



UCL Academic Manual

Chapter 8: Derogations and Variations

UCL Institute of Education

# UCL IOE Fitness to Practise Policy And Procedure 2016-17

*Effective from 1 September 2016 for new and continuing students.*

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## **1. What is Fitness to Practise?**

- 1.1 When an incident relating to Professional Standards is reported, staff should first consider whether it should be dealt with under Fitness to Practise or Professional Practice Panel policy. Incidents considered by a Professional Practice Panel may also be referred to Fitness to Practise Policy and Procedures.
- 1.2 The Fitness to Practise policy is designed to ensure that students meet the professional standards of conduct for the awards on the different Initial Teacher Education (ITE) routes at UCL.
- 1.3 Within the ITE curriculum, the Fitness to Practise considerations address key practice knowledge, understanding and skills to ensure students are exposed to the requirements of teaching. Additionally, UCL has procedures to enable appropriate investigation of fitness to practise issues. These are necessary to:
  - 1.3.1 Protect individuals and students;
  - 1.3.2 Ensure students are appropriately prepared for entry to the profession, including developing professional attitudes and clearly demonstrable and understood professional behaviour;

- 1.3.3 Identify students who are unfit to practise (e.g. through Safeguarding and DBS investigations before and during a course);
- 1.3.4 Protect UCL against significant risk during the student's professional training.

## 2. Introduction

- 2.1 This policy ("**Policy**") and procedure sets out the UCL Institute of Education's (the Institute's) approach for the consideration of issues relating to a student's fitness to practise in their chosen area of study or work, including but not exclusively teaching setting. Fitness to practise is judged against a variety of measures. The Department for Education (DfE) sets a clear baseline of expectations for the professional practice and conduct of teachers, from the point of qualification in The Teachers' Standards. The Teachers' Standards are used to assess all trainees working towards Qualified Teacher Status (QTS), and will be used in conjunction with the Department for Education Teacher Misconduct regulations to ultimately determine whether a student is fit to practise upon qualification, as well as while they are studying.
  - 2.1.1 In this Policy, any named officer may delegate his or her responsibilities to another member of the Institute and the procedure shall not be invalidated by an officer of the Institute acting in the place of another named in this Policy.
  - 2.1.2 Where this policy provides for actions to be carried out within certain time periods, the Institute will use all reasonable efforts to comply with these time limits. Where the Institute is unable to comply with such time limits, it will provide the student with reasons for any delay, together with a deadline by which the action will be carried out.

## 3. The Institute's duty to uphold professional standards

- 3.1 Students on professional career paths, such as programmes of initial teacher education or programmes accredited or endorsed by the British Psychological Society (BPS), are required to demonstrate certain professional characteristics and adhere to the requirements of the relevant regulatory body or successor body. These characteristics and requirements are in addition to the Institute's general requirements of satisfactory conduct and academic progression.
- 3.2 In addition to conferring the appropriate qualification, the Institute must be satisfied that such students would be safe and suitable entrants to the profession and would be fit to practise.

- 3.3 In the context of initial teacher education, the Institute is required to have due regard to the professional requirements of the Department for Education, the National College for Teaching and Leadership (NCTL) and Learning and Skills Improvement Service (LSIS) or their successor bodies, and to legislation affecting fitness to teach, such as the Education (Health Standards) (England) Regulations 2003 and the DfE’s statutory guidance “Keeping Children Safe in Education”. In the context of educational psychology, the Institute is required to have due regard to the professional requirements of the British Psychology Society (BPS) and of the Association of Education Psychologists (AEP), and any successor bodies.
- 3.4 Fitness to practise concerns may arise from aspects of the student’s health or personal conduct (including without limitation unsatisfactory professional progression, behavioural issues and other issues external to their academic progression and performance).
- 3.5 In considering issues of fitness to practise under this Policy, the Institute shall pay due regard to relevant legislation and guidelines issued by relevant regulatory bodies. Additionally, in cases relating to a student’s health, the Institute shall act in accordance with its duties under the Equality Act 2010 and the Special Educational Needs and Disability Act 2001.

#### **4. Interface with UCL’s disciplinary procedure**

- 4.1 Students on professional programmes are subject to the UCL procedures regarding academic progress and discipline, in addition to this Policy.
- 4.2 During consideration of a student’s alleged disciplinary offence under UCL’s disciplinary procedure, information or evidence may emerge which raises questions about a student’s fitness to practise, even if it would not support a finding of misconduct. In such cases, the fitness to practise issues may be referred for consideration under this Policy.

