



UCL Academic Manual

Chapter 8: Derogations and Variations

UCL Institute of Education (IOE)

Fitness to Practice Policy and Procedure 2017-18

Effective from 1 September 2017 for new and continuing students.

Outline

Policy and Procedure for the management of concerns about students' fitness to practice. Designed to inform students, staff and practice providers about IOE's procedure for addressing fitness to practice issues.

The Policy applies to initial teacher education programmes leading to professional qualification and/or eligibility to apply to a professional register that requires students to undertake periods of experience in practice settings. UCL, in conjunction with the professional and regulatory bodies, has a duty to ensure the student is fit to practice during and up to the point of registration/awarding of qualification.

The Policy should be used in conjunction with the relevant professional body code and fitness to practice standards and requirements, the UCL Academic Manual, the Student Disciplinary Code and Procedure in Respect of Students, Cause for Concern Process, Disclosure and Barring Service Process, and any other relevant policies and procedures as deemed necessary.

The information in this Policy is correct at the time of review in June 2017. The IOE reserves the right to make amendments to the policy provided that such amendments are (i) as a result of changes to Professional, Statutory and Regulatory Body regulations (ii) as a result of unforeseen events or circumstances beyond the IOE's control or (iii) are deemed reasonably necessary by UCL.

In the event that amendments are made, UCL shall take reasonable steps to notify students as soon as is reasonably possible.

The Policy will be operated in accordance with UCL's duties under the Equality Act 2010, the Data Protection Act 1998, and Freedom of Information Act 2000.

1. Introduction

- 1.1 The Policy has been developed by the UCL Institute of Education (IOE) for use to assess fitness to practice when considering whether students meet the professional standards of conduct for the awards on all Initial Teacher Education (ITE) programmes at the IOE.

2. Definition of fitness to practice

- 2.1 Being fit to practice means having the knowledge, understanding and skills to practice safely and effectively in relevant professional roles.
- 2.2 In addition to conferring appropriate qualifications, UCL must be satisfied that students entering certain professions are safe and suitable entrants to the chosen profession, and are fit to practice. Fitness to practice is monitored and assessed throughout a student's time on the programme. If there are concerns including allegations of misconduct, lack of competence and poor health, these will be investigated and addressed by the IOE. The main purpose in doing this is to safeguard the public and to adhere to the standards set out by regulatory bodies.
- 2.3 Fitness to practice 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. Scope

- 3.1 This Policy applies to students on professional career paths, specifically programmes of initial teacher education. These students are required to demonstrate professional characteristics in keeping with the requirements of the relevant regulatory body or successor body:
<https://www.gov.uk/education/teaching-standards-misconduct-and-practice>.
- 3.2 These characteristics and requirements are in addition to [UCL's general requirements of satisfactory conduct and academic progression](#).
- 3.3 The purpose of the Fitness to Practice Policy is:
- To protect individuals and students;
 - To ensure students are appropriately prepared for entry to the profession, including developing professional attitudes and clearly demonstrable and understood professional behaviour;
 - To identify students who are unfit to practice (e.g. through Safeguarding and DBS investigations before and during a course);
 - To protect UCL against significant risk during the student's professional training.

4. Use of this Policy

- 4.1 This Policy is not intended to deal with a student's academic performance, extenuating circumstances or complaint. However, if 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 practice, those issues may be referred for consideration under this Policy.

- 4.2 Under this Policy, any named officer may delegate his or her responsibilities to another appropriate member to guard against any conflict of interest and in the interests of progressing the panel in a timely manner.
- 4.3 Where this Policy provides for actions to be carried out within certain time periods, IOE will use all reasonable efforts to comply with these time limits. Where this is not possible the student will be notified as soon as possible of reasons for any delay together with a deadline by which the action will be carried out.
- 4.4 In considering issues of fitness to practice under this Policy, IOE shall pay due regard to relevant legislation and guidelines issued by relevant regulatory bodies. Additionally, in cases relating to a student's health, IOE shall act in accordance with its duties under the Equality Act 2010 and the Special Educational Needs and Disability Act 2001.
- 4.5 Information on the fitness to practice requirements specific to the programme, including any requirements to notify the regulatory body, along with reference to this document are included in:
- information provided during the application and admissions process;
 - information sessions during induction; and
 - the Programme Handbook, as appropriate.
- 4.6 The procedure will be operated with due consideration to student confidentiality.

