

Section 22 Fitness to Practise policy

22.1 Purpose

- 22.1.1 This policy and procedure set out how the University deals with cases where concerns arise relating to a student's suitability for professional registration and practice. The University has a particular responsibility in respect of students who will graduate with academic awards which also confer the right to apply for professional qualifications and registration with a professional body.
- 22.1.2 The University will be guided by the professional standards and guidance provided by relevant professional bodies where applicable and by its statutory duties under the Equality Act 2010.

22.2 Scope

- 22.2.1 This policy applies to students as set out in [section 1](#).
- 22.2.2 This policy applies to programmes of study leading to professional and/or registrable awards.
- 22.2.3 This policy does not apply to registered health professionals or teachers who may be following continuing professional development (CPD) programmes of study. Such students are subject to the fitness to practise procedures of their professional bodies and/or employing organisations.
- 22.2.4 The University may also use this procedure to address concerns relating to students following programmes that require students to engage in interpersonal practice or demonstrate interpersonal skills, where issues of health and fitness to engage in such practice are relevant and where the University has a particular duty of care towards other participating students or where for other ethical reasons it believes that concerns need to be addressed.
- 22.2.5 Issues of unacceptable behaviour which occur within a taught element of the programme, or on School experience or professional practice experience modules, may lead to the failure of such programme elements. Where the professional practice is a compulsory element of the programme, failure of this component may lead to overall failure of the programme. Where appropriate, the student may use the standard university 'Appeals Policy' and procedure to raise an objection to the outcome (refer to [section 48](#)).
- 22.2.6 As well as, or in addition to, this procedure, the University may use other policies, including the [Student Behaviour and Disciplinary Policy](#), the Support to Study procedure (refer to [section 19](#)), or the Fitness to Study Policy (refer to [section 21](#)). The University reserves the right to decide the most appropriate procedure based on the facts of each case; more than one procedure may be invoked.

22.3 Policy

- 22.3.1 It is the University's policy that students whose behaviour and conduct does not align with professional body requirements and documented expectations should not be permitted to proceed and/or graduate with a registrable degree or award.
- 22.3.2 The University is committed to fulfilling its obligations under the Equality Act 2010, including considering whether reasonable adjustments can be made to support students in completing their studies and engaging in practice with the public. While the duty to make reasonable adjustments does not extend to the application of a competence standard, the University will ensure that all competence standards applied are proportionate, legitimate, and non-discriminatory. Additionally, the University will explore adjustments to teaching, resources, and assessment methods to enable students to demonstrate their abilities without compromising competence standards.
- 22.3.3 Students who are subject to a Fitness to Practice investigation will not be unfairly penalised for expressing lawful views, information pertaining to the University's position on Freedom of Speech can be found on our [webpages](#). Whilst the University will give due regard to the Higher Education (Freedom of Speech) Act 2023, students on professional programmes must adhere to the professional standards and behaviours stipulated by relevant professional bodies.

- 22.3.4 The following (as examples) may call a student's suitability into question:
- Alcohol, drug, or substance abuse.
 - Inappropriate behaviour including harassment, abuse of others, violence or threats of violence, indecency, drug-dealing and unprofessional behaviour.
 - Conviction for a criminal offence where the offence is such as to render the student unfit to practise and/or would be unacceptable to a professional body. Such offences would include offences of violence against a person.
 - Concerns about a student's fitness to work which in the opinion of an occupational health practitioner would raise doubts about suitability for the intended profession or calling.
 - Ethical or behavioural misdemeanours.
- 22.3.5 This list is not exhaustive. Subject areas, drawing on the advice offered by their professional bodies, may draw up additional guidance notes for students, providing more details on the range of behavioural, conduct and health matters which relate to the profession in question.
- 22.3.6 Behaviour or conduct which may give cause for concern includes behaviour both within and beyond the University.
- 22.3.7 A student's enrolment will be withdrawn (enforced withdrawal) if the professional body which accredits a registrable programme declines to admit a student to student-membership of the professional body (where applicable).
- 22.3.8 A student on one of the relevant programmes has a duty to disclose to the Academic Tutor or another member of the programme team any issue of health, conduct, behaviour, or any unspent or pending criminal convictions (refer to the [Students with Criminal Convictions Policy](#)) that may impact on fitness to practise.
- 22.3.9 Matters relating to a student's fitness to practise may be revealed by the student concerned to a member of staff, a colleague overseeing professional placements or another student. Even where this has been done on a confidential basis, disclosure of the situation may be necessary in the public interest and where the failure to disclose will increase risk to the public. Members of staff and students have a responsibility to disclose such information promptly to the Head/Dean of School or nominated representative or designated School Fitness to Practise Officer.
- 22.3.10 Any matter of conduct or behaviour which may impact on fitness to practise should be identified as soon as possible in the interests of the student concerned. The University will seek to provide support to the student and, if enforced withdrawal of enrolment is necessary, will provide, where possible, transfer to a suitable alternative, non-registrable programme of study. For transfers to an alternative programme of study the receiving Head/Dean of School, or nominated representative, working with the Academic Registrar or nominated representative, will be provided with the necessary information to make an informed decision as to whether transfer to the proposed programme of study is appropriate.
- 22.3.11 A student who is required to have their enrolment withdrawn (enforced withdrawal) for reasons of unsuitability to practise may be eligible to leave the University with a non-professional exit award according to the progress made through the programme of study, as set out in the [programme specification regulations](#) for that programme.

