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Section 27 Fitness to Practise policy and procedure

27.1 Policy introduction

- 27.1.1 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 with the public. 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. Because of their responsibilities to the general public, students following such programmes should demonstrate high standards of conduct and behaviour and must be physically and mentally fit to undertake the demands of their profession.
- 27.1.2 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.

27.2 Scope

- 27.2.1 This policy applies to programmes delivered in whole by the University (on campus provision), or in whole or part by a franchise partner institution (franchise provision), or in whole or part by a partner institution (validated provision).
- 27.2.2 This policy applies to programmes of study leading to registrable awards including Occupational Therapy, Physiotherapy and the suite of teaching programmes. It also applies to awards in Counselling.
- 27.2.3 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/employing organisations.
- 27.2.4 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.
- 27.2.5 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 appropriate, the student may use the standard university 'Appeals Policy' and procedure to raise an objection to the outcome (see **section 56**).
- 27.2.6 As well as, or in addition to this procedure, the University's 'Disciplinary' procedures and/or 'Standards Review' procedure may be used where appropriate (refer to **section 25**). In cases where the student's health is an issue, the 'Fitness to Study Policy' may apply (refer to **section 26**). 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.

- <https://www.yorksj.ac.uk/students/policies-and-documents/behaviour-and-discipline/>

27.3 Policy

- 27.3.1 It is the University's policy that students whose behaviour and conduct indicates that they present a risk to the public should not be permitted to proceed and/or graduate with a registrable degree or award. The University reserves the right to terminate the studies of a student who is following a programme of study which will lead to a professional qualification and professional registration or which will provide the basis to practise a calling, if a student's behaviour makes the student unfit to be admitted to that profession or undertake that calling. The University may similarly terminate the studies of a student whose lack of ability to perform in an appropriately professional way or to carry out professional tasks presents a danger to themselves, clients, members of the public or fellow students and is such as to raise significant doubts about their suitability to practise professionally or to follow a calling or to engage in interpersonal practice while on programme.
- 27.3.2 The University will take account of its obligations under the Equality Act 2010 and will consider whether reasonable adjustments can be made to facilitate the completion of studies and practice with the public. The duty to make reasonable adjustments does not include a duty to make reasonable adjustments to the application of a competence standard.
- 27.3.3 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.
- 27.3.4 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.
- 27.3.5 Behaviour or conduct which may give cause for concern includes behaviour both within and beyond the University.
- 27.3.6 A student's programme of study will be terminated if the professional body which accredits a registrable programme declines to admit a student to student-membership of the professional body (where applicable).
- 27.3.7 A student on one of the relevant programmes has a duty to disclose to the Head of School or nominated representative and/or Academic Tutor any issue of health, conduct or behaviour which may impact on fitness to practise.
- 27.3.8 Matters relating to a student's fitness to practise may be revealed by the student concerned to a member of staff 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 of School or nominated representative or designated School Fitness to Practise Officer.
- 27.3.9 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 termination of programme is necessary, will provide, where possible, transfer to a suitable alternative programme of study. Transfer to an alternative programme of study is subject to the willingness of the receiving Head of School or nominated representative to approve such an arrangement.
- 27.3.10 A student who is required to be terminated from their studies 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.

27.4 Procedures

- 27.4.1 Heads 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.
- 27.4.2 A student who is aware of any reason which may render themselves unfit to practise should report the matter to the Head 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 of School or nominated representative or the designated officer.

- 27.4.3 The designated officer (where applicable) together with the Head of School or nominated representative, and any other staff or external representatives of a profession which the Head of School determines should be involved will interview the student (who may be accompanied by a supporter). The Head of School, or nominated representative, will decide as follows:
- a) No further action is required.
 - b) A minor problem exists which may be addressed through appropriate support and the progress of the student will be kept under review. The Head 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.
 - c) A potentially serious problem exists which may raise concerns about fitness to practise and a student's ability to proceed with the programme.
- 27.4.4 If a potentially serious concern is identified, the Head of School or nominated representative together with the relevant subject staff will:
- a) Recommend that the student seeks appropriate support.
 - b) Determine whether the student should be recommended for enforced suspended from the programme pending seeking reports from occupational health, a professional body or other experts.
- 27.4.5 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 Head of School, or nominated representative, will be empowered to make a recommendation to the Chair of the Progress and Award Examination Panel 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 Progress and Award Examination Panel will decide whether the recommendation should be upheld.
- 27.4.6 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 Head) of School or nominated representative may make a recommendation to the Chair of the Progress and Award Examination Panel that the student's programme of study should be terminated on the grounds of the student being unfit to practise. The Head of School or nominated representative will make the recommendation in the form of a written report on the case, accompanied by supporting evidence.
- 27.4.7 The Chair of the Progress and Award Examination Panel will either:
- a) Support the recommendation for termination.
- 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.
- 27.4.8 The decision of the Chair of the Progress and Award Examination Panel will be communicated to the student in writing and will be accompanied by the written report and supporting evidence.
- 27.4.9 In the case of termination of programme, a student will be informed of:
- a) The right to appeal against the decision.
 - b) The possibilities for career counselling, alternative programme of study and possible exit qualifications.

27.5 Appeal against a decision of the Progress and Award Examination Panel in a case of a student being deemed unfit for practice

- 27.5.1 If a student wishes to challenge the decision of the Progress and Award Examination Panel regarding the enforced suspension of studies from the programme or termination of studies, the student may follow the standard university 'Appeals Policy' and procedure (refer to **section 56**)
- 27.5.2 The appeal will be heard by a panel of members from the Student Appeals and Conduct Committee who have had no prior involvement with the case. The Committee may choose to 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.