



‘Suitability or Fitness to Practise’ Procedure

Owner: HE Quality & Standards
Approved by Corporation
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Havering College of Further and Higher Education

Suitability procedures for students completing Higher Education programmes of professional training at Havering College

1. Introduction

Havering College of Further and Higher Education offers a number of Higher Education (HE) programmes that involve students working with children, young people and adults in educational and health and social care contexts. These children, young people and adults may be vulnerable and in need of professional interventions that enhance their lives and change their circumstances. It is central to the educational and training processes that students working with these service users, in whatever contexts, are able to meet the professional standards and expectations as set by Professional, Statutory and Regulatory Bodies (PSRBs) or Professional Advisory Bodies (PABs).

This procedure has been approved by the college in order for it to fulfil the requirements of professional bodies to whom it must, normally, make recommendation about the suitability or the fitness to practise of students when they complete their professional studies.

2. Background

Students studying on programmes of professional training must demonstrate their professional suitability. This may be in line with the requirements of the PSRB, for example, for Social Workers in training, suitability to practise is determined by the Standards of Conduct, Performance and Ethics laid down by the Health and Care Professions Council (HCPC). Other HE programmes may have other PSRBs interested in standards of behaviour and competence, e.g. The British Association for Counselling and Psychotherapy (BACP) for counselling and the Education and Training Foundation (ETF) for the post-compulsory teaching sector.

The procedures, set out in this document, include what concerns may arise about a student's suitability or fitness to practise; where and when these concerns may arise; and what will happen as a result. The aim of the procedure is to ensure the college meets its responsibilities to professional bodies, whilst ensuring the student is given every opportunity to respond to the concern and/or to improve their performance if this is relevant.

If at any time a concern arises regarding a student's professional suitability, the college's procedures on 'suitability or fitness to practise', set out below, will be implemented. Copies of these procedures will be made available to students on relevant HE programmes and are also available on Moodle.

3. What concerns trigger 'suitability or fitness to practise' procedures?

The following list is indicative of concerns that may lead to the 'suitability or fitness to practise' procedures being activated:

- Issues related to criminal offences – if a student is under investigation by the Police for an alleged criminal offence; if a student is convicted of an offence;
- Issues related to alcohol or substance abuse;
- Issues related to academic misconduct or academic progression;
- Failure to comply with the rules of standards covered by the PSRB or PAB governing your programme of study, which are issued to students;
- Failure to comply with the college's rules and standards such as in connection with alleged harassment, aggressive behaviour, failure to treat others with dignity or respect and dishonesty;
- Issues related to attitude, demeanour and motivation; and
- If a student is diagnosed with a mental illness or a disability.

These procedures will be invoked where any of these concerns impair or risk impairment of a student's professional suitability or fitness to practise if:

- the student may pose a risk of harm to self and/or to others, or
- their actions undermine the profession, or
- their actions bring the profession into disrepute.

These concerns may not necessarily prevent students from continuing with their programme of study following the activation of these procedures, and in some cases, the college will try and work with students to enable them to continue their studies and/or, where appropriate, to develop their competence in practise and/or develop their understanding of professional standards in their study and work.

4. Where and when do these requirements apply?

Students on HE programmes of professional study are required to maintain the standards set by the PSRB and/or PAB:

- On campus, during attendance at college and in all activities related to students' programmes of study, e.g. in classrooms, during assessments and whilst on placement;
- Off campus, out of college at evenings, weekends and during holiday periods; and
- Between term/semester dates and during college holidays.

5. Responding to concerns about the 'suitability or fitness to practise'

When a concern is raised about a student's 'suitability or fitness to practise' the college will follow the procedures set out below.

6. Suitability or fitness to practise' procedure

Concerns about 'suitability or fitness to practise' may be raised by students, staff, colleagues from placement agencies or through personal declarations made by students themselves.

Where a concern about the 'suitability or fitness to practise' of a student is identified the matter will be reported to the Programme Manager and Head of Department responsible for the programme. The report should include: the name of the student against whom the alleged concern is being raised, the nature of the alleged concern; and the evidence upon which the allegation is based. The Head of Department will report the alleged concern to HE Quality and Standards, who will inform the student involved and members of staff as appropriate.

The evidence will be reviewed and an investigation will be conducted to examine and determine the seriousness of the concern. This will determine the level of seriousness and stage of these procedures at which the concerns about 'suitability or fitness to practise' will be addressed.

7. Suspending a student when 'suitability or fitness to practise' concerns are raised

The college, may in its discretion, decide to suspend a student, as a neutral act, at any stage of these procedures. A decision to suspend a student will be taken by the Assistant Principal with responsibility for that curriculum using information about the alleged concern. As part of the suspension, the Assistant Principal may impose conditions on the student's continued study as she/he deems appropriate, for example, a student may be directed not to enter college premises, or may be directed to stop attending a placement with an external agency.

The student will be informed of the reasons for suspension and the conditions of their suspension, both in person and in writing within five (5) working days of the decision to suspend being taken.

