

# UNIVERSITY OF CUMBRIA

## Community Health and Social Care Programmes

### ACADEMY FITNESS TO PRACTISE POLICY

*NB. This policy is available on the University of Cumbria website and it should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version of the policy.*

<b>POLICY SCHEDULE</b>	
Policy title	Fitness to Practise Policy
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Policy lead contact	Principal Lecturer: Professional Practice
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Related Guidelines, Procedures, Codes of Practice etc.	UoC Student Code of Conduct UoC Student Progress Review UoC Disciplinary Procedures PSRB Standards and Codes of Conduct
Review interval	Annual

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## **Fitness to Practise Policy**

### **1. Introduction**

The University of Cumbria is committed to developing employability as fundamental to our academic courses and the success of our graduates. A large number of students attending the University of Cumbria are undertaking professional programmes requiring placements leading to employability in community, health and social care. Professional Statutory Regulatory Bodies (PSRBs) require the university to ensure that relevant academic policies and processes within the student journey are congruent with the future protection and safeguarding of the public and that students have demonstrated 'fitness to practise'. Fitness to practise may be defined as any incident, event or concern which may potentially impinge on the student's fitness to practise.

Processes are set out in this policy for the monitoring and regulation of 'good health and good character' in compliance with PSRB requirements, and ensuring that admission and progression processes for professional practice programmes are sufficient to demonstrate that the students can practice safely and effectively without direct supervision, and therefore maintain protection and safeguarding of the public.

Community, health and social care programmes of study leading to a professional qualification and/or eligibility to apply to a professional register require students to undertake periods of experience in practice settings. This entails students working in clinical or community settings in the private, voluntary and independent sector with members of the public such as:

- Patients
- Clients
- Service users
- Children
- Young people
- Vulnerable adults
- Relatives or carers.

### **2. Aims and Objectives**

- 2.1. The University, in accordance with the PSRBs, has a duty to ensure public protection, and that the student is fit to practise during and up to the point of registration / recording of qualification or academic credits.
- 2.2. Regulation of non-medical health and care professions requires that all the relevant programmes need evidence of a Fitness to Practise (FTP) Policy and Procedure during course validation and PSRB approval/accreditation events and therefore within course and placement handbooks.

### **3. Purpose of the Fitness to Practise Procedures**

- 3.1. **Compliance:** To comply with the requirements of the appropriate professional, statutory and regulatory bodies through the proper exercise of responsibility & accountability.
- 3.2. **Protection of the public/patients / clients:** To protect those individuals the student has contact with during any health and social care programme of study.

- 3.3. **Preparation for professional practice:** To ensure students are appropriately prepared for entry to their chosen profession; have developed, and continue to maintain, professional attitudes and clearly understand and demonstrate professional behaviour; be of good health (in terms of fitness to provide care).
- 3.4. **Protection for UoC:** To protect the University against a claim from an individual, or the representative of an individual, who has been harmed by a student in the course of that student's studies as a result of him/her being unfit to practise.
- 3.5. **Fitness to Practise Strands:** Fitness to Practise has two strands, 'Good Health' and 'Good Character' and the University will respond to concerns through a number of approaches:
  - Student Progress Review
  - Fitness to Practise Disciplinary Meeting
  - Fitness to Practise Disciplinary Interview
  - Professional Practice Case Conference
  - Health and Conduct Committee

The most appropriate approach will be used depending on the nature of the concerns. Further details can be found in Section 7 below.

#### **4. Scope**

This policy is applicable to applicants (prospective students) wishing to enrol, and to all students - undergraduate, pre-registration and post registration, enrolled on any course or programme within the University which involves undertaking practice in any community, health and social care settings where there are members of the public and/or vulnerable patient / client groups.

