

## **FITNESS TO PRACTISE POLICY**

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### **Purpose**

The University offers several regulated courses that, upon successful completion, lead to professional qualifications and grant eligibility to register with the relevant professional, statutory, or regulatory body (PSRB).

As a result, the University has a duty to:

- ensure that students on these courses are fit to practise in the relevant profession;
- protect present or future patients, clients, service users and members of the public;
- safeguard public confidence in the associated profession; and
- comply with the requirements of professional/regulatory bodies.

This policy sets out the University's approach to ensuring that students on relevant courses are fit to practise their chosen specialism, and how it will respond if it becomes aware of a possible issue concerning a student's fitness to practise.

The purpose of a fitness to practise process is not to punish the student for wrongdoing. The process should be supportive even when the outcome is that the student cannot continue with their studies.

### **Scope**

This policy applies to students enrolled or registered on the courses listed in Appendix 1.

Fitness to practise is the ability to meet professional standards; it is about character, professional competence and conduct, and health. The grounds on which a student's fitness to practise may be subject to review will be those set out in a code of conduct (or other similar documentation) from the relevant PSRB. An illustrative, non-exhaustive list of behaviours that may require a review of a student's fitness to practise are given in Appendix 2.

It is important to note that mental or physical health conditions do not themselves automatically mean students are not fit to practise. Many people with long term health conditions are professional practitioners and the University values the contribution that students with health conditions or disabilities can make during their studies and in their chosen profession. There is, however, a need to safeguard students, ensure they are well enough to practise, and can access appropriate support and reasonable adjustments.

When deciding to apply this policy, the University may consider concerns raised by staff, other students, and third parties, as well as information provided by the student themselves (self-referral).

In instances where a student is determined not fit to practise the procedure may recommend withdrawal or suspension from their studies or expulsion from the University.

### **Policy Interactions**

Sometimes, issues are raised that do not fall neatly into the category of just one University policy. Where this is the case, the University will be flexible in its approach of application of policy on a case-by-case basis. The Deputy Director (Student Policy & Safeguarding) will jointly determine with other relevant Directors/Heads of Services whether it's better to use one process after the other

(and in what order), to run them at the same time, or to apply the processes more flexibly. It will be explained to all relevant parties how the matters will be investigated, who will coordinate the process, and who will issue the final decision.

In cases involving an emergency, where there is a perceived threat to the health and safety of the student or to other students, staff, or members of the public, the University will consider applying precautionary measures to ensure that any recognised risks can be mitigated before and during the Fitness to Practise process (see [Student Precautionary Measures Policy](#)).

There may be situations where a registered student is also in employment and the employer may have their own Fitness to Practise policy and procedure that the student-employee is required to follow as a condition of their employment. The University and the employer will agree which policy shall apply to the student. If both policies apply, the employer and the University will agree on the sequencing of these. Where it is agreed that the Fitness to Practise policy and procedure of the employer shall apply, the employer shall provide details of those policies and procedures to the University. Where the University and the employer have not reached such an agreement, this policy will apply.

### **Overview of the Fitness to Practise Procedure**

If the University becomes aware of a possible issue concerning a student's fitness to practise it will respond proportionately. The procedure has two available stages:

- Stage 1 - Preliminary stage
- Stage 2 - Formal stage

Stage 1 can be used to assess whether a student's fitness to practise may be in question, or whether the concern is about less serious competency issues. It is intended to be developmental and give the student the opportunity to improve their practice or approach. If the concerns are not remedied by the actions agreed at Stage 1 then Stage 2 may be instigated. Stage 1 may not always be appropriate and may be bypassed if the issue or concern is sufficiently serious.

Stage 2 is used to investigate and determine whether a student's fitness to practise is impaired, and the appropriate sanctions (where applicable).

Stage 2 will normally be concluded within 90 days, including the appeals stage, from the point when the student is told of the concerns, or that they are being progressed to Stage 2. Where a student has been through a related disciplinary process, Stage 2 will normally be concluded within 45 days of the disciplinary decision.

It may be reasonable for the process to take longer than 90 days where, for example, the case is complex, or it is difficult to assemble a panel with the right professional experience/no previous involvement in the case, or where proceedings are put on hold because of a criminal investigation or the student's impending assessments. Where this is the case, all parties will be kept informed about the progress of the investigation, and when it is likely to conclude.

The Fitness to Practise Procedure for each department provides further information:

[Fitness to Practise Procedure – Pharmacy](#)

[Fitness to Practise Procedure – Psychology](#)

[Fitness to Practise Procedure – Social Work](#)

Fitness to Practise processes will also adhere to the relevant PRSB requirements and guidelines.

### **Right of Appeal**

A student may use the Student Appeals Policy and Procedure to [submit an appeal](#) (within the bounds of that policy) following notification of the outcome of Stage 2. Appeals need to be submitted within 10 working days of the outcome of the Fitness to Practise Panel.

If a student is not satisfied with the resolution of their appeal, they have 12 months to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). If the complaint is eligible to be considered by the OIA they will independently review the matter.

### **Procedural Fairness**

The Fitness to Practise Procedure will follow the principles of natural justice. For this policy, this means the student will have fair opportunity to present their case and respond to any concerns or allegations that have been raised. Normally, the identity of the person raising the concern and details of their concern will need to be shared with the student who is responding. In some circumstances, sensitive and confidential information may be redacted.

In Fitness to Practise cases the standard of proof is the civil standard, or “the balance of probabilities”. This means it must be proved that something is more likely to have happened than not, and this is supported by evidence. The burden of proof sits with the University. This means that it is their responsibility to prove the case being considered.

