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# Document Information

## 1. Document Details

<b>Title:</b>	<b>POLICY AND PROCEDURES TO SUPPORT AND DETERMINE A STUDENT'S FITNESS TO PRACTICE</b>
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<b>This Version Number:</b>	1.4
<b>Status:</b>	Approved

**Important Note:** If the 'Status' of this document reads 'Draft', it has not been finalised and should not be relied upon.

## 2. Revision History

Version Number	Revision Date	Summary of Changes	Changes tracked?
1.0		First Draft by BO'C	N
1.1	15/03/17	Amendments agreed by Academic Council regarding Stage Three Appeal	
1.2	28/04/17	Incorporates amendments agreed at Academic Council Meeting 15/3/17	
1.3	02/05/17	Incorporates editorial amendments to Stage Three Appeal agreed at AC Executive Committee Meeting 28/04/17	
1.4	23/05/17	Incorporates suggested changes by Legal Officer	N
1.4	18/11/20	Additional Programmes added to Appendix 1	

## 3. Relevant Existing / Related Documents

Title	Status	Relevance to this Document
		Student Regulations
		Code of Conduct for Employees
		Code of Conduct for Members of Governing Body
		Institute Garda Vetting Policy

## 4. Consultation History

***This document has been prepared in consultation with the following bodies:***

Name	Date	Details of consultation
Academic Council CIT Student Services		

## 5. Approvals

***This document requires following approvals (in order where applicable):***

Name	Date	Details of Approval Required
Academic Council	15/03/17	Approved subject to agreed amendments being verified by AC Executive Committee
AC Executive Committee	28/04/17	Approved subject to further minor amendments to Stage Three Appeal
Academic Council	16/06/17	Version 1.4 approved subject to minor amendment
Governing Body	06/07/17	Version 1.4 approved

## FITNESS TO PRACTICE POLICY

### 1. Introduction

This Fitness to Practice Policy (this "**Policy**") of Cork Institute of Technology (the "**Institute**") has been developed in recognition of the Institute's duty to support students to fulfil programme requirements and to help prepare students for future professional practice.

This Policy is intended to be used to respond to and manage concerns regarding a student's fitness to practice and/or professional suitability, collectively referred to herein as ("**fitness to practice**") on programmes of study recognised, regulated and accredited by a Professional, Statutory or Regulatory Body ("**PSRB**") for the purpose of attaining a professional qualification, future registration with the PSRB and for the entitlement to practice the particular profession. In addition, this Policy applies to all programmes of study that require students to undertake practical training in professional environments which involve interaction with patients/clients/service users including those that lead to registration with a professional body.

Concerns about a student's fitness to practice will be acted upon promptly in order to provide support to the student as early intervention may prevent matters from becoming more serious. The Policy will also provide a basis for counselling a student to discontinue a particular programme and/or advising them as to their suitability to embark on a programme in the first instance.

Students registering for and undertaking such programmes should be suitable to do so with reference to the standards of the particular programme of study, the profession and the requirements of the relevant PSRB, including but not limited to, compliance with professional codes of conduct and the standards of the profession. This involves on-going assessment and monitoring by the Institute.

The programmes of study to which this Policy applies (the "**Relevant Programmes**") are listed in **Appendix 1**. The Institute may in its sole discretion decide that further programmes of study are subject to this Policy in which case, the list in Appendix 1 will be updated.

Fitness to practice includes the possession of skills, knowledge, health, character and ability to practice the profession safely and effectively. It is not restricted to knowledge of a specific subject or practice area and includes the requirement to conform to certain standards of conduct. A list of core competencies required or expected in a programme of study will be made available to students in the Relevant Programmes.

The Institute's Admission Policy sets out the arrangements for the admission of students with convictions, in particular the Garda Vetting Policy. Once students are registered with the Institute they are subject to this Policy in the event that fitness to practice concerns are raised.

Students undertaking Relevant Programmes will be required at all times to:

- Satisfy relevant health requirements for the programme concerned

- Have the capacity to perform key skills and tasks
- Demonstrate acceptable standards of conduct
- Demonstrate relevant values and attitudes
- Satisfy relevant criminal record/prosecutions pending requirements
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- Conduct and behave themselves so as not to harm service users, staff and/or others and/or put them at risk
- Conduct and behave themselves in a manner likely not to harm the reputation of their profession.

## **2. Aim and Approach**

The Institute endeavours to deal with any issues regarding Fitness to Practice in a fair, prompt and proportionate fashion.

The Institute acknowledges that matters should be dealt with in a way that ensures a supportive learning environment, a positive student experience and a safe staff working environment.

