



# POLICY AND PROCEDURES ON FITNESS TO PRACTISE

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Version 1.3

**the place of useful learning**

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*Notes: In the policy, the holder of a designated role (such as University Secretary and Compliance Officer) is taken to include their nominee*

## **GENERAL**

1. Where a programme of study requires a student to undertake practical training in a quasi-professional role in relation to patients, children, clients, their family members or service users or where the qualification provides a direct licence to Practise<sup>1</sup>, the University has a duty to ensure that the student is Fit to Practise. A student registered for such a programme may be subject to Fitness to Practise procedures. A student may also be subject to their own professional/regulating body's Fitness to Practise criteria and procedures prior to graduation, following completion of the degree and before fully qualified registration is allowed.
2. On commencement of their programme and prior to undertaking placement, a student shall be held responsible for making themselves acquainted with both the appropriate Code of Professional Conduct and the requirements of the relevant profession to be deemed Fit to Practise. If they are aware of any personal circumstances, which may relate to previous employment, programme of education or voluntary activity and which might affect / be relevant to their Practise, they are bound to inform the Programme Leader immediately, particularly where the issue is professional and will not be identified during the Disclosure process.
3. Where a student is subject to disciplinary procedures as well as Fitness to Practise procedures the Fitness to Practise procedures shall normally be completed before the disciplinary procedures are initiated. However, it may be that disciplinary proceedings indicate that a student is not Fit to Practise, so there may be an overlap in the processes and the procedure on Fitness to Practise may be initiated at any stage if it is deemed that there are grounds to proceed.
4. The question of whether a student is fit to practise is normally initiated by a Programme Leader, another colleague, a member of a profession with whom a student is on placement or a member of the public who has observed behaviour which they think merits consideration. Any allegations can be handled through the University's [Complaints Handling Procedure](#) or, where it is believed to be serious enough and there are concerns that the student may not be fit to practise, by following this process and convening a Fitness to Practise Committee to consider the case and make a decision. Following initial investigation by an Investigating Officer, who will usually be the Head of School / Department (or nominee), a student may be referred to Fitness to Practise Committee.

## **PROCEEDINGS BEFORE A FITNESS TO PRACTISE COMMITTEE**

5. A Fitness to Practise Committee shall deal with any conduct or issue which may render a student not Fit to Practise as a student on a programme leading to potential registration with a professional/regulating body. Examples of breaches of Fitness to

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<sup>1</sup> Actively pursue or be engaged in (a particular profession or occupation); <https://www.lexico.com/en/definition/practise>

Practise are detailed in Appendix 1. Such examples are illustrative only and shall in no way limit or restrict the jurisdiction of a Fitness to Practise Committee.

6. A Fitness to Practise Committee shall also consider the impact of any health issue which may render a student not Fit to Practise.
7. Where a student has been referred to a Fitness to Practise Committee, the student may be required to attend the University's [Disability and Wellbeing Service](#) so that a report can be made on their Fitness to Practise based on professional advice available.
8. The University shall comply with the requirements of the [Equality Act 2010](#) by taking all reasonable steps, within available resources, to enable full participation by disabled students. Programmes leading to a professional role upon graduation require successful completion of all relevant academic and professional competencies, which are measured throughout the degree programme through assessment and placement. All students are required to undertake and pass these in order to gain the award of the degree. However, where a registered student has become not Fit to Practise on medical grounds, the student's registration will be suspended and every effort will be made to offer an appropriate alternative programme of study. Where no alternative programme of study can be found, the student will be required to withdraw fully from their studies.

#### **FITNESS TO PRACTISE COMMITTEE: CONSTITUTION**

9. The Fitness to Practise Committee shall normally be constituted by:
  - (a) a senior member of academic professional staff (Convener);
  - (b) a member of the StrathUnion Student Executive team of the Students' Association;
  - (c) two senior members of academic professional staff from the relevant subject area, one of whom is a member of the relevant professional body;
  - (d) a member of academic professional staff from outwith the subject area/Faculty;
  - (e) no more than two persons from outwith the University with a particular expertise or knowledge of the subject area (eg an academic from another institution or member of the profession concerned);
  - (f) a senior member of Professional Services or legal representative nominated by the University Secretary and Compliance Officer (USCO), where deemed appropriate.
  - (g) Other members may be co-opted where deemed appropriate in an advisory capacity.
10. The University Secretary and Compliance Officer (USCO) must be informed of the issues which have led to a student being referred to a Fitness to Practise Committee as a matter of course. In this way any potential risk can be fully assessed, minimised and appropriate safeguards put in place. Any decision that the student who has been referred cannot remain a student of the University will be made with appropriate advice.
11. Persons who have been involved, in any decision-making process arising from the same issues as those with which the Committee is dealing, shall be disqualified from membership of the Committee in respect of meetings at which that case is to be considered.