#### **5. Definitions**

- 5.1. For the purposes of this policy, the University describes fitness to practise in two strands according to PSRB requirements (Good Health and Good Character) and has a number of approaches in place to consider any concerns that may arise.
- 5.2. Fitness to Practise may be defined as any incident, event or concern which may potentially impinge on the student's fitness to practise.
- 5.3. PSRBs require that admission and progression processes for professional practice programmes, in relation to 'good health and good character', are sufficient to demonstrate that the students can practice safely and effectively without direct supervision, and therefore maintain protection and safeguarding of the public.
- 5.4. : 'Good health' means that the applicant is capable of safe and effective practice either with or without reasonable adjustments (NMC 2015).
- 5.5. 'Good character' refers to the upholding of the standards and values set out in the PSRB Codes of Conduct which normally include:

- acting with honesty and integrity at all times
- treating people fairly and without discrimination, bullying or harassment
- being aware at all times of how own behaviour can affect and influence the behaviour of other people
- keeping to the laws of the country
- maintain the level of health needed to carry out your professional role

## 6. The Policy Principles

6.1. Concerns in relation to good health/character requirements of Fitness to Practise are responded to through a number of approaches:

- Student Progress Review
- Disciplinary Meeting and potential Fitness to Practise consideration
- Disciplinary Interview and potential Fitness to Practise consideration
- Professional Practice Case Conference
- Health and Conduct Committee

The most appropriate approach will be used depending on the nature of the concerns.

6.2. Principles of Fitness to Practise are to ensure the following when responding and considering concerns:

- Timeliness
- Facilitation of effective communication between academic and placement staff
- Public protection
- Fairness
- Openness
- Responsiveness

6.3. **Admissions procedures** – Reasonable adjustments to allow students with a health/disability/spld matter to engage in the course are considered at the point of admission wherever possible.

6.3.1. It is recognised that PSRB requirements related to fitness to practise may apply to prospective students who have not yet begun their programme of study. Admission procedures will, therefore, specifically and explicitly consider potential fitness to practise (good health and good character) through:

- Consideration of references as per PSRB requirements
- Occupational health screening
- A Professional Practice Case Conference (PPCC) for prospective students with complex health/disability needs
- Disclosure and Barring System (DBS) checking as per the University's published policy

6.3.2. **DBS checks** (prospective students). The University of Cumbria's Policy & Procedure on Disclosure and Barring Service checks set out the way in which declarations of a criminal record will be handled and that possession of a criminal record will not automatically be a barrier to

training. However, more complex cases will be considered by the University's DBS Panel.

#### **6.4. Enrolled students. Health & Disability Matters**

6.4.1. Good health means that the student must be of sufficiently good health to be capable of safe and effective practice. It does not mean the absence of a health condition or disability. (Nursing & Midwifery Council 2015)

6.4.2. The effect that a health condition may have on someone's ability to practise safely and effectively may need to be considered at any time. (Health and Care Professions Council 2014)

6.4.3. Ill health by itself is not a cause for concern. However, ill health which affects achievement of learning outcomes and/or behaviour arising from ill health during the course (whether at University or on placement) will be given consideration.

6.4.4. Reasonable adjustments to allow students with a disability to engage in the course may be considered at any the point during their course, as appropriate. It should be noted that there are certain requirements in relation to the successful completion of and demands of the course, which may preclude some students from being able to demonstrate competence and attainment.

6.4.5. PSRBs require students/practitioners to be able to work safely without direct supervision. All such cases are documented and scrutinised prior to a decision being undertaken, and internal and external specialist advice sought prior to decision-making.

**6.5. Student Progress Reviews (SPR):** This process is intended to aid student retention and achievement by discussing concerns at the earliest opportunity. Where there are concerns regarding a student's health and wellbeing, a SPR should be arranged to discuss the concerns with the student in the first instance. A SPR may result in an action plan, referral to occupational health guidance or referral to a Professional Practice Case Conference.

**6.6. Professional Practice Case Conference (PPCC):** Where there are complex health and/or disability needs, students may be referred to a PPCC. The PPCC enables discussion and decision regarding students with complex health and/or disability needs. The emphasis of the PPCC is to support students and to facilitate reasonable adjustments to achieve, wherever possible and appropriate.

#### **6.7. Health and Conduct Committee (H&CC non-disciplinary):**

6.7.1. A H&CC may be arranged to consider a case where the complexity of a students' health, wellbeing and or disability poses a significant concern that the student may not be able to, eg:

- Work safely without direct supervision
- Meet the demands of the course
- Demonstrate competence and attainment.