Stage 1: Early local resolution of concerns – minor or initial concerns

The purpose of this stage is to address swiftly and seek to resolve initial or minor concerns about a student's 'suitability or fitness to practise'. There are two potential mechanisms for resolving concerns at this stage.

1. Where the concerns are minor, e.g. around a case of plagiarism that may be regarded as being caused by academic inexperience, the concern will be addressed by HE Quality and Standards, the Head of Department and the Programme Manager for the programme, following an investigation. The college will seek to deal with concerns about 'suitability or fitness to practise' raised at this stage immediately and in an informal way.

Where the concerns about 'suitability or fitness to practise' are confirmed, the college will seek to assist the student to move forward with their studies following the implementation of support, guidance and an action plan to enable reflection and modification of the concerns to be addressed.

And

2. Where concerns are raised about a student's health or related issues, through a declaration by the student, a member of staff or a colleague, the college will seek to enable the student to complete their studies, with support. This support may involve a temporary suspension of studies, depending upon the nature of the health related issue. This may involve a referral to the college's mitigation panel to consider the matter.

Stage 1 Process

HE Quality and Standards will arrange a meeting with the student to discuss the concerns of 'suitability or fitness to practise' normally within ten (10) working days of receipt of the report and evidence of the alleged concern in the HE Quality and Standards office. The student will be notified accordingly.

Persons attending the meeting will include:-

- The Programme Manager for the programme;
- The Head of Department;
- HE Quality and Standards
- A minutes secretary will also attend but will not take part in the decision making process;
- The student, who may be accompanied by a friend who is not a member of the legal profession or a fellow student. The person the student brings may be permitted to make representations on the student's behalf, but not answer questions. However, reasonable adjustments for individuals will be considered on a case by case basis in line with their needs.

The Head of Department, or their nominee, will chair the meeting.

All the information about the concerns relating to the student's 'suitability or fitness to practise' will be shared with the student and discussed with them in this meeting.

The discussions will include:

- The information and evidence about the concerns;
- How the concerns relate to 'suitability or fitness to practise';
- How the concerns relate to the 'suitability or fitness to practise' requirements of the Professional, Statutory or Regulatory Body for the programme of study and qualification the student is working towards;
- The implications and impact of the concerns on the student, users of the service, the wider profession;
- A way forward for the student; and
- Agreement of how the matter is to be taken forward, i.e. this may include support and guidance for the student, time to reflect on concerns and their impact, the creation of an action plan for the student to complete.

The student will also have the remainder of the 'suitability or fitness to practise' procedures explained to them and warned about the implications of future concerns being raised.

The students will be informed of the outcome of the meeting, in writing, within five (5) working days.

Initial or minor concerns at this level may not necessarily prevent students from continuing with their programme of study following the activation of these procedures. In some cases, the college will try and work with students to enable them to continue their studies. This may include encouraging them to develop their competence in practice; and/or increasing their understanding of developing professional standards in their study and work, to allow them to continue their studies.

If it is not possible to resolve the concern about 'suitability or fitness to practise' at this stage, or the nature of the concern makes this stage inappropriate, the concern may be dealt with formally under Stage 2 of these procedures.

Stage 2: Responding formally to concerns – serious or continuing concerns

Where concerns, as set out in paragraphs 1 and 2 above, are serious or continuing concerns, i.e. where actions from Stage 1 above have not resolved the concerns previously expressed, the college may choose to deal with the concerns at Stage 2.

The college may, in its discretion, deal with continuing or serious concerns about 'suitability or fitness to practise' under Stage 2 of these procedures, without having exhausted Stage 1.

Where there are continuing or serious concerns about the 'suitability or fitness to practise' of a student the matter will be reported to the Programme Manager and Head of Department responsible for the programme. The report should include: the name of the student against whom the alleged continuing or serious concern is being raised, the nature of the alleged concern; and the evidence upon which the allegation is based. The Head of Department will report the alleged concern to HE Quality and Standards who will inform the student involved and the relevant staff members as appropriate.

The evidence will be reviewed and an investigation will be conducted to examine and determine the seriousness of the concern.

If the concerns are deemed to be continuing or serious, the Stage 2 procedures will be activated. Stage 2 is the beginning of the formal 'suitability or fitness to practise' process.

HE Quality and Standards will arrange a meeting with the student to discuss the concerns of 'suitability or fitness to practise' normally within ten (10) working days of receipt of the report and evidence of the alleged concern in the HE Quality and Standards office. The student will be notified accordingly.

Persons attending the meeting will include:-

- The Head of Department;
- The Assistant Principal with responsibility for this curriculum ;
- HE Quality and Standards
- A minutes secretary will also attend but will not take part in the decision making process;
- The student, who may be accompanied by a friend who is not a member of the legal profession or a fellow student. The person the student brings may be permitted to make representations on the student's behalf, but not answer questions. However, reasonable adjustments for individuals will be considered on a case by case basis in line with their needs.

The Assistant Principal, or their nominee, will chair the meeting.

All the information about the concerns relating to the student's 'suitability or fitness to practise' will be shared with the student and discussed with them in this meeting.