#### **5. Procedure for referrals of issues of fitness to practise**

- 5.1 In the event of a disciplinary concern, report of issues of fitness to practice shall be submitted to the Head of the Academic Department in which the student is registered, or, in the case of initial teacher education, to the Director for ITE, as soon as possible after the act, incident or behaviour complained of or, in the case of repeated acts, incidents or behaviours, as soon as possible after the most recent instance.

Should a health concern arise, this should be referred similarly to either the Head of Academic Department or the Director for ITE, as appropriate.

- 5.2 A report may be submitted by any person, and should be submitted in writing. The Head of Academic Department or Director for ITE will not normally consider reports submitted anonymously, although in exceptional circumstances may, at his or her discretion in cases justifying such action (for example, those concerning matters of potential health and safety of the reporter) withhold from the student affected the name of the reporter.

## **6. Presumption of innocence**

- 6.1 Any student whose conduct is considered under this Policy, including a student who has been suspended, shall be presumed innocent until the allegations have been considered in accordance with the procedure prescribed below, but see Point 13 below.

## **7. Interim suspension**

- 7.1 In cases involving allegation of serious fitness to practise issues, a Pro-Director may, at his or her discretion in appropriate cases, suspend a student immediately pending consideration of the report under this Policy. In instances where a school has withdrawn a placement, it is likely that an alternative placement will be found until the concern has been investigated and a report made unless the allegation relates to safeguarding or pupil welfare. A separate decision may be made on whether the student may attend Institute sessions. The Pro-Director will give due regard to the advice of the nominated Head of Academic Department or Director for ITE, to whom the report has been submitted.

## **8. Initial investigation stage**

- 8.1 On receipt of a report regarding a student's personal conduct, the Head of Academic Department or Director for ITE, as appropriate, shall inform the student of the allegations made against him or her, and of the fact that these are being considered under this Policy. The student will be provided with a copy of the report and be referred to appropriate student support services. S/he will also invite the student to respond within seven working days of the date of the notification that allegations have been received and are being investigated.
- The same procedure shall apply if the Head of Academic Department or Director for ITE is made aware of health concerns about a student which call into question the student's capacity to continue practice.
- 8.2 After seven working days, the Head of Academic Department shall consider the report and any reply from the student, and may at that stage decide either

to take no further action, or to request that a nominated Pro-Director refer the allegations for investigation by an Investigating Officer, as prescribed below.

- 8.3 The Head of Academic Department shall inform the student of his or her decision under paragraph 8.2 above within seven working days of receipt of the student's response. If the decision is to request that the nominated Pro-Director refers the allegations to an Investigating Officer, the student shall also be informed of the name and the identity of the Investigating Officer.
- 8.4 The student will be asked at this initial investigation stage whether they accept the concern that has been raised, and agree that their capacity to practise is not demonstrable, leading to withdrawal from the programme.

## **9. Investigation**

- 9.1 Cases referred under paragraph 8.3 above will be investigated in the first instance by an appropriate and impartial senior member of the Institute chosen by the nominated Pro-Director. This person shall act as the Investigating Officer.
- 9.2 In a disciplinary case the Investigating Officer shall obtain as much information as reasonably practicable about the allegation(s) and may interview the student and others, such as (but without limitation to) the reporter, and other students or members of staff (including those in placement schools) as appropriate. The Investigating Officer may, at their discretion, secure the attendance at such interviews of another member of the Institute's staff for the purpose of taking a record of the meeting. If the Investigating Officer decides that it is not possible or appropriate to invite the student for interview, they shall permit the student a reasonable opportunity to make written representations in response to the allegations.
- 9.3 In a case relating to the health of a student, where the student gives permission, the Investigating Officer will work with the student and those who have been involved in support of the student to establish the key facts pertinent to the case. If the student refuses permission, they will be informed that this will result in less information being available in support of their case. In all cases, there will be due regard applied to confidentiality.
- 9.4 The Investigating Officer shall prepare a detailed report for the Pro-Director containing the facts established in the course of his or her investigations and a recommendation for further action, including whether the case should be considered by a Fitness To Practise Committee or that no action be taken.
- 9.5 When a decision has been taken to impose the interim suspension of the student, the investigation must normally be undertaken within five working

days of the referral by the Pro-Director. All other allegations must be normally investigated within ten working days of the referral.

