

SECTION 29: FITNESS TO PRACTISE

A guide for students on professional programmes in the UCL School of Life and Medical Sciences (SLMS)

Background

Students on professional training programmes in SLMS are expected to conduct themselves and to behave in a professional manner at all times, both at UCL, in the workplace and in their conduct outside of work, in line with the professional codes of practice that apply to their discipline. Professional programmes have a duty to the public to ensure that students seeking to enrol and students who are enrolled meet the relevant standards of professional conduct.

Fitness to practise – the responsibilities of students and of programmes

This document focuses on the ways a programme will respond when a student's fitness to practise is called into question. However, it is critical to emphasise that all programmes would prefer to resolve issues at a stage where they can still be managed, and before they become a matter for more formal investigation. For this to happen students need to feel able to come forward and discuss problems or issues with those members of staff charged with their support. In turn, the first response of programmes will usually be to discuss the matters the student is raising and see if they can be resolved with appropriate management and support.

Although it is understandable that students will feel worried about the consequences of drawing attention to their fitness to practise, a willingness to recognise and to try to resolve concerns is an important marker that will usually count for, rather than against, the student.

Programmes to whom this document applies

The procedures outlined below apply to students enrolled on non-medical professional programmes in the UCL School of Life and Medical Sciences (SLMS) – specifically:

- Doctorate in Clinical Psychology
- Doctorate in Educational Psychology
- Doctorate in Clinical Communication Science
- BSc Speech Sciences
- MSc Speech and Language Sciences
- MSc Developmental Psychology and Clinical Practice
- School of Pharmacy
- Programmes at the Eastman Dental Institute
- Post Graduate Diploma in Low Intensity Cognitive Behavioural Interventions

The procedure for the “assessment of fitness to practise in a professional capacity” is available to students at <https://www.ucl.ac.uk/slms/education/ftp-procedure>

Matters giving rise to concern

Students on professional programmes will be advised about the professional standards expected of them. Common examples of issues which may give rise to concern about a student's fitness to practise include (without limitation):

- a) Criminal conviction, caution, reprimand or penalty notice of disorder (PND) or equivalent;
- b) Aggressive, violent or threatening behaviour;

- c) Cheating or plagiarising;
- d) Dishonesty or fraud, including dishonesty outside the professional role;
- e) Persistent inappropriate attitudes or behaviour including:
 - lack of commitment to academic work;
 - neglect of administrative tasks;
 - poor time management;
 - infrequent or non-attendance;
 - poor communication;
 - failure to accept or follow educational advice;
 - failure to follow health and safety requirements;
 - failure to follow the rules and regulations of the university and/or the programme
- f) Unprofessional behaviour or attitudes including:
 - exploiting the vulnerability of a client to establish a sexual relationship;
 - failure to observe appropriate boundaries in behaviour;
 - offences against the vulnerable, including children, the elderly and the mentally incapacitated;
 - breaches of confidentiality;
 - sexual, racial or other forms of harassment;
 - persistent rudeness, bullying;
 - unlawful discrimination
- g) Disciplinary offences within the programme;
- h) Health concerns and particularly a lack of insight or management of these concerns, including:
 - failure to seek appropriate medical treatment or other support;
 - failure to follow medical advice or care plans, including monitoring and reviews, in relation to maintaining fitness to practise;
 - failure to recognise limits and abilities or lack of insight into health concerns and/or treatment-resistant conditions, which might impair fitness to practise;
 - failure of treatment for a chronic and serious mental health condition;
 - chronic drug or alcohol abuse
- i) A failure to abide by professional codes of conduct that apply to the profession being trained by the programme

An impairment or health condition may make it impossible for a student to graduate with a professionally approved/ accredited degree, preventing them from entering training, or registering with the relevant professional body. On this basis it is important that matters affecting a student's fitness to practise are managed as soon as practicable after they have arisen.

Fitness to practise prior to admission

Prior to admission onto a programme all students are required to complete a self-declaration form to inform the programme of any ongoing health concerns, previous criminal convictions or cautions, or sanctions they have received from any professional bodies, in particular healthcare regulators. Students must advise the programme of any convictions, cautions, warnings or reprimands irrespective of the reasons.

Any issues or concerns identified from the self-declaration forms will be investigated by the programme to determine whether it is appropriate or even possible for that student to be enrolled on the course.

Where information comes to light prior to the commencement of the programme that was not included on self-declaration forms, the programme reserves the right to immediately withdraw the offer of a place on the programme to the individual concerned and to notify the relevant professional body of the incident.

Fitness to practise following admission

Individual programmes may vary in their specific requirements (and will advise students accordingly), though where students are working with the public they will usually be required to undergo enhanced clearance with the Disclosure and Barring Service (DBS) and an occupational health check, usually before registration with the programme. Students may also be required to sign documentation agreeing to abide by any applicable professional codes of conduct during enrolment.

Students are expected to notify their programme as soon as is reasonably practicable if there is any subsequent change to their DBS or health status.

At the beginning of each academic year students may be required to complete a self-declaration form to certify that there has been no change in their DBS or health status.

Students are strongly encouraged to seek support for any matter before it becomes a fitness to practise concern. The student should seek advice from programme staff charged with offering student support, who can then provide appropriate and ongoing support to the student.

Health

In most cases health conditions (including disabilities) will not raise fitness to practise concerns, provided the student receives the appropriate care and reasonable adjustments necessary to study and work safely. However, certain health conditions may make it impossible for a student to graduate with a professionally approved/accredited degree.

