



ICHAS

Section 8 - Student Supports

Subject:	Procedures associated with Fitness to Practice		
<i>Date Approved by Academic Council:</i>			October 2022
Policy Version	1/2022	Date due for Revision	February 2024
Parent Policy	Policy on Fitness to Practice		

INTRODUCTION

Where a Fitness to Practice concern is raised, the student is encouraged to seek appropriate supports (either internal and/or external) available through the Student Liaison Officer.

The Procedures set out how the College deals with issues of a student's Fitness to Practice within an ethos of student support and the responsibility of the College to ensure protection of clients, patients or members of the wider public in as far as is practicable.

It should be noted that adherence to the procedure may not be appropriate in all cases. In that regard, the College reserves the right to vary the procedures where or if circumstances warrant it and to amend this Policy and the Procedure from time to time.

While every effort is made to support students and adopt a welfare approach to students, the college may take action to suspend and/or terminate a student's registration on the programme in appropriate cases. Vexatious and/or malicious concerns raised by students/staff is dealt with under the appropriate disciplinary procedure.

The College reserves the right to use this Policy in relation to students who are qualified professionals on relevant Programmes. In such cases, the student's employing organisation or Regulatory body may be informed of Fitness to Practice concerns.

Fitness to Practice issues can occur at any stage during a student's time at College. In that regard, the college provides appropriate supports to students experiencing difficulties. It is important to note that Fitness to Practice issues can arise and be satisfactorily dealt with during a student's programme of study and outcomes of a formal Fitness to Practice procedures reflect a judgement on a particular issue, at a

particular moment in time, and is not necessarily intended to be a judgement about a student's Fitness to Practice in the future.

The College ensures that current and prospective students' are aware of this Policy. It is, however, the responsibility of each student to familiarise themselves with this Policy, specific expectations of their programme of study, and the requirements associated with the programme and core competencies expected. The College cannot guarantee the acquisition of suitable work placements for students. Work placements are provided at the discretion of the placement provider.

The College cannot guarantee a student's registration with any Professional or Statutory Regulatory Body (PSRB). The relevant PSRB will determine membership/registration/ accreditation eligibility according to its own distinct procedures.

Cause for concern as to a student's (or applicant's) Fitness to Practice can be raised relating to a wide range of behaviours, including, but not limited to:

- Criminal conviction, caution, reprimand or equivalent.
- Concerns raised by their placement employer.
- Continuing compliance with the entry requirements for the programme.
- Drug or alcohol misuse.
- Aggressive, violent or threatening behaviour.
- Persistent inappropriate attitude or behaviour.
- Academic misconduct.
- Dishonesty or fraud (whether or not linked to the professional role);
- Unprofessional behaviour or attitudes.
- Health concerns and lack of insight or management of these concerns; and,
- Putting client, staff or student safety at risk.

The standard of proof applied at every stage of this Policy is the balance of probabilities.

RESPONSIBILITIES

ROLE/ PERSON	RESPONSIBILITY
Placement Provider	Communicate or raise concerns relating to fitness to practice issues.
Student	To cooperate with the Fitness to Practice process
Vice President (Academic Affairs)	Convenes the Fitness to Practice Committee. Oversees the investigation of Fitness to Practice issues
Programme Director	To cooperate with the Fitness to Practice process
Practice Placement Director	Acts as a first point of contact for concerns in relation to Fitness to Practice concerns
Clinical Supervisor	To cooperate with the Fitness to Practice process

Appeals Committee	Will hear any appeals following the conclusion of a fitness to practice process.
Registrar	Convenes the Appeals Committee.

PROCEDURES

The following procedures relate to fitness to Practice issues at Application Stage and also when enrolled on a programme of studies;

Applicant Stage

- The College ensures that reference to “Fitness to Practice” is made within the relevant entries in the College’s publicly available information provided to prospective applicants.
- A general assessment of Fitness to Practice is made at application stage considering the information disclosed by the applicant including that provided at interview.
- If information disclosed or revealed (for instance through a Garda Vetting check or similar process) subsequent to an offer having been made raises a cause for concern as to an applicant’s Fitness to Practice, the decision whether or not to withdraw the offer is made by the relevant Director of Studies after seeking advice from the Vice President (Academic Affairs).
- If the offer is not withdrawn, consideration as to whether the information needs to be reported to the relevant Professional or Statutory Regulatory Body (PSRB) (given specific reporting requirements) is made by the College and the applicant is informed prior to any report being made.

Procedures to be followed in relation to Fitness to Practice concerns for Enrolled Learners

In most instances student Fitness to Practice concerns can be addressed and resolved informally. However, Procedures are also set out where a formal process needs to be applied in the following sections. It must be borne in mind that an allegation of professional misconduct or unsuitability to practice is a serious and potentially defamatory one. Consequently, it is essential that all proceedings be conducted on a basis of strict confidentiality.

Informal Procedures

For minor infringements the Practice Placement Director may discuss their concerns directly with the student and agree steps to remedy the situation may often be sufficient.

