

FACULTY FITNESS TO PRACTISE POLICY AND PROCEDURE 2023-24

This policy and procedure is to be used in conjunction with the guidelines of the relevant professional or regulatory body, e.g., the [British Psychological Society \(BPS\)](#), the [Health and Professional Care Council \(HCPC\)](#), depending on the programme. UCL's regulations, policies and procedures as set out in the [UCL Academic Manual](#) apply to all programmes. This policy and procedure is applicable to IOE accredited programmes with a professional and/or practical element, **excluding** Initial Teacher Education (ITE). The policy and procedure for IOE Initial Teacher Education programmes can be found: [ITE regulations, policies and procedures](#).

1. Introduction

This Policy is used by UCL Institute of Education (IOE) to assess Fitness to Practise when considering whether students meet the professional standards of conduct for the awards on all professional practice-based undergraduate/postgraduate modules and programmes.

- a. Policy and Procedure for the management of concerns about students' Fitness to Practise.
- b. Designed to inform students, staff and professional practice providers about UCL Institute of Education's procedure for addressing Fitness to Practise issues.

2. Definition of Fitness to Practise

- a. Being fit to practise means having the knowledge, understanding and skills to practise safely, appropriately, and effectively in relevant professional roles.
- b. In addition to conferring appropriate qualifications, UCL must be satisfied that students entering certain professions are safe, are suitable entrants to the chosen profession and are fit to practise. Fitness to Practise is monitored and assessed throughout a student's time on the programme.
- c. 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. Purpose and Scope

- a. This Policy applies to accredited postgraduate (non-ITE) and undergraduate programmes that have a practice-based element which may also lead to professional qualification and/or eligibility to apply to a professional register. This includes but is not limited to the DEdPsy Professional Educational, Child and Adolescent Psychology; the Graduate Diploma in Habilitation and Disabilities of Sight (Children and Young People); the PG Dip award of the Secondary Teacher Education Programme (STEP).
- b. UCL, in conjunction with the professional and regulatory bodies (e.g., the British Psychological Society (BPS), the Health and Care Professions Council (HCPC)), has a duty to ensure the student is fit to practise during and up to the point of registration/awarding of qualification.
- c. The Policy should be used in conjunction with the relevant professional body code and Fitness to Practise 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.
- d. The Policy should be read in conjunction with relevant policies and standards integrated with the programme and procedures 2023-24.
- e. The purpose of this policy is to provide a framework for investigating and addressing concerns as to a student's Fitness to Practise while enrolled on a programme which has a professional/clinical practice at UCL Institute of Education, with the exception of Initial Teacher Education programmes, which follow a separate Fitness to Practise policy.
- f. This policy applies to students enrolled on non-ITE programmes, who are required to demonstrate professional characteristics in keeping with the requirements of the relevant regulatory body or successor body as specified in programme materials.
- g. These characteristics and requirements are in addition to [UCL's general requirements of satisfactory conduct and academic progression](#).

4. Purpose of the Fitness to Practise Policy:

- a. The purpose of the Fitness to Practise Policy is:
 - i. To protect and safeguard the public, individuals, students, clients, children, service users, patients, and groups to whom this policy applies.
 - ii. To ensure students are appropriately prepared for entry to the profession, including developing professional attitudes and clearly demonstrable and understood professional behaviour;

- iii. To adhere to the standards set out by relevant regulatory bodies and UCL;
- iv. To identify students who are unfit to practise (e.g., through Safeguarding and DBS investigations before and during a course);
- v. To protect UCL against significant risk during the student's professional training.

4.1. Use of this Policy

- a. This Policy is not intended to deal with a student's academic performance (except as a result of a physical or mental health problem), extenuating circumstances, or complaint. However, if during consideration of a student's alleged disciplinary offence under UCL's disciplinary procedure, information or evidence emerges which raises questions about a student's Fitness to Practise, those issues may be referred for consideration under this Policy.
- b. 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.
- c. 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.
- d. 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.
- e. In considering issues of Fitness to Practise 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.
- f. Information on the Fitness to Practise requirements specific to the programme, including any requirements to notify the regulatory body, along with reference to this document should be included in:
 - Information provided during the application and admissions process;
 - Information sessions during induction/phase induction; and
 - The Programme Handbook, as appropriate.
- g. The procedure will be operated with due consideration to student confidentiality.