Where a Fitness to Practice concern is raised, the student will be encouraged to seek appropriate internal and/or external supports available.

The Procedure set out in this Policy outlines how the Institute will normally respond to instances where a concern is raised regarding a student's Fitness to Practice and the type of action that the Institute may take to deal with the concern and to support the student. Strict observance of the Procedure may not be appropriate in all cases. Circumstances may warrant that the procedure is abridged or varied and the Institute reserves the right to do so at any time. The Institute also reserves the right to amend this Policy and the Procedure from time to time.

In appropriate cases, the Institute has the right to suspend and/or terminate a student's registration on the programme.

Vexatious and/or malicious concerns raised by students/staff will be dealt with under the appropriate disciplinary procedure.

## **3. Scope**

This Policy applies to students who are registered, or seek to be registered, on Relevant Programmes throughout their period of registration with the Institute at all times, both on and off campus. It is not limited to term time, placement or work-based learning.

The Institute reserves the right to use this Policy in relation to students who are qualified professionals on its postgraduate and/or continuing professional development Relevant Programmes. In such cases, the student's employing organisation will usually be informed of fitness to practice concerns.

The Relevant Programme Department will draw current and prospective students' attention to this Policy and also any PRSB requirements. It is the responsibility of each student to familiarise him/herself with this Policy, specific expectations of his/her programme of study, any PRSB requirements and core competencies.

The Institute cannot guarantee the acquisition of suitable work placements for students. Work placements are provided at the discretion of the placement provider.

The Institute cannot guarantee a student's registration with any PSRB. The relevant PSRB will determine this according to its own distinct procedures.

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

#### **4. Responsible Office**

The Registrar & Vice-President for Academic Affairs (the "**Registrar**") has responsibility for overseeing the implementation of this Policy.

#### **5. Legislation**

In implementing this Policy, the Institute will be mindful of its obligations to students under relevant legislation including the Equal Status Act (2000), as amended, and data protection legislation.

#### **6. Fitness to Practice and Student Health**

Students are required to have adequate health to undergo their chosen profession. It is important to note that this does not mean that students must be free of any disability. The Institute will comply with Equal Status legislation and make appropriate reasonable accommodation.

A student on a Relevant Programme is required to complete a health declaration on first registration and thereafter annually.

Where there is a fitness to practice concern regarding a student's health, the student may be referred to a relevant healthcare professional. The student is obliged under this Policy to attend such medical consultation as required. A process under this Policy can proceed notwithstanding the failure of the student to attend the nominated healthcare professional.

#### **7. Disclosure of Criminal Convictions/Conduct which may also be a Criminal Offence**

The procedure in this Policy will be used in respect of students on Relevant Programmes who have relevant criminal convictions/prosecutions pending i.e. those convictions/prosecutions pending which give rise to a fitness to practice concern. Students on Relevant Programmes are required to disclose criminal convictions and prosecutions pending. Where a student fails to disclose criminal convictions/prosecutions pending on registration and/or while registered as a student with the Institute, the Institute may suspend or terminate the student's registration.

If a student's conduct may be in breach of criminal law, the Institute could be obliged to refer the matter to An Garda Síochána. The Institute may do so on occasion without notification to the student. In addition, the Institute may at its discretion suspend or delay taking action

under this Policy pending the outcome of any An Garda Síochána inquiry and/or criminal investigation/prosecution.

The Institute may take action in respect of a student under this Policy notwithstanding his/her conviction or acquittal in criminal proceedings. The Institute is not bound by the outcome of any criminal prosecution although the Institute may in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy.

## **8. Garda Vetting**

Some Relevant Programmes require students to undertake mandatory placements that will bring them into contact with children and/or vulnerable adults in which case they are required to undergo Garda vetting in accordance with the Institute's Policy on Garda Vetting. The procedure in this Policy will be used in respect of students whose Garda vetting disclosure give rise to a fitness to practice concern.

## **9. Notification to Third Parties**

While every effort is made to respect confidentiality it may not be possible or appropriate to maintain confidentiality in all circumstances. Students should be aware that, in the course of dealing with fitness to practice concerns, the Institute may consider it appropriate to discuss and/or refer matters and/or its outcomes to the Child & Family Agency and/or third parties such as PSRBs or placement providers. The Institute may do so on occasion without notification to the student. Where the Child & Family Agency and/or a third party carries out any investigation or process, the Institute may suspend or delay taking action under this Policy although it is not obliged to do so. The Institute will not be bound by the outcome of any Child & Family Agency or third party investigation or other process; the Institute may in its discretion take the outcome of the investigation or process into consideration in determining any outcome to be imposed under this Policy.