- 9.6 It may not always be possible for the Investigating Officer to complete his or her investigation during the periods anticipated above, especially in cases that are factually complex, or where key individuals are unavailable for consultation within the specified timeframe. In such circumstances, the reason for any delay in responding, together with a deadline by which a response will be provided, will be communicated to the student.

## **10. Referral of allegation to a Fitness To Practise Committee**

- 10.1 The nominated Pro-Director will review the Investigating Officer's report within seven working days of receipt of the report.
- 10.2 If the nominated Pro-Director decides that the concerns raised about the student do not compromise his or her fitness to practise, no further action will be taken and the student will be informed accordingly in writing.
- 10.3 If the nominated Pro-Director decides that a disciplinary allegation should be upheld and the Investigating Officer considers the fitness to practise issue to be such that the case will not proceed to the Committee stage as described below, the student will be given a warning regarding his or her future behaviour.
- 10.4 The Institute reserves the right to take into account any failure by the student to adhere to the warning should any concerns about Fitness to Practise be raised in the future.
- 10.5 If the Investigating Officer considers the alleged fitness to practise issue to be such that the case should proceed to the Committee stage, it will proceed in the manner described below.

## **11. The Fitness to Practise Committee**

- 11.1 A Fitness to Practise Committee shall be appointed by the Pro Director to consider allegations giving rise to concern regarding a student's fitness to practice under this Policy (the "Committee").
- 11.2 Membership of the Fitness to Practise Committee shall be as follows:

the Pro Director or his or her nominee;

a Head of Academic Department, who may not be from the same department in which the student is registered;

a senior member of the academic department;

another member of the Institute's academic staff;

an individual external to the Institute coming from the same profession as the programme on which the student is registered.

- 11.3 In instances involving concerns regarding a student's health, the Committee shall also include a member with suitable knowledge of matters relating to student health.
- 11.4 The Committee shall appoint its own chair from among the members.
- 11.5 No member of the Committee shall have been previously involved with the investigation and/or otherwise involved in the allegation giving rise to consideration of the particular student's conduct under this Policy.
- 11.6 Any meeting of the Committee shall not be invalidated by the absence of any member (except for instances involving concerns regarding a student's health, in which the member with suitable knowledge of matters relating to student health must attend), but the quorum for any meeting of the Committee shall be two, one at least of whom shall be the Chair. The Chair will have an additional, or casting vote.
- 11.7 The Clerk of the Committee shall be appointed by the Pro-Director. The Clerk's role shall be to take a note of the Committee meeting and to advise on the issue of procedure. The Clerk shall not participate in the deliberation of the Committee.

## **12. Notice of Committee meetings**

- 12.1 Notice of the time, date and venue of the Committee meeting shall be sent in writing by the Clerk to the student whose case is being considered and should be made at least ten working days before the date of the meeting.
- 12.2 Such notice shall also state:
- the case which the Committee shall consider; and
  - the names of any witnesses which, on the basis of the Investigating Officer's report, the Committee proposes to call to give oral evidence at the meeting.

- 12.3 The notice shall be accompanied by copies of any documents, including those which have been obtained in the course of the Investigating Officer's investigation, and that are to be submitted to the Committee as evidence.
- 12.4 At least seven working days before the meeting the student shall inform the Clerk whether s/he intends to attend the Committee meeting in person, and whether or not s/he wishes to be accompanied to the meeting. The student shall also give the full name of any person who will be accompanying them ("companion"), and the capacity in which they will attend.
- 12.5 The student will forward to the Clerk any documents they wish to submit to the Committee as evidence at least seven working days before the meeting.
- 12.6 The Clerk shall forward the information and documents referred to at paragraphs 12.3 and 12.4 above to the members of the Committee and the party presenting the Institute's case. In the event that a student wishes to be accompanied by a representative in a legal capacity, the Institute may exercise a similar right to secure legal representation at the Committee meeting.