- 6.7.2. A H&CC will normally be arranged following a recommendation from a PPCC and can, where no other options are possible, discontinue the student from their course of study.

## **6.8. Concerns regarding Good character (disciplinary/conduct)**

- 6.8.1. **Disciplinary Meeting with potential Fitness to Practise consideration (Minor):** Arranged to consider alleged misconduct that:
- May also potentially impinge on the student's fitness to practise. Is not serious enough to warrant concern about continuance on the course at that stage.
- 6.8.2. **Disciplinary Interview with potential Fitness to Practise consideration (Serious):** Arranged to consider alleged misconduct that:
- May also potentially impinge on the student's fitness to practise
  - Suggests that the student may pose a risk to the safety and wellbeing of the public and/or service users.
- 6.8.3. **Health and Conduct Committee with potential Fitness to Practise consideration (Significant):** Arranged to consider alleged misconduct that:
- May also potentially impinge on the student's fitness to practise
  - Suggests that the student may pose a risk to the safety and wellbeing of the public and/or service users.
  - May result in the student being deemed unsuitable to work in the particular profession and deregistration from the course of study.
  - May require onward reporting to the relevant regulatory/professional body where breaches are found to have occurred.

Further details about how these approaches are arranged and who will be in attendance can be found in section 7 below.

## **7. Roles and Responsibilities**

### 7.1. Students:

- To be aware of and adhere to the Disciplinary, Fitness to Practise and other associated policies and procedures
- To engage with the procedures as required.

### 7.2. Academic Departments:

Departments owning the relevant programmes have the responsibility to:

- Raise awareness of both staff and students with regard to Fitness to Practise issues, for example including relevant documentation in pre-entry, course and placement information and handbooks. This includes professional non-University staff with teaching responsibilities (eg NHS staff).
- Put in place specific procedures and where necessary additional curricula development to meet fitness to practise requirements.

### 7.3. Course Team members, as required:

- To facilitate the appropriate approach where necessary.



- To complete the required documentation and ensure records are stored as outlined in the university student code of conduct and adjudication procedures.

7.4. Heads of Department:

- To ensure the relevant procedures are applied as appropriate in all relevant course areas.
- To identify relevant personnel within the academic departments to facilitate the various approaches.
- To ensure that staffs receive appropriate training, liaising with SAAS to make arrangements.
- To ensure agreed data is made available for annual reporting.

7.5. Student Academic and Administration Service (SAAS):

- To support academic departments in providing training and awareness-raising of the policy and procedure amongst students and staff.
- To facilitate annual monitoring, reporting and formal review.
- To offer information, advice and guidance regarding the use of the various approaches, as well as other University policies depending on the circumstances presented.

7.6. Academic Board:

- To approve the implementation of the policy and procedures and any substantive amendments.

7.7. The various approaches referred to in this policy require the involvement of specific personnel.

**Professional Practice Case Conference:** may include some or all of the personnel below dependant on the reason for the referral and the nature of the complex needs:

- Chair (Principal Lecturer: Professional Practice or deputy Chair)
- Principal Lecturer (in which the programme sits)
- Programme Lead
- Disability Officer (co-opted as required)
- Placement administrator (co-opted as required)
- Practice representative (co-opted as required)
- Students' Union representative (cognisant of PSRB requirements)
- Note-taker
- The student and their supporter (eg: Students' Union)

**Disciplinary Meeting and potential Fitness to Practise:** normally undertaken by the Programme Leader or Personal Tutor. The appropriate practice representative e.g. Practice Education Facilitator may be informed of the outcome where appropriate.

**Disciplinary Interview and potential Fitness to Practise:** normally undertaken by a Principal Lecturer (or a designated professional lead). This needs to be the Lead Midwife for Education (for Midwifery Students). An impartial practice representative must be invited e.g. Practice Education Facilitator and will contribute to discussions and may offer advice on decision-making.