12. Five members (including the Convener and at least two members from the profession / subject area) shall constitute a quorum.

#### **FITNESS TO PRACTISE COMMITTEE: GENERAL PROCEDURE**

13. It shall be the duty of the Programme Leader, in consultation with the Vice-Dean (Academic) and taking advice from the Faculty Manager with regard to process, to decide whether a student shall be referred to a Fitness to Practise Committee.
14. If the Programme Leader, having undertaken such investigations as are necessary to allow an initial judgement on the matter to be made and having consulted with the Vice-Dean (Academic), come to the view that the student is not Fit to Practise (per paragraph 5 above), then they must refer the matter to the Fitness to Practise Committee. Included in that referral must be statement explaining the rationale behind the referral, in the format outlined in Appendix 2.
15. Where a student is referred to a Fitness to Practise Committee, the Programme Leader, having consulted with all members of staff connected with the case if appropriate and without breaching confidentiality, shall provide written comments on the student's conduct and/or the student's health explaining the reason there is concern as to the student's Fitness to Practise. Factual information about the student's professional development on their programme and any other relevant documentation, which may include statements from any witnesses, must also be provided. This must be clearly referenced and titled with pages numbered. Emails should be included in chronological sequence.
16. A student who is referred to a Fitness to Practise Committee shall be requested to attend in writing by the relevant Faculty Manager, including details of the referral and the date of the hearing. At least 10 working days' notice of the meeting of the Committee shall be given. The student shall be provided with the full paperwork being set before the Committee.
17. Normally not more than 20 working days shall elapse between the date of formal notification from the relevant Faculty Manager of the details of the case against the student and the date set for the first meeting to consider the case. If, following a request to attend a Committee meeting, the student indicates that they are unable to make the date and time proposed then the meeting shall be rescheduled once. (The need to reschedule a meeting means that it may not be possible to meet the timescales stated above.) Any further rescheduling shall be at the sole discretion of the Convener.
18. The student shall also be advised in writing that this is a University not a legal process; however, they may be accompanied by a person of their own choice including a legal representative, and that they are entitled to cite other individuals in support of their case who should provide written statements at least 5 working days prior to the date of the scheduled meeting. Any person accompanying the student to the meeting shall be entitled to address the Fitness to Practise Committee and may be asked questions by any Committee member.

19. Any evidence which the student wishes to be considered by the Committee must be submitted to the relevant Faculty Manager at least 5 working days before the scheduled meeting.
20. The student must inform the Faculty Manager, at least 5 working days before the scheduled meeting, of the name of the accompanying person whom the student wishes to attend.
21. If it is identified in the case submitted by the Investigating Officer (normally the Programme Leader) that it would be helpful to seek statements from individuals in support of the case, then these will be sought. Any statement must be provided at least 5 working days prior to the meeting and the relevant person(s) may be invited to attend. The student shall be entitled to receive from the Faculty Manager the names of the individuals who have provided statements on behalf of the University and copies of the statements.
22. If a student does not respond to a request to attend a Committee meeting, the Committee shall consider the case in the absence of the student.
23. At the request of a student who does not wish to attend a Committee meeting, the student's representative may attend on their behalf and to participate, where appropriate, in the part of the meeting where the Committee discuss the paperwork but not the private meeting of the Committee.
24. The case against the student shall be presented to the Fitness to Practise Committee by the Investigating Officer (normally the Programme Leader) who will be invited to address the key issues in the case.
25. The case will be considered on the written evidence provided prior to the meeting together with the statements made at the Committee meeting by the Investigating Officer, the student, any persons accompanying the student and any invited individuals present.
26. After the Investigating Officer has presented the case, the student shall be invited to make a statement expressing their side of the case. Once both the Investigating Officer and the student have made their opening remarks, the whole case will be opened up for discussion by members of the Committee.
27. Clarification may be sought by any member of the Fitness to Practise Committee, by the student, by the person (if any) accompanying the student, and by the Investigating Officer.
28. Once the case has been fully discussed, the student, the person (if any) accompanying them and the Investigating Officer shall withdraw and the Committee will consider the evidence before it and determine whether the case that the student is not Fit to Practise has been made or not.
29. The Committee shall invite the student, the accompanying person (if any) and the Investigating Officer to return to hear its decision delivered. The decision, and any

findings of fact, will be conveyed to the student in writing normally within 10 working days of the Committee reaching its decision.