### **13. Procedure for Committee hearings**

- 13.1 The procedure for the consideration of allegations under this Policy shall be prescribed by the Committee, but may typically include the following stages:
  - 13.1.1 a person appointed by the Director to present the Institute's case (who may be the Investigating Officer but shall not be a person appointed to serve on the Committee under paragraph 11.2 above) shall state the case for consideration of the student's fitness to practise and may call witnesses. Such witnesses may be questioned by the student or the friend and re-examined;
  - 13.1.2 the student or his or her companion shall state his or her case and may call witnesses who may be questioned and re-examined;
  - 13.1.3 the person appointed by the Director may (with the leave of the Committee) recall witnesses and at the close of the evidence shall address the Committee;
  - 13.1.4 the student or the companion of the student may then reply;
  - 13.1.5 the person appointed by the Director and the student (and anyone accompanying the student) shall then withdraw while the Committee considers the case in private;



- 13.2 If possible, the Committee shall recall the student (and companion) and the person appointed by the Pro-Director to hear its recommendation on the day of the meeting. If it is not possible to do this, the Committee shall in any event communicate to the student in writing both by first class post to the last postal address held by the Registry for the student and by email to the student's UCL email address its decision and the broad reasons for that decision as soon as practicable after reaching that decision. The Committee may, but need not, make known any findings of fact established before it.
- 13.3 The Committee will also provide to the nominated Pro-Director the same information as provided to the student.
- 13.4 The Committee may at its discretion adjourn the Committee meeting to a date, time and place fixed during the original meeting, or to a date to be notified in accordance with the provisions of paragraph 12.1 above.
- 13.5 If either the student or the representative of the Institute does not attend any meeting and fails to submit to the Committee an advanced explanation for their non-attendance which, in the opinion of the Committee, is reasonable, the Committee, may, at its discretion, proceed with its meeting provided it is first satisfied that due notice of the meeting was given.
- 13.6 The meeting of the Committee shall be held in private but the Committee may admit as observers such persons as it shall in its absolute discretion deem fit on such terms as it may consider appropriate.

## **14. Powers of the Committee**

14.1 The Committee shall have power to reach the following decisions:

14.1.1 The student is fit to practise and is:

14.1.1.1 permitted to continue with the programme; or

14.1.1.2 permitted to continue on the programme subject to conditions, a formal reprimand, and/or any other action which the Committee considers appropriate to enable the student to complete the programme;

Or

14.1.2 The student is not fit to practise and:

- 14.1.2.1 the student is required to suspend their studies for a specified period of time, at the expiry of which the Committee shall review the situation and decide whether to re-admit the student to the programme; or
- 14.1.2.2 the student's membership of the Institute and of UCL should be terminated. In such cases, the Director will make the recommendation for termination to the Provost and to UCL Council.

14.1.3 In cases involving the termination of a student's registration on a programme, the Institute shall advise the student of possible alternative programmes which they may transfer to or of any recognition they may be eligible to receive for studies already undertaken.

## **15. Appeals**

- 15.1 A student may request that a review of his or her case be undertaken by submitting a request in writing to the Director of the Institute.
- 15.2 Where such an appeal is submitted, it shall be in writing and shall state the reasons for the appeal.
- 15.3 Students may generally appeal a decision of the Committee only on one or more of the following grounds:
  - 15.3.1 irregularity of process;
  - 15.3.2 the coming to light of fresh evidence which was not available and/or presented at the time of the original Committee hearing;
  - 15.3.3 that the sanction or penalty imposed was excessive or inappropriate.
- 15.4 The procedure for the consideration of appeals shall be prescribed by the Director, but it will generally comprise a consideration of the evidence considered by the Committee and the Committee's decision as communicated to the student.
- 15.5 At least three appropriately senior members of Institute staff shall be involved in the review, none of whom will have had any prior involvement with the original case.

- 15.6 The decision of the reviewers shall be communicated to the student in writing within ten working days of the decision being reached. The student will also, at that time, be provided with a Completion of Procedure letter so that the case may be taken to the Office of the Independent Adjudicator for Higher Education if the student wishes.
- 15.7 The decision of the reviewers shall be final and shall conclude the Institute's Fitness to Practise procedures.
- 15.8 In the event that a former student, or a student who has interrupted his or her registration, wishes to re-register, or re-enter their degree, and there are any unresolved issues arising on grounds of fitness to practise, then the Institute will consider those issues under such procedure as it considers appropriate.
- 15.9 The Institute reserves the right for the Fitness to Practise Committee to consider any previous decision taken by the Fitness to Practise Committee should the student be subject to this procedure in the future.
- 15.10 Once the appeals procedure has concluded, the Institute will act in accordance with the requirements of the Department for Education, the National College for Teaching and Leadership (NCTL), the Learning and Skills Improvement Service (LSIS), the British Psychological Society (BPS) and any successor bodies in determining whether the nature of the fitness to practise issue is such as to require that the student's name be passed on to the relevant professional body.