

PROPOSED AMENDMENTS TO ORDINANCE ON FITNESS FOR PROFESSIONAL PRACTICE

COVER SHEET

Consider and recommend to Senate revised Ordinance XLII.

The changes are summarised as follows:

1. Change in title from Fitness for Professional Practice to Fitness to Practise to align with the professional regulators (GMC, NMC, Pharmaceutical Society of NI) use of the term.
2. The use of the term 'practice learning' to replace 'placement'.
3. Amendments to the anonymous disclosure paragraph (6) to encourage disclosure of complainants.
4. Clarity on the steps/procedures for investigation (10-16), including timelines, and referral to the regulatory procedures for the relevant profession.

Ordinance XLII**Fitness to Practise**

1. This Ordinance refers to the procedures to be implemented when a student is judged unfit for entry to a profession for which there are academic, behavioural and health requirements that must be met in order to ensure suitability to practise that profession. Examples of relevant professions are Nursing, Health Visiting, Occupational Therapy, Physiotherapy, Radiography, Optometry, Podiatry, Chiropractic, Dietetics, Clinical Physiology, Sports Studies, Speech and Language Therapy, Education, Social Work, Youth and Community Work, Biomedical Sciences, Pharmacy and Architecture. This list is not exhaustive, and it may be added to by the University at any time.
2. The Fitness to Practise procedure exists to protect:
 - (a) the public interest, by safeguarding client/patient well-being;
 - (b) the student's interests by ensuring that students do not proceed into an academic programme or career for which they may well not be suited or for which a regulatory body may not register them.
3. Students may be considered unfit to practise on the grounds of:
 - (a) physical or mental health reasons;
 - (b) criminal or other serious misconduct;
 - (c) unprofessional conduct or action;
 - (d) unsuitability for the academic and/or practise demands of the professional education.
4. Concern that a student may, for behavioural or health reasons, be deemed unfit to be admitted to or to practise in a profession towards which his or her course of study leads, should be disclosed in writing to the Executive Dean of the relevant Faculty. Concerns may arise from one incident or from a pattern of behaviour over time.
5. Anyone, including University staff and professional staff involved in student clinical/ professional practice learning who becomes aware of evidence of health, behavioural or academic unsuitability which may preclude a student from completing the course of study or from undertaking the required professional practise should report the facts in writing to the Executive Dean at the earliest opportunity.
6. If the person making such disclosure, as in 4 and 5 above, identifies his or herself, this will make it possible for the University to undertake prompt action. In exceptional circumstances the Executive Dean may permit the discloser's identity to remain confidential, provided this is consistent with natural justice. Anonymous disclosure can be made. However, it must be recognised that if the discloser

remains anonymous this can limit the University's ability to take action, as it is likely to be more difficult to investigate and gather evidence.

7. Boards of Examiners, Student Progress Committees, and the University Disciplinary Committee may also refer students to the Executive Dean under this Fitness to Practise procedure.
8. In some situations, where there is an allegation of plagiarism, it may be appropriate to consider the case under both academic and fitness to practise procedures. In these circumstances the academic process will be conducted first and conclude before beginning the fitness to practise process.
9. Students whose courses are covered by the Fitness to Practise ordinance must disclose any criminal convictions to the University before entering the course or immediately such a conviction occurs during the course. This will enable the student to be provided with guidance about entry requirements for registration within the profession concerned. If a student fails to disclose this information and it subsequently comes to light, the student will be referred to the Executive Dean who may instigate the Fitness to Practise procedure.
10. Issues relating to professional practise may arise as a consequence of behaviour associated with diagnosed or suspected mental or physical health problems or from addiction. In such circumstances the Fitness to Practise procedures will only be invoked if medical and/or counselling interventions have not successfully addressed the behaviour or if the student has refused all such interventions.
11. The Executive Dean will appoint an appropriate person (e.g. Head of School, Course Director) to undertake an investigation of the case in line with the relevant professional regulator guidelines. This person will prepare a report on the circumstances of the case, normally within 5 working days of being appointed, and will make this report and recommendations for course of action available to the Executive Dean.
12. Where the alleged behaviour does not require a formal investigation with a Fitness to Practise Panel, the appropriate course of action as recommended under clause 10 will be agreed by the Executive Dean and the Head of School within 5 working days of the preliminary report from the appointed person; a timeline for monitoring and review will also be determined. This course of action will then be discussed with the student and on agreement, will be managed through to completion by the appropriate person. A record of the outcome will be recorded and kept on the student's file.

Precautionary Suspension

13. The Executive Dean of the Faculty in which the student is registered may suspend a student until the completion of a fuller investigation of the circumstances reported. This power may be used when a student displays inappropriate behaviour while on practice learning or when about to go on practice learning.