## Health and Conduct Committee:

**Convener and Chair:** Senior academic member of staff e.g. Head of Department

**Members:** 1 senior academic member of UoC staff who:

- Is appropriately professionally qualified
- Is from a professional qualifying programme
- Has significant experience of student disciplinary issues
- Has received Adjudication Officer training
- Students' Union representative

**In attendance ( in a consultation and advisory capacity):** 1 senior practice representative who:

- must be from the same field of practice as the student\*
- may contribute to teaching or oversee practice placements but is not a member of the University staff
- has responsibility for recruitment, staff disciplinary procedures and line management within their areas

\* *This must be a Supervisor of Midwives if a midwifery student.*

\* *Must not have prior knowledge of the student/concerns being considered.*

**Case investigator/ Presenting Adjudication Officer:** This person will present the case and evidence and will normally be a Principal Lecturer who:

- Is a member of University staff
- Has knowledge of the professional context of the student's programme
- Is not part of the Committee.

The Presenting Adjudication Officer and / or the student may invite relevant 'witnesses'.

## 8. Clear thresholds

8.1. Guidance should be given to students and staff indicating the thresholds that define the boundaries of acceptable student conduct in the context of fitness to practise that, when alleged to be breached, will result in a referral to the Disciplinary/Fitness to Practise procedures

8.2. The expectation is that students will have familiarised themselves with the standards of personal & professional behaviour which are required by the University and relevant PSRB Code of Conduct. The environments in which a good standard of behaviour is expected include:

- Home or in student accommodation
- University or Practice settings
- Socialising, at play or leisure
- On holiday at home or abroad
- During day or night and at weekends
- Social networking sites.

8.3. It should include all varieties of behaviour involving:

- Patients, clients and service users and their carers and family
- Peers and UoC staff
- Placement mentors/practice educators and all others in the workplace setting
- Members of the general public
- Monetary or financial affairs
- Honesty and truthfulness
- Abuse, including drugs and/or alcohol abuse

8.4. Finally, it should emphasise that fitness to practise:

- Requires transparency
- Is relevant to all relationships
- Includes general attitudes
- Requires compliance with the law

## **9. Communication**

Clear and prompt communication processes must be followed with all those involved at the different stages of the procedure once a procedure is invoked.

## **10. Equality, Diversity and Inclusion (with particular reference to disability reasonable adjustments) and Equality Assessment Statements**

The University values equality and diversity and is committed to maintaining an environment where its employees, students and visitors are treated fairly and with respect at all times. It aims to ensure that its actions and working practices comply with both the spirit and intention of the Human Rights Act (1998) and the Equality Act (2010) which relates to the protected characteristics of age, disability, gender reassignment, marriage & civil partnerships, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

### **Records Management Statement**

- The records associated with this policy are controlled by Student Academic and Administration Service (SAAS) and will be created, stored and disposed of in line with the University's Records Management guidelines and procedures.
- The University is committed to complying with the requirements of Data Protection legislation and regulations and any personal data created as part of this policy will be processed in accordance with the University's Data Protection Act procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed.
- In line with the Data Protection Act, when information for a fitness to practise case is collected from staff, students or other parties, it must be clearly stated that the information will be shown to the other parties to the case and may be passed to third parties, such as regulatory bodies or the Police, if necessary.
- The University also aims to ensure that users of this policy are aware of Data Protection, Freedom of Information and Records Management issues associated with this policy.

## **Risk Management Statement**

- Failure to comply with this policy could lead to non-compliance with the requirements of PSRBs and employing/commissioning bodies as well as a potential risk with regard to future public protection and safeguarding.
- This policy mitigates risks in the University's Risk Register: maintain and enhance quality accreditations; compliance in one of more areas of legislative, regulatory and contractual compliance/obligation leading to negative financial and/or reputational consequences and impacting on the achievement of institutional or operational objectives; unresponsive to external opportunities to grow our income streams

## **Underpinning documents**

### UoC policies/procedures:

The Student Code of Conduct and Disciplinary Procedure  
University of Cumbria Student Social Media policy  
Raising and Escalating Concerns Procedures  
UoC Policy & Procedure on DBS Checks  
Student Progress Review