5. Fitness to Practise Process

5.1. Raising a concern

- a. Cause for concern as to a student's Fitness to Practise 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.
- b. Reports of any issues of Fitness to Practise shall be submitted to the Head of Phase (PGT or UG) via a cause for concern report (see d.) as soon as possible after the occurrence of the act, incident or behaviour causing concern, or, in the case of repeated acts, incidents or behaviours, as soon as possible after the most recent instance.
- c. A Fitness to Practise cause for concern report may be submitted by a member of staff of the placement provider or UCL. 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.
- d. The cause for concern report, which would normally be an email, 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 relevant evidence, where available;
 - Be provided to the student.
- e. In cases involving allegation of serious Fitness to Practise issues, the relevant Head of Phase may recommend to the Pro-Director of Education that the student is suspended immediately, pending consideration of the report under this Policy. In instances where a practice setting has withdrawn a placement, any subsequent placement will be dependent on the outcome of the FTP process. A separate decision may be made on whether the student may attend sessions at the IOE.

- f. If the student terminates their own placement, depending on the circumstances, suspension due to [academic insufficiency](#) policy may apply.
- g. The process, from submitting a cause for concern report to the outcome, should conclude within **8 working weeks**, however, in exceptional circumstances it may take longer. The student will be informed of the reasons for any delays, and of the date for the expected outcome.

5.2. Initial investigation

- a. The purpose of an initial investigation is to determine whether there is a case to answer as to whether the Fitness to Practise of the student is impaired. The initial investigation shall be carried out by the relevant Programme Leader or their nominee (the “Investigating Officer”). The Investigating Officer will be supported by a “Secretary” from the IOE Academic Programmes Office.
- b. The Secretary will write to the student at their UCL email address to make them aware that a cause for concern report has been submitted and will supply a copy of the report to the student. The student will be made aware that they have a right to respond to the report in writing, to make the Secretary aware of any extenuating circumstances they consider pertinent to the report. Any such response should be returned to the Secretary within **five working days** via their UCL email address. All documentation will be passed through the Secretary and there will be no direct communication, either written or oral, between the Panel and either the student or the member(s) of staff concerned.
- c. 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.
- d. The student should confirm to the Secretary whether they envisage any delay in returning a written response within 5 working days.
- e. All IOE students 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: [Student Support and Wellbeing](#).
- f. The Investigating Officer will consider the cause for concern report, whether further investigation is necessary for clarification, and any response from the student. In their assessment of the case, they should consider:

- i. Behavioural issues and impacts, in particular:
 - the seriousness of the behaviour in question and impact, as well as potential impact, on the student and others as defined in section 5.1.a;
 - whether the behaviour is contrary to principles of probity expected by the university;
 - whether it involves reckless, risky, or deliberately harmful acts;
 - 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;

- ii. Risk management, in particular:
 - how likely a repeat of the behaviour may be; and,
 - how well the student might respond to support.

- g. The Investigating Officer shall produce a Fitness to Practise initial investigation report outlining the concerns raised, details of the investigation undertaken and concluding one of the following:
 - that there is no case for impaired Fitness to Practise; and UCL should either, depending on the circumstances, request a repeat or recommencement of the placement, or attempt to find an alternative placement;

or,

 - that there is a case for impaired Fitness to Practise and the matter should be referred to the Fitness to Practise Panel.

- h. If any support needs are identified in the initial investigation, the relevant Head of Phase should ensure that these are implemented or that the student is made aware of where they can seek advice or guidance. The on-going Fitness to Practise of the student should be monitored as normal.

- i. The placement employer or relevant regulators may be notified of an investigation being undertaken under the IOE Fitness to Practise Policy and whether the student is being withdrawn from any non-employment-based setting pending the outcome of the investigation.

- j. The initial investigation must normally be concluded within **15 working days** of receipt of the original report.

