Kirklees College

Higher Education Fitness to Practise Policy 2024-25

Approved: 4.6.24

Approved by: HE Committee

Responsible manager (s) Vice Principal for Quality & Student Experience

Executive Lead: Deputy Principal for Curriculum and Innovation

Applicable to staff Yes

Applicable to students: Yes

Accessible to students: Yes

Accessible to general public: Yes

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This procedure relates to:

* Students (full time or part time) enrolled on any higher education and higher skills programme of study which has a practice component, which will lead of a professional registration will be governed by a requirement that students demonstrate their ‘Fitness to Practise’.
* This policy applies to all Kirklees College students who are registered on a programme of study recognised by a Professional, Statutory or Regulatory Body (PSRB) for the purpose of attaining a professional qualification, future registration with the relevant body and for the entitlement to practise the particular profession.

## Scope of the Policy

In the context of this Policy the term Fitness to Practise encompasses both student conduct and good health in determining a student’s professional suitability for the particular programme of study and subsequent professional qualification and eligibility for future registration with a PSRB.

This Policy applies to relevant students at all times throughout their period of registration with Kirklees College. The application of the policy covers study on campus while at Kirklees College but also applies to students while on placement or in a practice-based setting and includes the conduct of students in their personal and social life in determining fitness to practise their chosen profession.

These programmes require students to demonstrate not only academic ability but also, personal suitability, professional competences, fitness to practise and an appropriate commitment to their chosen profession at the point of admission and throughout their academic programme and practice‐based training.

Students studying these programmes must be aware that their actions and behaviour whilst at Kirklees College, on placement/setting, and in their personal and social lives may have an impact on their fitness to practise their chosen profession.

## 1. Introduction

1.1 Any programme of study which has a practice component, which will lead to a professional registration will be governed by a requirement that students demonstrate their ‘Fitness to Practise’. Such programmes depend upon the satisfactory completion of theory and practice assessment and course work, and standards of behaviour, health and professional conduct relevant to future employment in the associated profession.

1.2 Behaviour, health and /or professional conduct that adversely affect a student’s Fitness to Practise, may result in their Professional, Regulatory and /or Statutory Body (PRSB) refusing to record the student’s award and entitlement to practice. Faculties determine standards and criteria for students to ensure their fitness for practise. Standards of Education and Standards of Proficiency are published by PRSBs.

1.3 This policy identifies procedures to determine outcomes in situations where a student’s Fitness to Practise is a cause for concern. The policy has been developed with regard to equal opportunities legislation which ensures that the rights of students are protected and judgments are free from prejudice on the basis of Race, Disability, Gender, Sexual Orientation, Religion and Belief or Age.

1.4 The purpose of this document is to outline the standards that need to be met for a student to demonstrate their ‘Fitness to Practise’, and the action that is to be taken should there be cause for concern.

## 2. Definition

2.1 A student's Fitness to Practise may be challenged when their behaviour, health and/or professional conduct gives cause for concern. In these circumstances, a student should be considered by Fitness to Practise procedures at School level. The College reserves the right to implement its disciplinary procedures simultaneously.

2.2 In accordance with College procedures for academic progression and professional conduct, professional body requirements, and School procedures the College must endeavour to ensure that the behaviour, health and professional conduct of students does not constitute a risk to themselves or others.

## 3. Duties of Students in Relation to Health

3.1 In order to demonstrate that they are fit to practise, students should:

* be aware that their health problem(s) may put themselves or others at risk;
* seek medical or occupational health advice, or both, if there is a concern about their health, including their mental health. Students must register with a GP so that they have access to independent and objective medical care;
* accept that they may not be able to assess their own health accurately, and be willing to be referred for treatment and to engage in any recommended treatment programmes. Students must protect themselves and others by being immunised against common serious communicable diseases if vaccines are available and are recommended by the Department of Health or relevant devolved department;
* not rely on their own or another student’s assessment of the risk their health problem(s) or concerns poses to themselves or others and should seek advice from a healthcare professional;
* comply with any additional guidance or protocols communicated to you by the college, in relation to health and fitness to practise
* be aware that when they graduate they are responsible for informing their employer or other appropriate person if their health poses a risk to themselves or others and to declare any health problem(s) or concerns.

