally consist of:
  - A member of ELT or Director of School (who will act as Chair)
  - One member of academic staff from the department in which the student is based
  - One independent member of academic staff from another department within the College, and
  - If appropriate, a member of the relevant profession and external to the College may also attend
42. Whilst the order and procedure to be followed at a hearing will be at the discretion of the Chair and will comply with the principles of natural justice, the following will normally occur:
  - A member of College staff appointed to act as Investigating Officer and case presenter will outline the fitness to practise concern and the evidence in support of the concern.
  - The student may respond at this stage.
  - The case presenter will sum up.
  - The student will have the right to present their case.
  - The members of the professional suitability panel may ask questions throughout.
  - The Chair may adjourn or postpone the hearing where it is reasonable to do so. The fitness to practise panel may ask for specific enquiries to be undertaken and/or additional information to be presented. Minutes will be taken of the proceedings.

43. Matters will be determined by the fitness to practise panel on the balance of probabilities. If a consensus of decision is not achieved, the Chair will have the casting vote.
44. The fitness to practise panel will determine whether or not the student's fitness to practise is impaired, or may become impaired, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:
- No action be taken
  - Refer to a previous level
  - Issue a sanction appropriate to the concern
  - Suspension
  - Withhold achievement
  - Exclusion
  - Refer the matter further
45. The student will be notified in writing of the decision of the fitness to practise panel, with reasons, and any outcomes.

## **Appeals**

46. Students may raise a written appeal to the College's complaints procedure against any neutral suspension or exclusion imposed or against any outcome within 15 working days of the date of the decision. The grounds for appeal against outcomes are:
- the decision is irrational and/or a disproportionate outcome has been imposed
  - new information/evidence is available which was not reasonably available before
47. The decision of the panel, will take effect and remain in force until such time as it may be changed by the appeal outcome.
48. The College's complaints process will consider the appeal and determine whether there are valid grounds to proceed, and the student will be informed accordingly.
49. The complaint's process and designated staff will determine the appeal, and will make one of the following decisions:
- dismiss the appeal (in whole or part) and/or
  - uphold the appeal (in whole or part) and (as appropriate):
    - impose an alternative outcome
    - confirm the original decision
50. The outcome of the appeal will be notified to the student in writing, with reasons, normally within 20 working days of the outcome where practical to do so, but within a 90 day framework.
51. The decision will be final and will conclude this procedure. A 'Completion of Procedures' letter will be issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website [www.oiahe.org.uk](http://www.oiahe.org.uk).