6. Fitness to Practise Hearing

6.1. Arranging a Fitness to Practise Panel

- a. In the event that the Investigating Officer makes a referral to the Fitness to Practise Panel the Secretary will make arrangements for the Panel to take place.
- b. On receipt of the Fitness to Practise report of the initial investigation, the Secretary will write to the student, enclosing the report, and supporting information. The notification will inform the student of the procedure to be followed and the date and time of the meeting. It shall also:
 - i. State whether any witnesses will be called by the Panel to give evidence at the meeting on the basis of the Investigating Officer's report;
 - ii. Include 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;
 - iii. Include information that the student is entitled to bring a companion at their own expense. The role of the companion is to provide moral support to the student and be mindful of their wellbeing. An appropriate companion could be a close friend, fellow student, or staff member from Students' Union UCL or UCL Wellbeing and Support Services. This person cannot be a legal representative or an academic/teaching/professional member of IOE staff and they cannot be a member of the organisation where the student has been on a placement or in employment. The student may confer with their companion during the panel meeting. The companion does not have the right to present evidence or address the panel and may only do so at the request of the Chair.
 - iv. Include information on relevant student support services they may find useful to access.
- c. The student shall be asked to inform the Secretary by the deadline given whether she/he/they intend(s) to attend the Panel meeting in person, and whether or not she/he/they wish(es) 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. This person may not be a legal representative and may not attend without the student.
- d. The student should forward to the Secretary any documents they wish to submit to the Panel as evidence by the deadline given before the meeting.

- e. The Secretary shall forward the information and documents received from the student to the members of the Panel. Any documents submitted after the deadline given before the meeting will not be included or distributed to the panel, and no further communications of any sort will be accepted for consideration by the Panel after this time except at the discretion of the Chair.

6.2. Fitness to Practise Panel membership and attendance

- a. The IOE will establish a 'Panel Pool' of members for the Fitness to Practise Panel on an annual basis.
- b. The membership of the Panel will be drawn from the IOE PGT/UG academic/programme/teaching team. It will comprise three core members, as follows:
 - A Chairⁱ – Head of PGT or UG or nominee;
 - An academic member of staff from the student's programme;
 - A member of staff from a different programme in either PGT or UG area who does not know the student. A Secretary will be appointed to the Panel from the IOE Academic Programmes Office.
- c. Further panel members may be enlisted by decision of the Chair as required, such as:
 - In instances involving concerns regarding a student's health, the Panel might also include a member with knowledge of matters relating to student health;
 - The Panel may seek advice or guidance from an adviser/expert on specific questions or regulations;
 - An individual external to the IOE coming from the same profession as the programme on which the student is registered;
- d. An independent observer may be present at the Panel meeting. They will be a member of UCL staff outside the student's programme of study and shall not be part of the Panel membership
- e. 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.
- f. The Investigating Officer is required to attend the panel hearing to present their report.
- g. The student has the right to attend the panel hearing, and to be accompanied by a companion as described in 7.1.b.iii (at their expense).

It may be possible for the student to attend the Panel virtually provided suitable technology is available and the approval to do so is given by the Chair.

- h. The student has the right to call witnesses to attend the panel hearing but must inform the Secretary of their details at least 48 hours prior to the meeting.
- i. If the student does not attend the panel hearing and fails to submit to the Panel in advance an explanation for their non-attendance the Panel, may, at its discretion, proceed with the meeting provided it is first satisfied that due notice of the meeting was given. In such a case the meeting will not be rescheduled, and the student will be notified of the Panel's decision in line with section 7.4 and section 8.

6.3. Fitness to Practise Panel meeting proceedings

- a. The Fitness to Practise Panel meeting is responsible for considering matters of Fitness to Practise and for imposing appropriate conditions or sanctions on those students found to be unfit to practise.
- b. The date and time of the Panel hearing will be set as soon as possible following the referral from the Investigating Officer. The Panel and student will be provided with the same set of documents. The Secretary will keep a written record of the proceedings and of evidence given to the Panel. The Panel deliberations following the meeting shall be held in private.
- c. The procedure for the consideration of allegations under this Policy shall be prescribed by the Panel, but may typically include the following stages:
 - Panel members meet without the student present to consider matters of process.
 - The student and companion (where accompanied) will join the meeting.
 - The Investigating Officer 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 and the Panel;
 - The student shall state their case and may call witnesses who may be questioned by the Investigating Officer and the Panel; The witnesses will then be asked to withdraw;
 - The Investigating Officer at the close of the evidence shall address the Panel;
 - The student at the close of the evidence shall address the Panel;
 - The panel may direct questions at the Investigating Officer or the student;
 - The Investigating Officer and the student (and companion) shall withdraw;