### Professional body guidance:

Guidance on Health and Character (2014) Health & Care Professions Council

Guidance on Conduct and Ethics for Students (Health & Care Professions Council, 2016)

Standards of Conduct, Performance & Ethics (Health & Care Professions Council, 2016)

Standards of Education & Training Guidance (Health & Care Professions Council, 2012)

Character and health decision-making guidance (Nursing and Midwifery Council, 2015)

The Code: Professional standards of practice and behaviour for nurses and midwives (Nursing and Midwifery Council 2015)

Guidance from professional bodies and associations has been used to inform this policy and can be found at:

British Association of Sport Rehabilitators and Trainers (BASRaT)	<a href="http://www.basrat.org/home/healthcare/regulation">http://www.basrat.org/home/healthcare/regulation</a>
British Medical Ultrasound Society (BMUS)	<a href="https://www.bmus.org/">https://www.bmus.org/</a>
British Psychological Society (BPS)	<a href="http://www.bps.org.uk/">http://www.bps.org.uk/</a>
Clinical Association of Reflexologists (CAR)	<a href="http://clinicalreflexology.org/">http://clinicalreflexology.org/</a>
Complementary Therapists Association (CTHA)	<a href="http://www.ctha.com/">http://www.ctha.com/</a>
Chartered Society of Physiotherapy (CSP)	<a href="http://www.csp.org.uk/">http://www.csp.org.uk/</a>
College of Occupational Therapy (COT)	<a href="https://www.cot.co.uk/">https://www.cot.co.uk/</a>
College of Paramedics (COP)	<a href="https://www.collegeofparamedics.co.uk/">https://www.collegeofparamedics.co.uk/</a>
General Pharmaceutical Council (GPhC)	<a href="https://www.pharmacyregulation.org/">https://www.pharmacyregulation.org/</a>
Health and Care Professions Council (HCPC)	<a href="http://www.hcpc-uk.co.uk/">http://www.hcpc-uk.co.uk/</a>
Nursing and Midwifery Council (NMC)	<a href="https://www.nmc.org.uk/">https://www.nmc.org.uk/</a>
Society of Radiographers	<a href="https://www.sor.org/">https://www.sor.org/</a>
Society for Radiological Protection (SRP)	<a href="https://srp-uk.org/">https://srp-uk.org/</a>