Health issues identified during the self-declaration process and/or occupational health checks will be assessed independently by the occupational health services linked to the programme. Information confirming health clearance or advising of concerns will be notified to the programme and referrals to appropriate specialist services may be agreed in consultation with the student, particularly in relation to potential disabilities, so that appropriate adjustments can be identified and supports established as early as possible in line with the Equality Act 2010

Students may be re-referred to the occupational health service at any point during their studies. This may be due, for example, to a period of extended sick leave, the development of a new health condition or to re-assess health needs prior to the beginning of a practicum assignment/ practice placement.

A student's refusal to submit to a medical examination (for example when the student is suffering from a continuing or episodic condition or a condition in remission which may be expected to recur) may in itself give rise to a concern of an impairment to the student's fitness to practise and may be dealt with using the fitness to practise procedures.

The School encourages students to register with a local GP (and other healthcare professionals as appropriate) who will be able to offer them support and continuity of care.

Discipline

It is possible that issues which give rise to concerns about a student's fitness to practise may be based on incidents which could also constitute disciplinary offences under the UCL Disciplinary Code (www.ucl.ac.uk/academic-manual/part-5/disciplinary-code).

Programmes will investigate and address cases involving a potential overlap between disciplinary offences and fitness to practise concerns using either the student disciplinary procedure or the fitness to practise procedure. This includes the right to switch procedures if it becomes apparent during the operation of one procedure that it would be more appropriate

for the matter to be addressed using the other procedure, or to run the procedures in parallel. For example during a fitness to practise investigation it might become apparent that the alleged behaviour of a student is sufficiently serious to warrant permanent exclusion from the university. At this point the case could be referred to the disciplinary procedure.

Criminal conduct

An allegation of criminal conduct will normally be reported to the police and further action under the fitness to practise procedure or the student disciplinary procedure will normally be suspended until the outcome of criminal investigations and/or subsequent criminal proceedings is known.

Initial (investigatory) stage of the fitness to practise procedure

Any person who has concerns about a student's fitness to practise may refer the matter to the relevant programme director(s) for consideration under this procedure. The programme director(s) (along with other members of the programme team he or she nominates to do so) will conduct an initial investigation of the concerns to decide whether there is a case to answer.

The initial investigation will be proportionate and will consider the interests of clients and the public against those of the student. Where the investigator considers the concerns may have substance he or she will arrange to meet with the student to raise and discuss the concerns in order to ascertain the student's views and/or explanation. The investigator will consider any mitigating factors as part of this initial investigation.

If concerns are substantiated, the programme director(s) (or their nominee) will determine whether referral to the formal stage of the fitness to practise procedure is appropriate.

Formal stage of the fitness to practise procedure

When concerns have not been allayed or resolved during the informal stage of this fitness to practise procedure or the concerns have been referred straight to this formal stage, the programme will notify the student in writing that the case is to be referred to a fitness to practise panel for consideration. The procedures to be followed by this panel are described in "procedure for the assessment of fitness to practise in a professional capacity" (<https://www.ucl.ac.uk/slms/education/ftp-procedure>)

Suspension of studies during the investigation of concerns

The fitness to practise procedure is designed to investigate whether or not there is a concern that requires a response. On this basis it will not usually be appropriate to suspend a student before these procedures have been completed (because to do so could be seen as pre-judging the issue). However, there may be circumstances where the concerns being investigated are considered serious enough to warrant immediate suspension of the student (for example, where the student's behaviour represented a clear threat to the well-being of others, or was sufficiently concerning to raise significant concerns about the programme's duty of care to the public).

Confidentiality and Disclosure

Disclosure to the relevant professional/ regulatory body will only take place if it is necessary and proportionate in the circumstances of the case, having considered the risks associated with not disclosing the information.

The student also has responsibility to disclose information regarding concerns about fitness to practise to the relevant registration/ professional body when applying for registration. This will be made clear to students in the letter sent to them after the Panel hearing.

The retention of fitness to practise information and the confidentiality of records relating to fitness to practise hearings will be managed in accordance with the Data Protection Act 1998.

Notice and grounds of Appeal

The grounds and procedures for appeal are outlined in the “procedure for the assessment of fitness to practise in a professional capacity” (<https://www.ucl.ac.uk/slms/education/ftp-procedure>).

An outline of Fitness to Practise (FtP) procedures

<p>Procedures internal to the programme</p>	<p>Stage 1 – Potential concerns come to the attention of a programme</p> <p>Concerns usually come to the notice of the student’s tutor initially. Where possible these are responded to by the programme; where possible programmes will support the student’s progression:</p> <ul style="list-style-type: none"> • through the usual mechanisms for student support • by referral for appropriate external support • by referral to Occupational Health <p>Stage 2 – Tutor remains concerned, or the nature of the concern is such that internal support is inappropriate.</p> <p>The programme director is alerted and initiates the initial (investigatory) phase of the FtP procedure.</p> <p>The programme director and designated colleagues will investigate the matter and use the evidence available to them to consider whether the student’s conduct amounts to a concern under the Disciplinary Code or FtP procedures, or both:</p> <ul style="list-style-type: none"> • If it does not meet the criteria for either the matter is managed internally by the programme. • If it falls under the Disciplinary Code the student will be referred to Dean of Students (Welfare). • If it falls under FtP the student will be referred to the FtP panel and the Dean of Students (Welfare) will also be notified.
<p>External to the programme</p>	<p>Stage 3 – FtP panel meets. As an independent body this hears (and draws on) evidence from the programme and from the student and their representatives. Decisions (and recommendations) of the panel are communicated to both the programme and the student.</p> <p>Appeals The student can appeal the decision of the panel on procedural grounds, or in the basis of further information that was not considered by the panel.</p>