5. Fitness to Practice Process

5.1 Raising a concern

- 5.1.1 Cause for concern as to a student's fitness to practice can be raised relating to a wide range of behaviours, including, but not limited to:
- Criminal conviction, caution, reprimand or equivalent;
 - Drug or alcohol misuse;
 - Aggressive, violent or threatening behaviour;
 - Persistent inappropriate attitude or behaviour;
 - Academic misconduct;
 - Dishonesty or fraud (whether or not linked to the professional role);
 - Unprofessional behaviour or attitudes;
 - Health concerns and lack of insight or management of these concerns.
- 5.1.2 Reports of any 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 Head of 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.
- 5.1.3 A cause for concern report may be submitted by any person. Cause for concern reports submitted anonymously will not normally be considered, except in exceptional circumstances, for example those concerning matters of potential health and safety of the reporter.
- 5.1.4 The cause for concern report should:
- Note the reason(s) for referral, information should be provided in chronological order

- Note any actions taken prior to the referral
- Be accompanied by evidence of the concern(s)

5.1.5 In cases involving allegation of serious fitness to practice issues, the Head of Academic Department or Head of ITE may recommend to the Faculty Tutor that the student is suspended 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 sessions at IOE.

5.2 Initial investigation

5.2.1 The purpose of an initial investigation is to determine whether there is a case to answer as to whether the fitness to practice of the student is impaired. The initial investigation shall be carried out by the relevant Head of Academic Department, the Head of ITE or their nominee (the “Investigating Officer”). The Investigating Officer will be supported by a “Clerk” from the IOE Academic Programmes Office.

5.2.2 The Clerk will write to the student to make them aware that a cause for concern report has been submitted, and supply a copy of the report to the student’s UCL email address. The student will be made aware that they have a right to respond to the report in writing, and to make the Clerk aware of any extenuating circumstances that they consider pertinent to the report, to be returned to the Clerk within five working days via their UCL email address.

5.2.3 In all cases the student has the opportunity to seek support from UCL Occupational Health Services and UCL Student Support and Wellbeing Services prior to responding to the report.

5.2.4 The student should confirm to the Clerk whether they envisage any delay in returning a written response within 5 days.

5.2.5 All students of IOE are entitled to seek impartial advice and guidance from [Students’ Union UCL Support Service](#) and from the [UCL Student Mediator](#). Information on a comprehensive range of health and wellbeing support services is accessible at the following link: www.ucl.ac.uk/current-students/support.

5.2.6 The Investigating Officer will consider the cause for concern report, and any response from the student. They should consider in their assessment of the case:

a) Behavioural issues and impacts, in particular:

- the seriousness of the behaviour in question and impact on student and others;
- whether it is part of a pattern of behaviour; and,
- the year of study of the student and his/her experience of higher education and/or professional practice.

b) Risk management, in particular:

- how likely a repeat of the behaviour may be; and,
- how well the student might respond to support.

5.2.7 The Investigating Officer shall produce a Fitness to Practice report outlining the concerns raised, details of the investigation undertaken and concluding one of the following:

- a) that there is no case for impaired fitness to practice; or,
- b) there is a case for impaired fitness to practice and the matter should be referred to the Fitness to Practice Committee.

5.2.8 In the case of 5.2.7 a), if any support needs are identified in the initial investigation, the Department should ensure that these are implemented or that the student is made aware of where they can seek advice or guidance. All reasonable efforts are made to enable the student to continue on his/her programme of study. The on-going fitness to practice of the student should be monitored as normal.

5.2.9 The investigation must normally be concluded within 15 working days of receipt of the original report.

6. Fitness to Practice Hearing

6.1 Arranging a Fitness to Practice Panel

6.1.1 In the case of 5.2.7 b), the Clerk will make arrangements for the student's case to be considered at a Fitness to Practice Panel.

6.1.2 On receipt of the Fitness to Practice report of the initial investigation, the Clerk will write to the student, enclosing the report, and supporting information. The notification will inform the procedure to be followed and the date and time of the meeting. It shall also include:

- The names of any witnesses which, on the basis of the Investigating Officer's report, the Panel proposes to call to give oral evidence at the meeting;
- 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 Panel as evidence;
- Information that the student may be accompanied by a 'companion', who should normally be a currently registered student of the University, a member of staff of the University, a sabbatical officer or student adviser of the Students' Union;
- Information on relevant student support services they may find useful to access.

6.1.3 The student shall be asked to inform the Clerk with five working days' notice whether s/he intends to attend the Panel 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 the companion, and note the capacity in which they will attend.

6.1.4 The student should forward to the Clerk any documents they wish to submit to the Panel as evidence at least five working days before the meeting.

6.1.5 The Clerk shall forward the information and documents sent by the student to the members of the Panel.

6.2 **Fitness to Practice Panel membership and attendance**

6.2.1 The IOE will establish a 'Panel Pool' of members for the Fitness to Practice Panel on an annual basis.

6.2.2 The membership of the Panel will be drawn from the IOE academic panel pool. It will comprise three core members, as follows:

- A Chair – Faculty Tutor or nominee
- A senior academic from a different academic department to the student;
- A senior academic from the same academic department as the student;

A Clerk will be appointed to the Panel from the IOE Academic Programmes Office.

