



Code: QA232
Title: Fitness to Practice Policy
Date: 1st Oct 2015
Approval: Academic Council

1.0 Purpose

The University is responsible, in the delivery of its professional and accredited programmes which involve direct assessed practice with service users/client groups, to ensure that student's are deemed to be fit for practice. It also has a responsibility, as far as is possible in its provision of professional and practice based training, to have policies that seek to ensure the protection and safety of vulnerable adults and children. The main purpose of this policy is to ensure protection of public interest, client safety and placement providers. Students who are enrolled in professionally accredited programmes; programmes due to be accredited and/or programmes with clinical/placement element are expected to adhere to the professional code of conduct of the registering body and other applicable codes deemed appropriate to the discipline. They are also expected to be healthy of body and mind so as to be able to practice competently in their profession. A referral to the Fitness to Practice Panel (FPP) will be made as a last resort when all other reasonable efforts have been made to support the student and/or address the concern about practice. This will include full consideration of other mechanisms in place within the university and/or the relevant placement site with the intention to minimise duplication where possible. Where possible and appropriate, the university will endeavour to offer student's an alternative route and/or assist them in transferring credits earned.

2.0 Description

2.1 Scope of the policy

All programmes involving education and training in health care, social care that require a clinical placement and other programmes as relevant will be covered by this policy. This would include all professionals that already have, or will soon have, external regulation /registration and/or a clinically focused placement. For NUI Galway, these include: Allied health care, Clinical Psychology, Medicine, Nursing, Midwifery, Occupational Therapy, Podiatry, Social Care, Social Work, Speech and Language Therapy, Applied Behaviour Analysts and Health Promotion.

2.2 Procedure

(a) Informal: Where possible, the concerns regarding fitness to practice must be addressed via the normal support and pastoral provision of the programme and the university. Each School is required to have its own mechanisms for addressing such concerns (Appendix 2). Normally, students should be kept informed of the processes being followed.

(b) Procedural Check: Before proceeding to a referral to the university FPP, full consideration must be given, and recorded, as to whether other procedures within the university or organizations offering a student placement are deemed more appropriate to invoke. Where relevant, the FPP of

the relevant regulatory body for the profession or organisation must also be taken account of. The general principle must be to seek to avoid, where possible, duplication of procedure and subjection of the student to multiple processes.

(c) Formal: A decision to make a formal referral to the University FPP will be made where it is deemed that all efforts have been made to address the fitness to practice concern informally and formally via School and/or university support mechanisms. Normally, the relevant programme director will make the referral to the Head of School. Referrals must indicate clearly that the Fitness to Practice route is deemed to be the most appropriate process. Referrals must be made in writing via the Head of School or a designated authority. Supporting documentation outlining the outcome of the informal process and/or decision to refer must be provided. Normally, the student should be kept informed of the processes being followed.

2.3 Fitness to Practice Panel

Academic Council shall nominate for a period of four years a panel of twelve people, ensuring that amongst the membership of the panel there is gender balance and that there are sufficient members capable of conducting a case through the medium of the Irish language. The Registrar & Deputy President shall make nominations from this panel to the FPP these nominees will normally hold office for four years.

The Panel shall be constituted as follows:

- Chairperson, appointed by the President or Designated Authority
- Secretary to the Committee, appointed by the Chairperson. .
- Three members selected by the Registrar & Deputy President from the panel nominated by the Academic Council.

The Panel may also include:

- External Organizational Representative(s) recommended by the Panel Members and approved by the Registrar and Deputy President
- Service User /Patient Representative(s) recommended by the Panel Members and approved by the Registrar and Deputy President

The panel are responsible for

Reviewing the case including the outcome of the informal process

Determining the appropriate outcome

Communicating the outcome within 10 working days to the student and appropriate Head of School /Dean

2.4 Relationship between Fitness to Practice and Other Codes/Policies/Procedures

This policy will sit alongside policies relating to Conduct, Disability, Academic Offences, Student Health and others deemed relevant. Consideration of referral to such policies will be addressed as per Section 2.2(b). Each of these policies will have the option of referral to FPP if deemed appropriate.

Specific areas under which a fitness to practice concern can be identified

- (a) Serious level(s) of unprofessional conduct
- (b) Health/Impairment/Disability: whereby despite supports provided, the individual, through no fault of their own, cannot fulfil the practical/professional requirements of the professional role in a safe manner.
- (c) Academic Offences: which are such that they call into question fitness for practice.