Formal Procedures

Serious or persistent Fitness to Practice concerns are likely to warrant the initiation of formal procedures. The College initiates an investigation to determine if there is a *prima facie* case to be answered or not through its formal processes.

Where the cause for concern raised may have implications for the student's placement setting it may be necessary for the student to be suspended from their placement pending investigation.

- Suspension of a placement may take place.
- Suspension of a placement pending investigation under this policy is not in itself to be regarded as a disciplinary measure.

The investigation is undertaken by the Fitness to Practice Committee under the terms of reference as set out in Section 2 of the QAE Manual. It normally includes an interview with the student in addition to the gathering of supplementary evidence, including any documentary evidence. A student has the right to be accompanied to any meeting by a 'friend'. A 'friend' for this purpose, is defined as: an adviser from ICHAS's Students' Representative body, a current member of staff of the College, or a currently registered student of the College. A person who does not fall within these categories is not able to act as a 'friend' unless otherwise agreed by the Chair.

- Concerns or complaints have to be formally reported using the Fitness to Practice Concern/Complaint form and any other relevant supporting documentation.
- Reports have to be forwarded to the Practice Placement Director in the first instance.
- On receipt of a report the Practice Placement Director has to decide whether to initiate formal Fitness to Practice proceedings and requests that the Registrar convenes a Fitness to Practice Committee to consider the matter.
- Reported misconduct that represents a breach of the Code of Conduct and dealt with under the Policy on Code of Conduct and Procedures related to Breaches of the Code of Conduct, have to be referred directly to the Vice President (Academic Affairs), where it may be dealt with under the College's student disciplinary procedures.
- On receipt of a Fitness to Practice Concern/Complaint Form, and having decided that the matter requires the initiation of a formal procedure, the Practice Placement Director in agreement with the Vice President (Academic Affairs) or their nominee arranges for the Fitness to Practice Committee to be convened as soon as practicable.
- A copy of the Fitness to Practice Concern/Complaint Form and any other relevant documentation is circulated to the members of the committee in advance of the meeting.

- Students have to be informed in writing that the Fitness to Practice procedure has been initiated and that the Committee has been convened. The student has to be given appropriate notice of the date / time of the meeting.
- A copy of the preliminary Fitness to Practice Report and any other relevant documentation that has been supplied in respect of the case has to be provided to the student in advance of the meeting.
- The student has to confirm their availability to attend the meeting and advise if they intend to be accompanied by a friend, parent, student advisor or Student representative.
- Members of the Committee may seek the attendance of other relevant parties, including the Placement Officer, Practice Placement Director or others to provide a verbal account of incidents or behaviour that have called into question the student's Fitness to Practice.

Scope of Investigation

When investigating a cause for concern the Committee weighs the interests of the clients, other students and staff against those of the student involved with proportionality. The Committee have to consider:

The specific facts of the case, including but not limited to:

- The seriousness of the behaviour in question.
- Whether it is part of a pattern of behaviour; and,
- The year of study of the student and their experience of higher education and/or professional Practice.

The broader risk factors involved, including but not limited to,

- How likely a repeat of the behaviour may be
- How well the student might respond to support

At the meeting the Chair of the Committee has to outline the procedures of the meeting.

Members of the Committee generally restrict their questioning of the student to questions relating to the concerns raised in the Fitness to Practice Concern/Complaint Form and other relevant documentation.

The student receives copies of all documents relating to the matter and can make their own written submission in advance of the meeting.

Possible Outcomes

When all of the documentation and oral evidence had been considered the Committee decides on whether there has been a breach of the Fitness to Practice policy and which of the following possible outcomes is appropriate.

- The case can be dismissed with no further action.
- On the recommendation of the committee the Programme Board may require the student to undertake a second attempt for certain elements of the programme of study without academic penalty.
- On the recommendation of the committee the Programme Board may require the student to interrupt her/his programme of study for an unspecified period of time or to resolve a specifically identified problem.
- On the recommendation of the sub-committee a Programme Board may suspend a student from a placement with immediate effect if the well-being of patients/clients/students or other service providers is put at risk. If this occurs, then the Fitness to Practice procedures must be expedited to enable a review to be activated within 2 working days of the suspension. There should be an indication of what constitutes 'at risk' in the context of the programme.
- On the recommendation of the committee a Programme Board may recommend to the College's Academic Council that an exit strategy be followed by the student.
- The student may be allowed to continue the placement, subject to review under certain specified conditions such as careful mentoring by a named academic member of staff.

Within 10 working days of the formal Procedure taking place, the Chair of the Committee or their delegate must produce a report outlining the concerns raised, details of the investigation undertaken and conclusions.

The outcome of the Committee's decisions is given in writing to the student with a copy to the relevant Director of Studies. The student is informed of their right to appeal a decision to via the Colleges Policy and Procedures associated with Appeals.

Linked Policies and Procedures

Linked Policies	Policy on Fitness to Practice Policy on Teaching & Learning Policy on Work Based Learning Policy on Appeals
Linked Procedures	Procedures associated with Work Based Learning Procedures associated with Appeals