## **10. References**

When providing a reference in a professional context, for example, in connection with potential employment in a profession or admission onto a professional programme of study at another institution, for a student who has been subject to a formal stage of this Policy, the Institute may refer to the fitness to practice concerns, the associated circumstances and the outcome at that process, including referring to an appeal, where applicable/appropriate. Students will be actively encouraged to contact the employing organisation and discuss full details of the case with the prospective employer.

The Institute will not normally refer to fitness to practice concerns to which a student was subject to an informal process under this Policy which did not progress any further under this Policy when providing references requested in a professional context but reserves the right to do so when it considers it appropriate.

## **11. Temporary exclusion of student to mitigate risk**

The Head of Faculty (or his/her nominee) may temporarily exclude a student from his/her placement, work-based learning setting, related learning activities and/or programme of study and/or temporarily exclude a student from Institute premises where the Head of Faculty reasonably believes that a student in respect of whom a fitness to practice concern has been raised poses a risk to:

- his/her own health, safety and/or wellbeing and/or that of others
- the professional activities of a placement provider or other professional organisation or to a practice situation
- the property of the Institute and/or others, and/or
- the reputation of the Institute or a placement provider or other professional organisation and/or its functioning and/or its activities

and immediate action in the form of a temporary exclusion is reasonably required to remove or reduce the risk. This may include, but is not limited to, fitness to practice concerns relating to a criminal conviction, a serious health concern, a serious once off incident etc.

If a decision is made to impose such a temporary exclusion, consideration will be given to whether arrangements can reasonably be put in place for the student in order to minimise the impact on his/her studies. The temporary exclusion will be kept under review by the Head of Faculty.

Where a student has been temporarily excluded on the basis of the above, the matter will be dealt with further pursuant to one of the formal stages (as deemed appropriate in the circumstances) of this Policy to determine a permanent resolution.

## **12. Fitness to Practice Policy and other Institute Policies**

It is acknowledged that some of the behaviour and issues addressed in this Policy may also fall under the Institute's Fitness to Study Policy and/or other relevant policies such as the Institute's Disciplinary Regulations. Where there is more than one Institute procedure (and/or policies) applicable to any one matter, the Registrar shall decide which of the Institute's procedures (and/or policies) should have priority or be the most appropriate in the circumstances, and may direct the continuation of some procedure(s) (and/or policies) and the suspension of others pending the outcome of the former. It is possible that more than one policy/procedure could be invoked in relation to the same issue, either concurrently or consecutively, as the Registrar may deem appropriate.

## **13. Fitness to Practice Concerns**

The Institute recognises that concerns regarding a student's fitness to practice may arise in a variety of ways and may be raised by the student him/herself, Institute staff, other students, the public, placement providers etc.

Examples of fitness to practice concerns include, but are not limited to:

- Health, mental health, emotional or interpersonal problems
- Failure to comply with PSRB requirements
- Failure to act within statutory frameworks which sets out students' professional duties and responsibilities

- Posing a risk to the student’s own health, safety and wellbeing and/or that of others
- Adversely affecting the operation of the Relevant Programme/placement
- Unprofessional behaviour including breach of confidentiality, failure to maintain appropriate professional boundaries etc
- Breach of standards of acceptable conduct, professional or otherwise, such as those set out in the Institute’s Regulations, the Relevant Programme and/or by a relevant PSRB, for example, including but not limited to:
  - Abuse, bullying and /or harassment, including verbal and/or written, physical and/or sexual, including through the use of social media, including once off incidents
  - violent, aggressive or threatening behaviour, physical, verbal or other, including once off incidents
  - failure to treat others with dignity and/or respect
  - discrimination on any prohibited grounds under law
  - dishonesty or untrustworthiness, including but not limited to, the misrepresentation of qualifications or professional experience, the forging of documents or signatures, theft or making false expenses claims etc
  - repeat or serious assessment offences
  - the commission or suspected commission of a criminal offence
  - alcohol or substance abuse
  - anti-social behaviour which adversely affects the operation of placement/work-based settings
  - the failure to demonstrate an attitude or demeanour appropriate to the profession concerned
  - failure to participate in learning activities
  - inconsistent, unreliable or inappropriate behaviour in learning, study or placement/work-based learning settings.