14. During a period of precautionary suspension, the student will be entitled to access the University's student support services and will be offered any pastoral support required.

Investigation

15. In cases where a full investigation is recommended, the Executive Dean will, within 5 working days of receiving the report from the appropriate person, convene a Faculty Fitness to Practise Panel (hereinafter the Panel), and expedite a meeting date for the Panel, taking cognisance of the notice period required for the student. The Panel shall consist of:
 - (a) the Executive Dean or his/her nominee. The Executive Dean will Chair the Panel;
 - (b) the Head of the relevant School;
 - (c) a member of academic staff from the same professional discipline as the student;
 - (d) a member of academic staff who is not from the professional area concerned and who does not know the student;
 - (e) a registered professional practitioner from the professional area concerned.
16. A member of the Faculty administration staff will, with due regard to confidentiality, keep records of the proceedings and be responsible for circulating relevant documents.
17. The student will be given 10 working days' notice of the meeting of the panel. The notice will include:
 - (a) a brief statement of the allegations against him or her;
 - (b) details of any precautionary suspension or limitations on or conditions placed upon his or her studies or practice learning experience during the investigation;
 - (c) information on his/her right to be accompanied at the Panel meeting by a representative who is a member of the University;
 - (d) guidance to the student that they can provide further information in support of their case up to three days prior to the panel meeting.
18. The Panel may ask academic or clinical/professional staff connected with the case to provide written comments on the student's academic standing, conduct or health, explaining why there is concern as to the student's fitness to practise. The Panel will also be provided with information about the student's professional and academic progress and any other relevant information it requires.
19. The Panel will establish the facts of the case and in so doing may interview relevant individuals, including the student, or individuals nominated by the student. The student may be accompanied at the interview by a member of staff of the University, by another student, by a representative of the Students' Union or by a member of the professional organisation. Legal representation is not permitted.
20. The Panel shall satisfy itself that the student understands the purpose and importance of the proceedings of the Panel in respect of his/her case, understands his/her rights within the process, and has adequate support.

21. Wherever possible the Panel will resolve the issue in consultation with the student.
22. The Panel has the following powers when considering the student's behaviour and conduct:
 - (a) no action may be required;
 - (b) the student may be referred to Occupational Health, which may result in a period of leave of absence;
 - (c) recommend to the Faculty Board that the student discontinue studies on the course with possibility of transfer to another course;
 - (d) recommend to the Faculty Board that the student discontinue studies on the course without possibility of transfer to another course;
 - (e) if the student is at an appropriate stage in his/her programme, he/she may be offered an alternative award which does not lead to a professional qualification;
 - (f) the student may be referred to the University Student Disciplinary Committee;
 - (g) other action as deemed appropriate to the situation.
23. Should the Panel take the decision to refer a student to the University Student Disciplinary Committee, it will state in writing the reasons for its recommendation and supply any evidence it may have.
24. When the Panel takes the decision to recommend removing a student from a professional course it will:
 - (a) inform the student in writing, within 10 days of the Panel meeting, of the decision of the Panel, giving reasons for the decision;
 - (b) appraise the Pro-Vice-Chancellor (Education);
 - (c) provide feedback to the complainant(s).The findings of the Panel will be entered on the student's file.

Appeals Procedure

25. The student may appeal against the decision of the Panel on any of the following grounds:
 - (a) that new evidence has become available;
 - (b) that there has been procedural irregularity;
 - (c) that the decision of the Panel was inappropriate or too severe.
26. An appeal should normally be made through the Pro-Vice-Chancellor (Education) within 10 working days of receiving the decision of the Panel. The Pro-Vice-Chancellor (Education) will set up an Appeal Board (hereinafter the Board). The Board will consist of:
 - (a) Pro-Vice-Chancellor (Education) (Chair);
 - (b) the Executive Dean of another Faculty;
 - (c) a member of the professional body concerned who has not been involved in the consideration of the case.
27. The appeal will be considered within 28 days of the date the appeal was lodged.

28. The student will be invited to attend the Appeal Board meeting and be accompanied by a colleague, Trade Union member but not a legal representative. The individual attending with the student may present new information in support of the student's appeal.
29. The Board will consider the statements and information provided by the Panel and any additional/new evidence provided by the student or the University which the Panel did not consider/receive.
30. The Chair of the Appeal Board is permitted to determine the procedures appropriate for individual cases.
31. The Board may set aside or vary or confirm the decision of the Panel.
32. There shall be no appeal against the decision of the Appeal Board.
33. The student be informed in writing of the decision of the Appeal Board within 10 working days of the Appeal Board meeting.