22.4 Procedures

- 22.4.1 The Head/Dean of School, or nominated representative, may designate an officer responsible for dealing with matters of fitness to practise. All references to a specific role in these procedures should be understood to include the nominee of those persons.
- 22.4.2 A student who is aware of any reason which may render themselves unfit to practise should report the matter to the Head/Dean of School, or nominated representative, or the designated officer. Any member of staff who believes that a student has an issue which may raise questions of fitness to practise should also inform the Head/Dean of School, or nominated representative, or the designated officer.
- 22.4.3 Where concerns about a student's fitness to practise have been raised, the Head/Dean of School will determine next steps, taking account of the nature of the concerns, the available evidence and the context in which those concerns were raised. The outcomes of this initial consideration will be one of the following:
- To instigate a preliminary review into the case, with the most likely outcome being conclusion at Level 1.
 - To instigate a preliminary review into the case, with the possibility that the case may be referred to Level 2.

- To discuss with the Head of Governance and Compliance the possibility of referring the student to another policy
- That no action be taken against the student and the student be allowed to recommence their studies and/or practice placement.

Preliminary review

- 22.4.4 Except in circumstances as set out in **section 22.4.12** the Head/Dean of School will appoint a senior member of School staff, not previously involved in the matter and appropriately trained, in handling Fitness to Practise matters, unconscious bias and inclusive practice, to undertake a preliminary review. This will consider both the initial reasons for the instigation of the Fitness to Practise procedure and the student's broader conduct across the whole of their student journey. As appropriate it will consider health matters, any reasonable adjustments recommended for the student and how these have been implemented and the extent to which the student has taken responsibility for their professional practice. The ways in which the student has alleged to have breached the code(s) of conduct under which they are working and studying, and the extent of such alleged breaches, will be considered. Extenuating circumstances will be considered and further explored if considered appropriate and pertinent to the incident.
- 22.4.5 The student must be informed in writing, at the earliest possible stage, of the concerns raised, the nature of the preliminary review, the potential outcomes, and their rights throughout the process. This includes access to the relevant information being considered.
- 22.4.6 The student must be given an opportunity to respond to the concerns (in writing and/or in person) with the reviewer, before the report is finalised.
- 22.4.7 The student should be reminded that they can access support from the Wellbeing Team and/or their academic tutor throughout the process.
- 22.4.8 At the conclusion of the preliminary review, the reviewer will report to the Head/Dean of School. The findings and recommendations will be based on the balance of probabilities and supported by documented evidence. The report will include:
- Identification of those involved and their respective roles.
 - Information on the professional standards that are suspected of being breached and the evidence to support or otherwise these suspicions.
 - Core evidence and outcomes from each of the meetings/conversations held and their importance to the final recommendation.
 - Summary of the case, with links to the appropriate evidence.
 - A recommendation of one of the following courses of action:
 - There is no evidence to support further action.
 - The matter should be concluded at Level 1.
 - The matter should be referred to Level 2.
 - The matter should be referred to another policy.
- 22.4.9 The Head / Dean of School will make a decision on how to proceed. If the decision is to refer to Level 2 then this should only be invoked after consultation with either the Academic Registrar, Head of Governance and Compliance, Head of Student Wellbeing, Disability and Inclusion or the Complex Student Case Lead.
- 22.4.10 A formal record of the preliminary review process, including notes of meetings and all evidence considered, will be stored securely in line with YSJ data retention principles. All personal data will be handled in compliance with General Data Protection Regulation (GDPR) to ensure the privacy and rights of the individuals involved.

Conclusion at Level 1

- 22.4.11 If a case is concluded at level 1, the reviewer will normally meet formally with the student to ensure that there is an appropriate level of understanding of the nature of the offence and an intention to learn from it. Additionally, one of the following may also be recommended and instigated:
- The student is given appropriate specialist advice and guidance.
 - Conditions are placed on the student's continuation with their programme of study.

Referral to Level 2

- 22.4.12 Level 2 is likely to be appropriate in cases that involve a serious breach of professional standards that put a student's fitness to practise in doubt. It may also be used in cases where there have been repeated similar issues or patterns of behaviour. Where such concerns have already been addressed through interventions such as Support to Study or disciplinary processes, the matter may proceed directly to Level 2 without a formal preliminary review stage and the notes from those other interventions will be used as the basis for that referral.
- 22.4.13 Level 2 involves a Fitness to Practise Panel. A student will be given **3 working days'** notice of any Panel meeting. The student may choose to be accompanied by a supporter at the meeting as defined in [section 2.1.11](#). If the student's supporter behaves inappropriately at any stage while the hearing is being dealt with, this person will be asked to withdraw involvement.
- 22.4.14 Audio or video recordings of the meeting must not be made. AI notetaking software must not be used during the meeting.