#### **14. The Procedure**

Concerns about a student’s fitness to practice will be dealt with under the following procedure which has three potential stages:

1. Informal Stage
2. Formal Stage – Level 1
3. Formal Stage – Level 2
4. Appeal.

The level at which the procedure is implemented will depend on factors such as the seriousness of any risk posed and the student’s response to any steps taken by the Institute. The Institute can decide to implement a formal stage without implementing the Informal Stage should it believe that that the concerns warrant such an approach.

Should a student without good cause be unwilling or unable to participate at any stage of this Procedure or attend a meeting, the Institute may nonetheless follow the Procedure in his/her absence.

Where in this Procedure reference is made to any named Institute’s office-holder, such reference is to be read as including reference to his/her appointed nominee.

## **INFORMAL STAGE**

Prior to initiating a formal stage of this Policy, consideration may be given to informally supporting a student with a view to resolving any perceived issue. Informal attempts at intervention may include informal advice to the student, coming to an agreement with him/her as to a particular course of action, or offering support through appropriate CIT services such as counselling. However, if a particular case appears to be of sufficient seriousness, an informal approach will not be appropriate. Otherwise, a matter that is dealt with informally may be progressed formally if an issue persists.

### **FORMAL STAGE – LEVEL 1**

The purpose of this stage is to deal formally with any initial, emerging or minor causes of concern relating to a student's fitness to practice.

In determining whether the matter is suitable to be dealt with under this stage, the Head of Department will consider the nature of the concern or conduct, whether the student openly acknowledges there is an issue to be addressed and/or any other relevant circumstances.

Once it has been confirmed that the matter is suitable to be dealt with using this stage, the Head of Department will inform the student in writing, usually by email, that there is a concern about fitness to practice; the nature of the concern will be outlined, it will be indicated that s/he is seeking to deal with the matter under this stage, the student will be provided with a copy of this Policy and advised of any appropriate internal and external supports available to the student.

The Head of Department will arrange a meeting with the student to discuss the concern and any support needs the student may have. The student will be given the opportunity to respond to the concern. The student is entitled to be accompanied by a friend/representative of their choice. The Head of Department may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to deal with the matter and to provide support to the student. The Head of Department should be accompanied at all meetings with the student and a contemporaneous record of the meeting shall be taken.

The Head of Department will decide whether the student's fitness to practice is impaired, or may become impaired, and whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following outcomes:

- a. There is no case to answer
- b. No further action to be taken
- c. Support arrangements and/or reasonable accommodation to be put in place for the student, following any necessary assessment
- d. An action plan be drawn up setting out how the matter will be managed by the School including the outlining of any requirements which are placed on the student
- e. The student be withdrawn from placement or other work based activity
- f. The matter be referred to the Formal Stage – Level 2
- g. The matter be referred for consideration under another Institute process eg Fitness to Study, Student Disciplinary Procedure etc
- h. Such other action as is appropriate in the circumstances.



The student will be notified in writing, usually by email, and normally within 5 working days of the meeting, of the decision of the Head of Department with reasons and any further actions to be taken.

A copy of the documentation will be retained on the student's file.

If the student is dissatisfied with the outcome of this stage, s/he must notify the Head of Department in writing, within 5 working days of receiving the decision that s/he is invoking Level 2.

## **FORMAL STAGE – LEVEL 2**

This stage will be used to address concerns:

- Where any issues are considered too serious to be dealt with under an earlier stage under the Policy
- Where the student is not happy with the decision made by the Head of Department under Formal Stage – Level 1 and notifies the Head of Department within 5 working days of receiving the decision that s/he is invoking Level 2
- Where the student has failed to comply with the outcome of an earlier stage under the Policy

As part of dealing with any matter under this stage, the Institute may undertake any such investigations as it considers reasonable and appropriate in the circumstances. A member of staff will be appointed by the Registrar to act as Investigating Officer and the Registrar may put in place terms of reference for any such investigation. The student will normally be informed that an investigation is being carried out and of the identity of the Investigating Officer.

The Investigating Officer will determine the process to be followed for the investigation, having due regard to any terms of reference set for them by the Registrar, and may speak with the student concerned and with other students, staff and where relevant third parties (such as placement providers or health professionals, for example) and call for information. Any investigation will be carried out in a transparent and fair manner. The Investigating Officer will provide a report to the Fitness to Practice Committee which will determine whether the student's fitness to practice is impaired, or may become impaired. The membership of the Fitness to Practice Committee is outlined in Appendix 2.