In instances involving concerns regarding a student's health, the Panel shall also include a member with suitable knowledge of matters relating to student health.

6.2.3 Further panel members may be enlisted as required, they might include:

- The Panel may seek advice or guidance from an expert, e.g. legal adviser on specific questions or regulations.
- The published guidance of the relevant professional body with regard to the composition of panels determining fitness to practice will be consulted and adjustments made to the membership of the Panel (normally by adding member(s) as required) by decision of the Chair.
- An individual external to the Institute coming from the same profession as the programme on which the student is registered.
- An observer may be present at the Panel meeting, they will not be part of the Panel.

6.2.4 No member of the Panel 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.

6.2.5 The Investigating Officer is required to attend the hearing of the allegation to present their report.

6.2.6 The student has the right to attend the hearing of the case, and to be accompanied by a companion as described in 6.1.3.

6.2.7 If the student does not attend the meeting and fails to submit to the Panel an advanced explanation for their non-attendance which, in the opinion of the Panel, is reasonable, the Panel, may, at its discretion, proceed with its meeting provided it is first satisfied that due notice of the meeting was given.

6.3 **Fitness to Practice Panel meeting proceedings**

6.3.1 The Fitness to Practice Panel meeting is responsible for considering matters of fitness to practice and for imposing appropriate conditions or sanctions on those students found to be unfit to practice.

6.3.2 The date and time for the meeting of the Panel meeting will be set in a timely fashion. The Panel will be provided with the same set of documents as the student. The Clerk will keep a record of

the proceedings and of evidence given to the Panel. The Panel's meetings shall be held in private.

6.3.3 The procedure for the consideration of allegations under this Policy shall be prescribed by the Panel, but may typically include the following stages:

- i. The Investigating Officer shall state the case for consideration of the student's fitness to practice and may call witnesses. Such witnesses may be questioned by the student or the companion and re-examined;
- ii. The student or his or her companion shall state his or her case and may call witnesses who may be questioned and re-examined;
- iii. The Investigating Officer recalls witnesses and at the close of the evidence shall address the Panel;
- iv. The student or the companion of the student may then reply;
- v. The Investigating Officer and the student (and companion) shall then withdraw while the Panel considers the case in private;
- vi. If possible, the Panel shall recall the student (and companion) and the Investigating Officer to hear its recommendation on the day of the meeting.

6.3.4 The Clerk will take notes at the meeting. Any unauthorised electronic recording of the hearing is explicitly prohibited.

6.4 **Powers of the Panel**

6.4.1 The Panel shall have power to reach the following decisions:

a) The student is fit to practice and is:

- i. permitted to continue with the programme; or
- ii. permitted to continue on the programme subject to conditions, a formal reprimand, and/or any other action which the Panel considers appropriate to enable the student to complete the programme;

Or

b) The student is not fit to practice and:

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

6.4.2 In cases involving the termination of a student's registration on a programme, the IOE shall advise the student of any recognition they may be eligible to receive for studies already undertaken.

6.5 After the Fitness to Practice Panel Meeting

- 6.5.1 A report of the Panel meeting, and a letter outlining the decision of the Panel and conditions, will be sent to the student, the and any other relevant parties, normally within 10 working days of the meeting.
- 6.5.2 The student will be given an opportunity to comment on whether the report is an accurate record of the meeting. They should be given ten working days to respond.
- 6.5.3 A copy of the findings, decision and conditions will be placed on the student's file in accordance with the Data Protection Act 1998.
- 6.5.4 Where applicable, if a student's registration has been terminated on the grounds that they are not fit to practice, the findings and decision may be communicated to the relevant regulatory body.
- 6.5.5 Where the student is deemed not fit to practice, the decision may be noted in any reference requested for the student.

7. Appeals

- 7.1 A student may request that a review of his or her case be undertaken by submitting a complaint via UCL's [Student Complaints Procedure](#).
- 7.2 A Formal Complaint should be submitted via the [UCL Student Complaints Procedure Application Form](#) to the Student Casework Team within 28 days of receipt of the Fitness to Practice Panel's notification letter.
- 7.3 UCL subscribes to the OIA scheme, and this Policy and associated Regulation is therefore subject to its review. UCL is committed to complying with any formal decision and/or recommendation(s) issued by the OIA arising from a student complaint considered by the OIA, noting that the student complainant is not bound to comply with the OIA decision.

Annexe: Legislation and professional body information

Department for Education [Keeping Children Safe in Education](#)

National College for Teaching and Leadership (NCTL) [Teacher Misconduct](#)