## 4. Raising/ Reporting Fitness to Practise Concerns

4.1 Anyone concerned about the behaviour, health and/or professional conduct of a student has the right to raise their concern. Usually the concern will be taken to the Programme Lead or relevant academic staff member. Faculties will determine the management in accordance with Fitness to Practise procedure.

4.2 It is important to investigate all concerns as soon as they arise and to keep clear and accurate records.

4.3 Concerns should be reported, in writing, in the first instance to the relevant academic/personal tutor, relevant Head of Faculty and HE Quality Manager.

4.4 It is anticipated that external complaints will be routed through the usual placement complaints procedures and the faculty will be formally notified within 48 hours to enable investigation to commence.

## 5. Emergency Suspension

5.1 The decision to withdraw a student from practice or programme should be determined on a case by case basis, and a risk assessment. This should be a proportionate response to the possible risk to themselves or others. If the student remains in practice whilst awaiting the outcome of an investigation, conditions of practice may be imposed.

5.2 If the identified concern potentially constitutes serious professional misconduct, the student may be suspended from the programmeby the Head of Faculty without prejudice and pending further investigation and initiation of the ‘Fitness to Practise’ procedure.

5.3 When a student is withdrawn from practice/programme this will be confirmed to him/her in writing normally within 5 working days. In the case of the former, the Head of Faculty will notify the student of the concerns. In the case of the latter, the Head of Faculty or the Curriculum Area Manager will notify the student of the concerns. The letter will include notification of the allegations against the student/concerns about the student’s practice and an outline of the procedures that will be followed by the faculty.

5.4 Whenever the student is withdrawn from practice, the department is required to inform the practice supervisor. The student and the practice supervisors/educator will be advised of this in person or by telephone at the earliest opportunity.

## 6. Retention of data

6.1 Records related to the process, the meeting and any ruling of the Panel will be held on the students file in accordance to General Data Protection Regulation (GDPR)

## 7. Timescales

7.1 The time between initial reporting of the Fitness for Practise concern and the student receiving written details of the outcome will normally be no longer than 30 working days

## 8. Sharing of outcome

Data Protection Issues

8.1 All Kirklees College staff are governed by the requirements of the GDPR tailored by the Data Protection Act 2018. Under this act, all data relating to a person’s physical or mental health is regarded as sensitive personal data. The College’s Data Protection Policy contains guidance on the use of sensitive personal data and should be followed in any Fitness to Practise procedures.

Confidentiality

8.2 In all cases where, in the member of staff’s judgment, it would be in the student’s best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the student’s informed consent should be obtained where possible. It will be necessary to inform the student why there might be a need to disclose sensitive information, who will have access to this information and the likely consequences of giving or withholding consent (e.g. additional support strategies such as reasonable adjustments including additional examination arrangements). Once consent has been obtained, it is the responsibility of the person passing on the information to ensure compliance with terms agreed with the student.

8.3 If the student chooses to withhold consent, this decision should be respected. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, there are occasions when the student’s consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken, these include;

- When the student’s mental health has deteriorated to the extent of compromising his/her personal safety

- When the student is at risk of serious abuse or exploitation

- When the student’s behaviour is likely to adversely affect the rights and safety of others

- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed

8.4 Information will be shared with others in circumstances where there may be a risk to others if information were withheld. Unless a case has been dismissed, referral to Fitness to Practise procedures will be made in all exiting student references.

## 9. Staff Development

9.1 Members of the Fitness to Practise Panel should receive training in their role to ensure competency.

## 10. Monitoring and Review

10.1 Fitness to Practise cases will be monitored in by the HE Quality Manager and the appropriate Head of Faculty

10.2 Where there is an opportunity for the enhancement of care delivery, anonymised feedback will be given to the department, academic unit or external agency concerned.