In advance of the Fitness to Practice meeting with the student, the Chairperson of the Fitness to Practice Committee will write to the student to:

- Inform him/her that concerns regarding his/her fitness to practice have been raised and full details of the nature of these concerns will be outlined
- Provide a copy of this Policy
- Indicate that s/he will be given an opportunity to respond
- Provide documentation in support of the concern, if any
- Provide a copy of the Investigator's report
- Invite him/her to attend a meeting with the Fitness to Practice Committee
- Give him/her notice of the date, time and place of the meeting with the Fitness to Practice Committee
- Inform him/her that he may be accompanied by a friend/representative of their choice
- Advise of any appropriate internal and external supports available to the student

The student will normally be given 10 working days' notice of the meeting.

At this meeting the student will be given an opportunity to rebut or discuss any concerns expressed about his/her fitness to practice. The student may bring witnesses and make written submissions. Any written submissions or documents intended to be relied upon by the student should be submitted to the Chairperson of the Fitness to Practice Committee no later than 3 working days before the meeting. A list of proposed witnesses (if any) should also be provided to the Chairperson of the Fitness to Practice Committee by the student no later than 3 working days before the meeting.

A contemporaneous record of the meeting shall be taken.

Following the meeting, the Fitness to Practice Committee will determine whether the student's fitness to practice is impaired, or may become impaired, and whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following:

- No case to answer
- No further action to be taken
- Support arrangements and/or reasonable accommodation to be put in place for the student
- An action plan be drawn up setting out how the matter will be managed by the Department including the outlining of any requirements which are placed on the student
- The matter be referred for consideration under another Institute policy eg Fitness to Study, Student Disciplinary Procedure etc
- Continue in the Relevant Programme subject to review
- Repeat certain aspects of the Relevant Programme
- The student be transferred to an alternative programme of study
- Withdrawal of the student from placement
- Suspension of the student from the Relevant Programme
- Expulsion of the student from the Relevant Programme
- Dismiss or strike out from the student's record any allegations based on vexatious, false or malicious claims
- Such other action as is appropriate in the circumstances.

The Fitness to Practice Committee shall normally communicate its decision in writing within 15 working days of the meeting.

Where the decision cannot be communicated within 15 working days, the student may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay.

A copy of the decision and any associated documentation will be retained on the student's personal file.

If a student is dissatisfied with the outcome, s/he must notify the Chairperson of the Fitness to Practice Committee in writing, usually by email, within 10 working days of notification of the decision that s/he is invoking the Appeal.

Any decision being appealed will retain full force and effect during the currency of the appeal.

## **APPEAL**

The student may appeal the Level 2 outcome to the President.

To initiate an Appeal, a student must write to the President, setting out the grounds of appeal in detail, within 10 working days of the date of notification of the result which is being appealed.

The President will convene a President's Appeal Board chaired by a member of the Institute's Executive Board (other than the President or the Registrar) and also including the President's nominee and the Registrar's nominee.

The President's Appeal Board may invite submissions from the student and any other persons it deems necessary, including the relevant Head of Department, the Fitness to Practice Committee or particular members of it, and may meet with them or determine the matter on the basis of written submissions alone (if this is deemed appropriate in the circumstances).

The President's Appeal Board may confirm the decision at Level 2 or permit the student to return to practice subject to such conditions as it determines appropriate in the circumstances.

The President's Appeal Board shall normally communicate its decision in writing within 15 working days of the meeting.

## **APPENDIX 1**

### **RELEVANT PROGRAMMES**

- BA in Community Development
- BA (Hons) in Community Development
- Certificate in Counselling Skills
- Higher Certificate in Arts in Counselling Skills
- BA (Hons) in Counselling & Psychotherapy
- MA in Integrative Psychotherapy
- MA in Play Therapy
- BA in Social Care
- BA (Hons) in Social Care
- BSc in Agriculture
- BSc (Hons) in Agriculture
- BSc in Horticulture
- BSc (Hons) in Horticulture
- BBus in Information Systems
- BBus (Hons) in Information Systems
- BBus (Hons) in Accounting
- BBus (Hons) in Marketing
- BBus (Hons) in International Business with Language
- MA in Global Business Practice
- MSc in Marketing Practice
- Bachelor of Business
- Bachelor of Business in Business Administration
- BSc (Honours) in Biomedical Science
- Diploma in Clinical Laboratory Practice
- MA in Art Therapy
- Professional Master of Education (Art & Design)



## **APPENDIX 2**

### **COMPOSITION OF FITNESS TO PRACTICE COMMITTEE**

The Fitness to Practice Committee shall consist of 9 members, elected by Academic Council, including at least 3 members each from the Faculty of Business & Humanities and the Faculty of Engineering & Science and a Sabbatical Officer from CIT Students Union.

The Office of the Registrar shall provide the Secretariat to the Committee.