2.5 Possible Outcomes

- (a) No case to Answer; the student is permitted to progress.
- (b) Fitness to Practice is impaired and the student cannot progress without meeting conditions set by the panel. These may include a requirement to attend a specialist service or to engage in additional remedial learning as specified by the Programme. In such cases, the student will be suspended with conditions.
- (c) Fitness to Practice is impaired and student cannot proceed with the programme. In such cases, the student will be required to leave the programme. Where possible and deemed appropriate, academic credits will be transferred to another programme in the university

2.6 Appeals Processes

An appeal may be made to the Chair of the Appeals Board, through the Secretary of the Appeal Board, within two weeks from the date of issue of the decision of the FPP (see Appendix 1).

2.7 Review of Policy

The policy should be reviewed after its first year and from thereon in, no less than every 5 years.

3.0 Responsibilities

Name	Responsibility
Registrar	Policy Owner
President/Designated Authority	Nominate Chair of Fitness to Practice Panel
Registrar/Deputy President	Nominate Panel Members
Head of School	Ensure the referral to Fitness to Practice is appropriate and that all other avenues to address the matter have been considered
Programme Boards	To ensure that there are clear procedures in place within each Programme (or a School policy in instances where a number of Programmes are included) to address concerns about matters relating to Fitness to Practice and make decision about referral to Fitness to Practice Panel. These must be clearly communicated to students in the course handbooks
Fitness to Practice Panel	To ensure appropriate representation from external representatives as deemed appropriate for the case.

4.0 Related Documents

4.1 Appendix 1: Appeals Procedure

The Appeal Board shall be constituted as follows:

- Chairman, appointed by the President.
- Two members selected by the Registrar & Deputy President from the panel nominated by the Academic Council
- An external member of Údarás na hOllscoile, appointed by the President.

In the event that the Chairman of either the FTP Panel or the Appeals Board is not capable of conducting a case through the medium of the Irish Language, the President shall appoint a Chairman for the purposes of hearing a specific case through the medium of Irish. If the Chairman of the FPP or the Appeal Board is found to be implicated in any aspect of the case under review, a Chairman shall be nominated ad hoc by the President from among the members of the Academic Council.

In the event that an Academic Council nominee of either the FPP or the Appeals Board is not capable of conducting a case through the medium of the Irish Language, the Registrar & Deputy President shall appoint a member of the panel nominated by Academic Council for the purposes of hearing a specific case through the medium of Irish.

Membership of the FPP and the Appeal Board shall be mutually exclusive. Nominated or appointed members of the FPP and Appeal Board shall hold office for four years or for the remainder of the term of the panel in the event that someone is appointed to the panel as a replacement.

The appellant shall submit to the Secretary of the Appeal Board, in writing, the grounds for appeal. The date of issue of the said decision shall be the date on which the decision is posted to the student's address as appears on the University's register of students, or the date on which the said decision is handed to the student.

An appeal against the penalty imposed may be made on the grounds of extenuating circumstances.

An appellant shall be entitled, if he/she so requests it, to make additional verbal representations before the Appeal Board.

A copy of the appellant's grounds of appeal including the appellant's submission, if any, shall be provided to the Appeal Board along with a copy of the relevant record of the FPP.

The appellant and the original complainant(s) may make oral submissions to the Appeal Board.

Where in the opinion of the Appeal Board the requirements of justice so dictate, the Panel may consider evidence which was not tendered at the hearing before the Panel Hearing but provided always that the intention to adduce such fresh evidence has been notified to the students(s) or to the original complainant(s) as the case may be, in time sufficient to enable the students(s) or the

complainant(s) to consider properly the fresh evidence and to deal with it adequately at the hearing of the appeal.

The Appeal Board may:

- allow the appeal;
- decrease or increase the penalty, or vary the nature of the penalty;
- reject the appeal.

The determination of the Appeal Board shall be given in writing to the student(s) and copied to the relevant Dean of College and/or University Officers as deemed appropriate by the Appeal Board. The finding of the Appeal Board shall be final.

A properly convened meeting of the Appeal Board may proceed to a finding notwithstanding the absence of any member(s).