22.5 Membership of a Fitness to Practise Level 2 Panel

- 22.5.1 The membership of the Level 2 Panel would normally be as follows:
- Head/Dean of School or nominated representative (Chair).
 - The designated officer responsible for dealing with matters of fitness to practise (if applicable).
 - An external representative of the relevant profession.
 - An internal member of staff from another subject area with experience of professional body requirements.
 - Registry representative.
 - Administrative support.
- 22.5.2 The following staff may also be in attendance:
- Head of Disability Support and Inclusion team.
 - Head of Student Wellbeing, Disability and Inclusion.
 - Complex Case Lead.
- 22.5.3 Where a member of staff cannot attend the meeting, a written report may be submitted. The Fitness to Practise Panel may include other written evidence it deems relevant. This will be shared with the student before the meeting.

22.6 Recommendations by Fitness to Practise Level 2 Panel

- 22.6.1 A Fitness to Practise Level 2 Panel may decide:
- No further action is required.
 - A minor problem exists which may be addressed through appropriate support and the progress of the student will be kept under review. The Associate Head/Dean of School or nominated representative or designated officer will ensure that the student is referred for help as necessary and will keep the situation under review.
 - A potentially serious problem exists which may raise concerns about fitness to practise and a student's ability to proceed with the programme.
 - To enforce suspension of studies.
 - To withdraw the student's enrolment (enforced withdrawal), where appropriate recommending transfer to a non-registrable programme.
- 22.6.2 The student must receive written notice of the Panel hearing at least **5 working days** in advance, including the date, time, format (for example, in person or online), names and roles of the Panel members, and the full evidence bundle that the Panel will consider.
- 22.6.3 The student may choose to be accompanied by a supporter at the meeting as defined in [section 2.1.11](#).
- 22.6.4 Decisions will be based on the balance of probabilities and linked clearly to relevant professional standards and expected competencies. The rationale for each decision will be clearly documented in the Panel's record.

- 22.6.5 Enforced suspension may only be recommended if the student can still complete all study and assessments within 24 months following the standard period of study for their programme (refer to [General Regulation 1.15](#)).
- 22.6.6 If a potentially serious concern is identified, the Head/Dean of School or nominated representative together with the relevant subject staff will:
- Recommend that the student seeks appropriate support.
 - Determine whether the student should be recommended for enforced suspension from the programme pending seeking reports from occupational health, a professional body, or other experts.
- 22.6.7 If reports from occupational health, a professional body or other experts suggest that a student remain on suspension for a period until the situation has been addressed and remedied, the Associate Head/Dean of School, or nominated representative, will be empowered to make a recommendation to the Chair of the School Assessment Board that the student is required to suspend studies (enforced suspension). Conditions for return from the suspension of studies, such as a satisfactory report from a relevant expert, may be set. The Chair of the School Assessment Board will decide whether the recommendation should be upheld.
- 22.6.8 If reports from occupational health, a professional body or other experts suggest that the situation is not likely to be remedied within reasonable time or if the cause for concern is such that it cannot be readily remedied or that behaviour will be unacceptable to a professional body, the Associate Head/Dean of School or nominated representative may make a recommendation to the Chair of the School Assessment Board that the student's enrolment should be withdrawn (enforced withdrawal) on the grounds of the student being unfit to practise. The Head/Dean of School or nominated representative will make the recommendation in the form of a written report on the case, accompanied by supporting evidence.
- 22.6.9 The Chair of the School Assessment Board will either:
- a) Support the recommendation for withdrawal of enrolment (enforced withdrawal). **Or**
 - b) Propose that the student remain on programme with appropriate monitoring by the designated officer and/or treatment or period of enforced suspension of studies.
- 22.6.10 If the student does not attend a meeting to which they have been invited without reasonable explanation, the Panel will proceed in their absence. Reasonable efforts will be made to contact the student before proceeding, and reasons for non-attendance will be taken into consideration and documented.
- 22.6.11 The decision of the Chair of the School Assessment Board will be communicated to the student in writing and will be accompanied by the written report and supporting evidence. The letter will include reasons for the decision and how the Panel reached its conclusions as well as a clear outline of the right to appeal and how to do so.
- 22.6.12 In the case of enforced withdrawal enrolment, a student will be informed of the possibilities for career counselling, alternative programmes of study and possible exit qualifications.

22.7 Appeal against a decision of the School Assessment Board a case of a student being deemed unfit for practice

- 22.7.1 If a student wishes to challenge the decision of the School Assessment Board regarding the enforced suspension of studies from the programme or enforced withdrawal of enrolment, the student may follow the standard university 'Appeals Policy' and procedure (refer to [section 48](#)). The deadline for appeals is **10 working days** from the time the student is notified of the decision.
- 22.7.2 The appeal will be heard by a panel of members from the Appeals and Conduct Committee who have had no prior involvement with the case. The Committee will normally co-opt a person external to the University who has professional experience or background which may usefully inform the deliberations of the Committee in respect of professional matters.