30. It shall be competent for the Fitness to Practise Committee at any stage to adjourn, continue or postpone a hearing for a period not normally exceeding 20 working days. If this occurs, the student should be notified of the reasons and provided, where possible, with a revised timescale.

### **POWERS OF A FITNESS TO PRACTISE COMMITTEE**

31. A student who is found by the Fitness to Practise Committee to be not Fit to Practise may be liable to one or more of the following outcomes:
- (a) reprimanded;
  - (b) permitted to continue on the programme with appropriate advice and guidance;
  - (c) permitted to continue on the programme under close supervision;
  - (d) permitted to continue on the programme under such conditions or undertakings as considered appropriate;
  - (e) suspended from attendance on the registered programme for a stipulated period;
  - (f) withdrawn from the registered programme and / or required to transfer to a non-registered programme where available, subject to such a course of action being endorsed by the USCO and approval sought from the Principal on behalf of Senate.

The above list of outcomes is not exhaustive and the University reserves the right to determine other outcomes it deems appropriate and proportionate. Any of the above outcomes may be suspended for a period of time on specified conditions. Should a sanction period be imposed, then a review will be held at the end of that period, led by the Convener of the Fitness to Practise Committee, to confirm the next steps.

32. If a student has been found by the Fitness to Practise Committee as Not Fit to Practise, the final outcome must be provided to an appropriate person within the relevant professional/regulatory body following conclusion of the proceedings (the final outcome includes the disposal of any subsequent appeals proceedings). Exceptionally, the Scottish Social Services Council (SSSC) is notified of the outcome of cases involving students who are student members of the SSSC regardless of a pending appeal.
33. In cases where there is a concern which was other than that of their suitability for the specific programme, [Disclosure Scotland](#) may be informed where a student is required to complete a PVG form and be checked by this body. This will be addressed on a case by case basis.

### **APPEALS**

34. Any student against whom a finding of Not Fit to Practise has been made has the right to appeal against that decision and/ or the outcome determined by a Fitness to Practise Committee on one or more of the following grounds:

- (a) There was a procedural irregularity in the process undertaken that gives rise to a reasonable doubt as to whether the Investigating Officer or Fitness to Practise Committee would have reached the same decision had the irregularity not occurred;
- (b) Substantive new evidence has come to light since the original hearing of the case which might have caused the Fitness to Practise Committee to reach a different conclusion. The evidence was not available, for good reason, at the time the case was considered;
- (c) Allegations of prejudice or bias on the part of the Investigating Officer or any of the members of the Fitness to Practise Committee; or
- (d) That the outcome determined is unduly harsh or exceeds the limit of authority given to the Fitness to Practise Committee.

35. The letter of Appeal and supporting evidence must be lodged with the relevant Faculty Manager within 14 days of the written notification of the outcome decision to the student by the Fitness to Practise Committee and must state the grounds upon which the appeal is made.

#### **PROCEEDINGS BEFORE THE FITNESS TO PRACTISE APPEALS BOARD**

36. The relevant Executive Dean (or their nominee) shall review the appeal and decide whether the appellant has submitted sufficient grounds for an appeal to be heard or rejected.

37. If the relevant Executive Dean (or nominee) decides that the appellant has made an arguable case that one or more of the grounds of appeal exists then they shall refer the matter to a Fitness to Practise Appeals Board for final determination.

#### **FITNESS TO PRACTISE APPEALS BOARD: CONSTITUTION**

38. The Fitness to Practise Appeals Board shall normally be constituted by:

- (a) the Executive Dean of the relevant Faculty or nominee (Convener);
- (b) two members of academic professional staff from the relevant subject area, at least one of whom must be a member of the relevant professional body;
- (c) one member of academic professional staff from another subject area / Faculty;
- (d) The President of StrathUnion Students' Association (or nominee);
- (e) an external member of the profession concerned;
- (f) a senior member of Professional Services or legal representative nominated by the University Secretary and Compliance Officer, where deemed appropriate.
- (g) Other members may be co-opted where deemed appropriate in an advisory capacity.