- The Panel will consider the case in private and communicate the outcome in writing to the student within 10 working days of the hearing.
- d. The Secretary will take minutes at the meeting. No audio recording of the meeting is to be taken by anyone in attendance except for the Secretary, who may make use of an audio recording to assist with preparing the minutes, or the student if they require this for accessibility reasons. Audio recordings used by the Secretary for this purpose will be saved in a secure confidential location with restricted access and will be deleted once the minutes are completed. The Chair will seek permission from the Panel if the Secretary is using an audio recording for this purpose.
- e. In exceptional circumstances, upon agreement by the Chair, a Panel member could participate through a form of virtual media. It may also be necessary for the entire Panel to be conducted virtually if circumstances require it.

6.4. Decisions open to the Panel

- a. The Panel shall have authority to reach the following decisions:
 - The student is fit to practise and is:
 - permitted to continue on the programme; or
 - permitted to continue on the programme subject to conditions, and/or any other action which the Panel considers appropriate to enable the student to complete the programme; or
 - permitted to continue on the programme but that the conduct of the student has been such as to warrant a formal warning, which will remain on the student's file for the duration of their registration with the programme and may be taken into consideration in the event of future allegations being made about the student's fitness to practise.

or

- The student is not fit to practice and:
 - 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
 - the student's registration at UCL should be terminated. In such cases, the Pro-Director of Education will make the recommendation for termination of enrolment to the Academic Registrar in writing following the decision of the Panel.

- b. The decision of a Panel will be reached by a majority vote of the members of the Panel and shall be announced as the decision of the Panel.
- c. The votes of individual Panel members shall always be treated as confidential and there shall be no disclosure either of such votes or of information showing whether the decision was reached by a unanimous or a majority vote.
- d. 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.

7. After the Fitness to Practise Panel Meeting

- a. The minutes of the Panel hearing, and a letter outlining the decision of the Panel and any conditions, will be sent to the student, normally within **10 working days** of the meeting. Other relevant parties, such as the school or employer and relevant regulators may also be notified of the decision of the Panel, at the discretion of the Chair.
- b. A copy of the findings, decision and conditions will be placed on the student's record in Portico as a module minute in accordance with the Data Protection Act 2018.
- c. Where applicable, if a student's registration has been terminated on the grounds that they are not fit to practise, the findings and/or decision may be communicated to the relevant regulatory body.
- d. Where the student is deemed not fit to practise, the decision may be noted in any reference requested for the student.
- e. Where the student is deemed fit to practise, the student may continue on the programme and UCL will attempt to find a new placement if required.

7.1. Appeals

- a. A student may request that a review of his/her case be undertaken by submitting a complaint via UCL's [Student Complaints Procedure](#) (.
- b. A Formal Complaint should be submitted via the UCL Student Complaints Procedure Application Form at [Student complaints procedure](#) to the Student Casework Team within 28 days of receipt of the Fitness to Practise Panel's notification letter.
- c. UCL subscribes to the Office of the Independent Adjudicator (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.

- d. Further information: Legislation and professional body information
- [Department for Education Statutory Guidance on Keeping Children Safe in Education](#)
 - Society for Education and Training [code of practice](#).
 - [British Psychological Society \(BPS\)](#)
 - [Health and Professional Care Council \(HCPC\)](#)

The information in this document is correct at the time of review in August 2023. The UCL Institute of Education 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 UCL Institute of Educations 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 possible.

The Policy will be operated in accordance with UCL's duties under the Equality Act 2010, the Data Protection Act 2018, and Freedom of Information Act 2000.

ⁱ The Chair will nominate a deputy Chair if they are unavoidably absent.