No person with a conflict of interest will be asked to investigate or make a decision relating to the case. A conflict of interest occurs when an individual's professional or personal interests – family, friendships, financial, or social factors – could compromise their ability to apply judgement or act fairly and objectively. A conflict of interest can be actual or perceived.

### **Support for Students**

We understand that fitness to practise matters can be very stressful for students and are committed to the process being as empathetic and supportive as possible. Students will be made aware of, and actively encouraged to engage with, the support options that are available to them throughout the process.

We understand that some students may need additional arrangements to fully access this process. Any reasonable adjustments will be considered and put in place where possible.

### **Roles and Responsibilities**

**Senate** is responsible for:

- The Fitness to Practise Policy and approving any amendments to it

**Deputy Director, Student Policy and Safeguarding** is responsible for:

- Overseeing the effective application of the Fitness to Practise Policy and its interaction with other student safeguarding policies
- Supporting Stage 2 of the procedure, where necessary

- Reporting to Senate annually on fitness to practise cases including outcomes, common themes, and recommendations to improve the University's practice and the student experience

Any of the functions of the Deputy Director, Student Policy & Safeguarding under this policy may be delegated to a member of the Student Support & Safeguarding Leadership Team.

**The Student Casework Team** is responsible for:

- Monitoring the progression of a student's case and being a central point of contact for students being supported through Fitness to Practise
- Triaging Fitness to Practise cases that also need to be considered under other student policies

**Relevant Academic Departments** are responsible for:

- The operational delivery of the department's Fitness to Practise Procedure
- Notifying the Student Casework team when a new Fitness to Practise case is initiated, the date of the panel, and the outcome of the case
- Liaising with the relevant PRSB and employers, where necessary
- Convening the Fitness to Practise Panel

**Head of Department, Director of Studies, or Director of Teaching** are responsible for:

- Determining whether a complaint, concern or (self-)referral should be considered under the Fitness to Practise Policy and Procedure, and at what stage
- Based on the Investigating Officer's report, determining whether to refer a case to a Fitness to Practise Panel

Role titles and remits will vary between departments. Please refer to each departmental Fitness to Practise Procedure for specific allocation of these responsibilities.

These determinations should be made by, or in consultation with, a member of staff with expertise in fitness to practise issues in relation to the relevant profession. Where this is not possible due to small department size and/or conflict of interest it is appropriate for departments to work with external agencies to supply this expertise.

**Any member of the academic department providing teaching, support, or pastoral care to students on courses in Appendix 1** are responsible for:

- Informing the Director of Studies/Head of Department if there is a reasonable belief that a student's behaviour or health raises, or may raise, fitness to practise concerns

**The Fitness to Practise Panel** is responsible for:

- Determining whether a student's fitness to practise is impaired
- Where applicable, determining what sanctions should be applied

The panel should include at least one professional with relevant expertise in fitness to practise issues.

**The Vice-Chancellor** is responsible for:

- Approval of any recommendation referred to them by a Stage 2 Panel

Any of the functions of the Vice-Chancellor under this policy may be delegated to a Deputy Vice-Chancellor or a Pro Vice-Chancellor.

**Students on courses in Appendix 1** are responsible for:

- Immediately disclosing if they receive a conviction, police caution, or become listed on any of the barring lists
- Disclosing information regarding any mental or physical health conditions that may affect their fitness to practise. These may be pre-existing conditions, changes to pre-existing conditions, or conditions developed while on your course. (Please know that it is a strength to admit when you need support and having insight into how your own wellbeing affects others is an important skill for professionals to develop.)
- Complying with and accurately completing any activities required to determine their fitness to practise

### **Monitoring and Record Keeping**

Cases handled under Fitness to Practise, including decisions made, outcomes and common themes will be recorded, and an annual report provided to Senate and its relevant committees.

All records taken under this policy will be held for the recommended period of time for which records should be retained to comply with legal requirements and meet operational needs as defined within the [University Records Retention Schedule](#).

If you have any feedback on this policy, or on your experience of this policy or process, please email [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk).

### **Document Control Information**

Any such amendments are identified above and will take effect from the date shown.

Owner	Pro Vice-Chancellor, Student Experience
Version number	2.0
Approval Date	2 October 2024
Approved By	Senate
Date of last review	June 2024
Date of next review	June 2027

## Appendix 1

### Schedule of courses subject to this Fitness to Practise Policy

- Master of Pharmacy
- BSc Social Work and Applied Social Studies
- Doctorate in Clinical Psychology
- Clinical Associate in Psychology (CAP) (Integrated Degree) Apprenticeship

## Appendix 2

The following is a list of behaviours that may require a review of a student's fitness to practise. This list is not exhaustive and when assessing a student's fitness to practise, guidance produced by the PSRB for that profession will be considered.

- academic misconduct (for example plagiarism, cheating in examinations, forging records)
- other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property)
- drug misuse or alcohol dependency
- health and safety breaches
- failure to disclose convictions or other information that the student is required to disclose
- inaccurate or falsified placement documentation
- unsafe practice, incompetence or requiring too much supervision
- unprofessional behaviour, including:
  - lack of respect, aggressive or poor attitude, laziness
  - indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance
  - failure to self-reflect, lack of insight
  - failure to engage with investigations into unprofessional behaviour
  - poor self-management, lack of personal accountability
  - dishonesty
  - breaking patient confidentiality
- behaviour away from the student's studies, including:
  - criminal conviction e.g. violent offence; offence of dishonesty
  - disruptive behaviour in the community
  - inappropriate use of social media
- safeguarding concerns
- poor mental or physical health or serious physical impairment that interferes with the student's ability to practise safely
- failure to seek help or engage with appropriate services in relation to health issues
- poor communication or language skills