39. Persons who have been involved, in any decision-making capacity, in a particular case at an earlier stage shall be disqualified from membership of the Fitness to Practise Appeals Board at the meeting at which that case is to be considered.

40. Five members (including the Convener) shall constitute a quorum.

## **FITNESS TO PRACTISE APPEALS BOARD: GENERAL PROCEDURE**

41. The appellant shall be given at least 10 working days' notice in writing by the relevant Faculty Manager, of the time and place of the meeting of the Fitness to Practise Appeals Board and invited to attend.
42. Normally not more than 20 working days shall elapse between the receipt of the Appeal and the date set for the meeting of the Appeals Board. If, following a request to attend an Appeals Board, an appellant indicates that they are unable to make the date and time proposed then the Appeals Board shall be rescheduled once. (The need to reschedule a meeting means that it may not be possible to meet the timescales stated above.) Any further rescheduling shall be at the sole discretion of the Convener.
43. Where the Fitness to Practise Appeals Board decides to hear the case *de novo* or to admit new evidence that was not available at the Fitness to Practise Committee meeting, the appellant shall be informed in writing by the relevant Faculty Manager that s/he has the right to call individuals and / or provide written statements in support of the case.
44. The appellant shall also be advised that this is a University and not a legal process; however, they may be legally accompanied by a person of their choice, who may be a legal adviser, who will be allowed to address the Fitness to Practise Appeals Board.
45. Any evidence including extenuating personal or medical circumstances not previously notified which the appellant wishes to be considered by the Fitness to Practise Appeals Board must be submitted to the relevant Faculty Manager at least 5 working days before the scheduled meeting.
46. The appellant must inform the relevant Faculty Manager, at least 5 working days before the meeting of the Appeals Board, of the name of any individual who will be accompanying them and provide any supporting statements.
47. The Fitness to Practise Appeals Board may request the attendance of additional individuals where it considers that their input would be of assistance. The appellant shall be entitled to receive from the Faculty Manager the names of the individuals whose attendance will be requested by the University.
48. If, the appellant does not attend, the Appeals Board shall consider the case in the absence of the appellant.
49. At the request of an appellant who is not able to attend a meeting, the appellant's representative may attend on their behalf and to participate, where appropriate, in the initial Board discussions.
50. At the hearing of an Appeal, the appellant shall be heard first.



51. The Convener of the Fitness to Practise Committee will be invited to attend in order to provide clarification on the Fitness to Practise Committee meeting report or make comments on the appeal.
52. The Board will consider the original documentation presented at the Fitness to Practise Committee, the report from that meeting, the appeal and any relevant reports. The appellant may, at the discretion of the Convener, be heard in reply.
53. All persons present may be questioned by any member of the Fitness to Practise Appeals Board, by the appellant, by the individual accompanying the appellant, to seek clarity on points made during written submissions or evidence provided verbally at the meeting.
54. The appellant and their representative, the Convener of the Fitness to Practise Committee and any individuals (if present) shall withdraw while the Fitness to Practise Appeals Board considers its decision. The appellant, their representative and the Convener of the Fitness to Practise Committee shall be invited to return to hear the outcome delivered. The decision, and any findings of fact, will be conveyed to the student in writing normally within 10 working days of the Board reaching its decision.
55. It shall be competent for the Fitness to Practise Appeals Board at any stage to adjourn, continue or postpone a hearing for a period not normally exceeding 20 working days. If this occurs, the student should be notified of the reasons and provided, where possible, with a revised timescale.
56. It shall be competent for the Fitness to Practise Appeals Board to set aside, vary or confirm the decision or outcome originally imposed by the Fitness to Practise Committee as follows:
  - (a) Uphold the Appeal
  - (b) Partially Uphold the Appeal
  - (c) Not Uphold either the decision appealed against and / or the outcome originally determined
57. The decision of the Fitness to Practise Appeals Board is final and there will be no further right of appeal within the University under this procedure.

**INDEPENDENT EXTERNAL REVIEW: [Scottish Public Services Ombudsman \(SPSO\)](#)**

58. If a student is deemed not fit to practise by the Fitness to Practise Appeals Board, the student will have no further opportunity to practise. If they have been found to have been in breach of Fitness to Practise expectations, the final outcome must be provided to an appropriate person within the relevant professional/regulating body, following conclusion of the proceedings. The decision of the Fitness to Practise Appeals Board will be communicated to the relevant professional body and/or Disclosure Scotland which may invoke further action as appropriate.
59. [The Scottish Public Services Ombudsman](#) (SPSO) provides independent review of student complaints and appeals and is the final stage for complaints about public services in Scotland. This includes complaints about Scottish universities. If you

remain dissatisfied with a university after its procedures for dealing with Fitness to Practise have been exhausted, you can ask the SPSO to look at your complaint.