### Contact Details

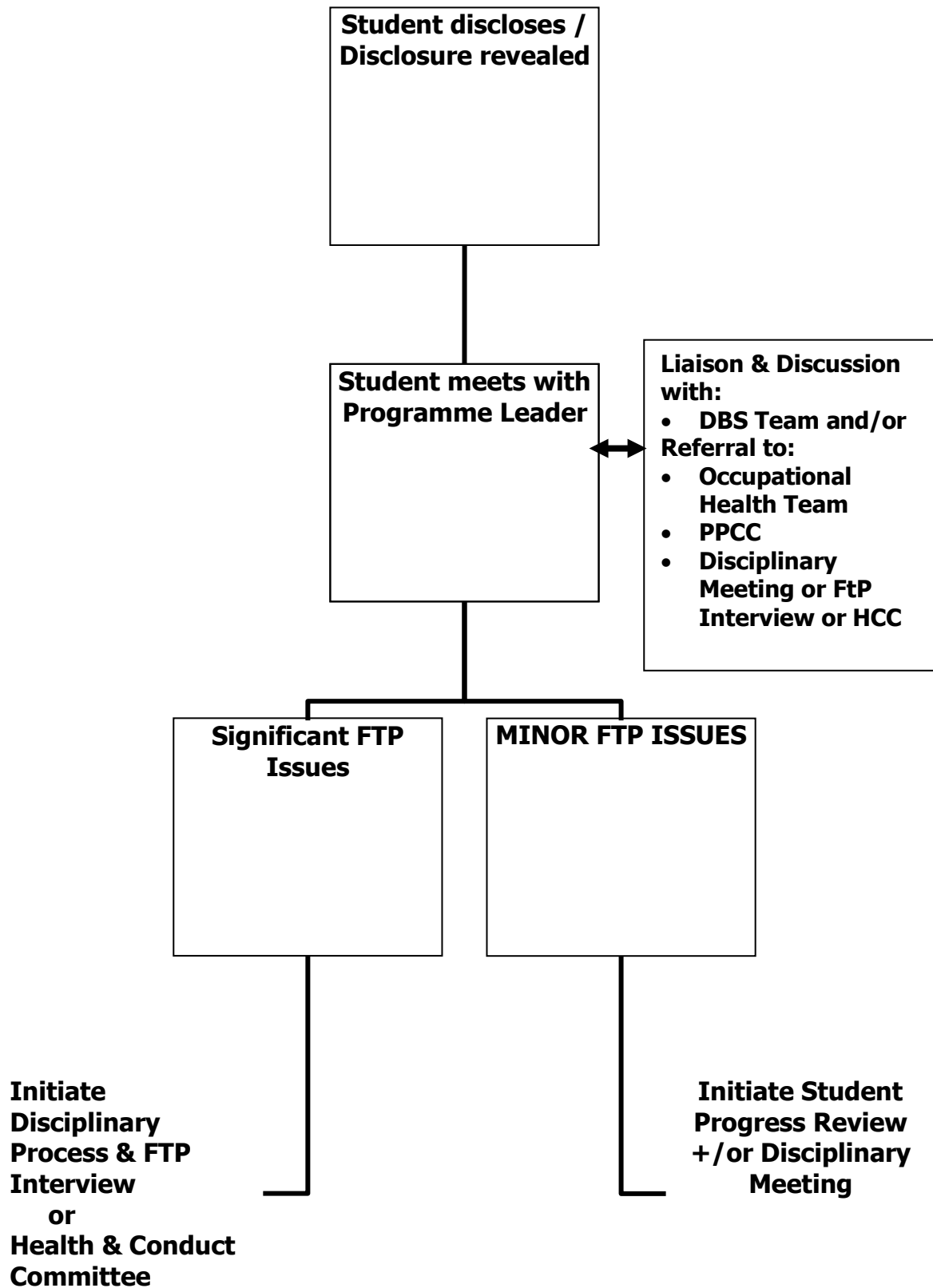
For further information regarding any the issues covered by this policy please contact:

Lauren Mawson  
 Principal Lecturer: Professional Practice (Community, Health & Social Care)  
 Melling 08  
 Tel: 01524 384588 / Mobile: 07966901099  
[lauren.mawson@cumbria.ac.uk](mailto:lauren.mawson@cumbria.ac.uk)

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Appendix 1:

**Actual/Potential Disclosure during the Programme of Study**



**APPENDIX 2:**

**Example: DECLARATION OF GOOD HEALTH & GOOD CHARACTER**

<p><b>PROGRAMME:</b> .....</p> <p><b>COHORT / YEAR OF ENTRY:</b>.....</p> <p><b>STUDENT NAME:</b> .....</p>
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***Please tick boxes below. If you are in any doubt please discuss first with your personal tutor***

I, ..... [student name]

- I have read and reflected on my PSRB Professional Codes of Conduct and have adopted its regulations & requirements into my practice.
- I confirm that I understand the professional requirements of fitness to practise.
- I also confirm that I have disclosed all relevant DBS issues and will report any police cautions or other relevant issues to my PT or Course Leader as soon as possible after the occurrence.
- I confirm that my health status is good and there is no current health issue likely to impact on my performance, health & safety or the health & safety of others
- I have already taken the opportunity to discuss any issues relating to this with my Personal Tutor.

**Signed:** .....

**Date:** .....

## UNIVERSITY OF CUMBRIA POLICY DOCUMENT CONTROL SCHEDULE

All University of Cumbria Policies must include a completed Policy Document Control Schedule consisting of the Policy Schedule (see front cover), Review Schedule and Drafting Schedule (see below) which should be completed as appropriate.

<b>REVIEW SCHEDULE</b>				
Review no.	Due date	Reviewed by	Approved by	Completion date

<b>DRAFTING SCHEDULE</b>	
Draft no.	Date
<i>Eg. 0.1</i>	
<i>0.2</i>	
<i>0.3</i>	
Final Version	
<i>1.0</i>	