The discussions will include:

- The information and evidence about the concerns;
- The reasons why the concerns are continuing;
- How the concerns relate to 'suitability or fitness to practise';
- How the concerns relate to the 'suitability or fitness to practise' requirements of the Professional, Statutory or Regulatory Body for the programme of study and qualification the student is working towards;

- The implications and impact of the concerns on the student, users of the service, the wider profession;
- A way forward for the student, given the continuity of the concerns.

The students will be informed of the outcomes of the meeting, in writing, within five (5) working days.

If it is not possible to resolve the concern about 'suitability or fitness to practise' at this stage, or the nature of the serious concern makes this stage inappropriate, the concern may be dealt with formally under Stage 3 of these procedures.

Stage 3: Procedures for responding to critical, persistent or cumulative concerns

Where there are serious concerns about the 'suitability or fitness to practise' that means the student may pose a risk of harm to self and/or to others, or their actions undermine the profession, or their actions bring the profession into disrepute the matter will be reported to the Programme Manager and Head of Department responsible for the programme. The report should include: the name of the student against whom the alleged continuing or serious concern is being raised, the nature of the alleged concern; and the evidence upon which the allegation is based. The Head of Department will report the alleged concern to HE Quality and Standards who will inform the student involved and relevant staff as appropriate.

The evidence will be reviewed and an investigation conducted to examine and determine the seriousness of the concern.

If the concerns are deemed to be continuing or serious, the Stage 3 procedures will be activated.

A 'suitability or fitness to practise' panel will be arranged normally within ten (10) working days of receipt of the report and evidence of the alleged serious concerns being received in HE Quality and Standards office. The student will be notified accordingly.

The panel will comprise:

- Two senior members of college staff not related to the programme, one of whom will act as chair of the panel;
- A representative from the Quality team
- A minutes secretary will also attend but will not take part in the decision making process;
- The student, who may be accompanied by a friend who is not a member of the legal profession or a fellow student. The person the student brings may be permitted to make representations on the student's behalf, but not answer questions. However, reasonable adjustments for individuals will be considered on a case by case basis in line with their needs.

The Head of Department will outline the 'suitability or fitness to practise' concerns raised about the student and may also call witnesses to answer questions from the panel.

These witnesses may include:-

- The Programme Manager for the programme;
- Any staff from external agencies who have worked with the student at the time the concerns were raised.

The student may also question the witnesses called by the Head of Department. The student may also call their own witnesses to answer questions from the student and the panel.

The panel will have the power to adjourn to collect further evidence or to allow additional witnesses to be called, if the witnesses have not been available for valid reasons.

'Suitability or fitness to practise' meetings will be minuted and the student will be informed of the panel's decisions, with reasons, in writing, within five (5) working days of the panel.

The college may, in circumstances where the student has not provided it with good reason for their absence, decide to proceed with a 'suitability or fitness to practise' panel. This will normally occur in exceptional circumstances to ensure fairness to the student(s) involved and in the interests of natural justice.

Depending on the circumstances of the case, the college may consider it appropriate to refer matters, i.e. the outcome of the 'suitability or fitness to practise' procedures to external third parties, such as placement providers, a particular Professional, Statutory or Regulatory Body, the Police, Social Services or the Disclosure and Barring Service. Any referral will be made by the college in line with its responsibilities and obligations under the Data Protection Act 1998.

Where 'suitability or fitness to practise' concerns raise issues which may represent a breach of the criminal law, the college will refer the matter to the Police for it to be investigated by the appropriate authorities. In such a case, the college will suspend its 'suitability or fitness to practise' procedures until the Police investigation is complete and the outcome known. The college may, at its discretion, return to proceed with the 'suitability or fitness to practise' procedures to complete its internal processes.

The college reserves the position to review the provision of references for students, subject to its 'suitability or fitness to practise' procedures, depending upon:

- a) The seriousness of the concerns considered under these procedures; and
- b) The outcomes of these procedures.

8. Further review

The college panel is the final stage of the internal college procedure.

If the student believes that the matter requires further attention then they must make representation to external agencies. In the case of a 'suitability/fitness to practise' panel it would be appropriate to contact the awarding body or validating university who have responsibility for the programme or course concerned. For Higher Education Students the contact details of the college's validating universities and awarding bodies are:

The Open University

The Director
Open University Validated Partnerships
The Open University
Wilson Building (B Block)
Walton Hall
Milton Keynes. MK7 6AA

The University of East London

Quality Assurance and Enhancement
University of East London
4-6 University Way
London. E16 2 RD

Pearson

The Director
Higher Nationals Unit
Pearson
80 Strand
London. WC2R 0RL

Alternatively, Higher Education students may choose to contact the Office of the Independent Adjudicator, the independent ombudsmen service, on receipt of a Completion of Procedures letter from the awarding body/university, although this must be done within 12 months of the date of the Completions of Procedures letter.

Contact details for the OIA are as follows:

Office of the Independent Adjudicator

OIA Second Floor,
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB
Tel: 0118 959 9813
Email: enquiries@oiahe.org.uk - www.oiahe.org.uk