60. The SPSO cannot normally look at complaints:

- where you have not exhausted the University's Fitness to Practise processes or [Complaints Handling Procedure](#);
- more than 12 months after you became aware of the matter you want to complain about; or
- that have been or are being considered in court.

The SPSO's contact details are:

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

08003777330  
Freepost SPSO  
[www.spsso.org.uk](http://www.spsso.org.uk)

## **FITNESS TO PRACTISE COMMITTEE AND APPEALS BOARD: RECORDS AND REPORTS**

61. The Fitness to Practise Committee and Appeals Board shall keep a record of its proceedings and the case documentation. The outcome report shall give the name of the student / appellant, the nature of the case and the outcome of the proceedings.
62. An anonymised report shall also be submitted to the relevant Board of Study at their next meeting. Fitness to Practise cases will be reported and monitored through QAC to Senate.
63. The records shall be retained by the University in a secure location in accordance with the applicable retention policy (normally 5 years) and, except as directed by the Head of the relevant Department/School, shall be available only to individuals or committees authorised to conduct investigations.
64. The outcome report shall be made available to the appellant within 10 working days.
65. Audio or video recording of proceedings will not be permitted.

## **STUDENT PROGRESS ISSUES**

66. Where a student referred to a Fitness to Practise Committee is considered by the Programme Leader not to be a danger to the University community, the student may continue to attend academic modules, except placements / experiential learning opportunities or have other contact with vulnerable individuals. The status of such students will be considered on a case by case basis.

67. Where a registered student is allowed by the Fitness to Practise Committee to continue on their programme of study, or when their studies have been temporarily suspended, a student may be required to meet with the Fitness to Practise Committee, or a delegated representative, on further occasions in order to review their progress.
68. A decision by an appropriate Board of Examiners that a student be required to withdraw due to academic failure should not cause the Fitness to Practise procedure to be abandoned. Should the issue under investigation be reported following a period of placement but relate directly to that period of placement, any process which is in place to deal with such an issue should be completed prior to the Fitness to Practise Committee being set up.

### **FREEDOM OF INFORMATION**

69. With effect from 1 January 2005, recorded information held by the University can be requested under Section 1(1) of the Freedom of Information (Scotland) Act 2002.

### **DATA PROTECTION**

70. The General Data Protection Regulation (GDPR) is an EU legal framework for data protection. The Regulation introduces greater protections for personal data and brings data protection law into the digital age. The GDPR introduces some new obligations for organisations that collect, use, share and store personal data. Further information can be found at <https://www.strath.ac.uk/professionalservices/dataprotection/>

## Appendix 1

Potential reasons for requiring consideration by a Fitness to Practise Committee (please note this list is not exhaustive):

- Being declared not fit to be a member of another professional body;
- Developing a condition that results in being physically or mentally unable or not fit to Practise;
- Breach of ethics – for example, disclosure of personal information relating to a placement organisation, individual or colleague on social media sites or equivalent;
- Being charged with a criminal offence and awaiting trial where the reputational risk to the University in allowing placement to continue would be significant;
- Unprofessional conduct (drug taking, alcohol abuse);
- Failure to reveal, at the point of application, admission or induction, prior conduct or findings covered by any of the points above (per questionnaire re Criminal Convictions at Registration)
- Academic dishonesty which, in the view of those managing the student disciplinary process, would render the individual not fit to practise. This is likely to be the result of deliberate and dishonest behaviour in presenting the work of others as their own on normally more than one occasion indicating a sustained and fraudulent approach (please see the [Student Discipline Procedure](#));
- Inability to take on board and reflect on professional guidance in order to become a successful practitioner.

## Appendix 2

Format guidance for the Investigating Officer report to the Fitness to Practise Committee:

- Heading:
- Student name
- Programme
- Current status on programme including number of credits achieved
- Details of the issue/incident
- Details of any notification by the student to the programme team concerning the issue/incident and any discussion that has taken place thereof (correspondence should be in chronological order and pages numbered)
- Impact of this on the professional competencies
- Reputational issues
- Duty of care to the student
- Duty of care to service users
- Proposed action
- Signed by Programme Leader as Investigating Officer

**END**