



University of  
Central Lancashire  
UCLan

# Fitness to Practise Procedure

Effective September 2024 to Present

Student Regulations and Policies

<b>Purpose of Procedure</b>	This procedure applies only to students studying on professionally regulated courses (including relevant Degree Apprenticeships) which lead directly to a professional qualification. A failure to observe the professional requirements may call into question a student's fitness to practise and result in a disciplinary process and the imposition of sanctions, including expulsion. Information about the student may be passed on to the relevant professional/regulatory body where the University is required to do so, and other third parties where appropriate.
<b>Internal services involved</b>	Academic Registry
<b>Related UCLan regulations, policies and procedures</b>	Regulations for the Conduct of Students Support to Study Policy and Procedure
<b>Enquiries to</b>	Student Casework Manager <a href="mailto:StudentCasework@uclan.ac.uk">StudentCasework@uclan.ac.uk</a>
<b>Senior Managers responsible</b>	Deputy Registrar
<b>VCG Lead</b>	Pro Vice Chancellor (Students and Teaching)

<b>Version</b>	<b>Approved</b>	<b>Effective from</b>	<b>Revisions made</b>	<b>Next Review</b>
1	May 2022	September 2022		May 2024
2	May 2024	September 2024	A number of amendments have been made to clarify the role of practice organisations within the Procedure. Minor changes to remove duplication, reflect process, and to ensure clear communication.	May 2026

**UNIVERSITY OF CENTRAL LANCASHIRE**  
**FITNESS TO PRACTISE PROCEDURE (PROFESSIONAL COURSES)**

**1. Scope and Purpose**

- 1.1.** This Procedure applies to students on professionally regulated courses, including relevant Degree Apprenticeship courses, which lead directly to a professional qualification.
- 1.2. Where professionally regulated courses are subject to this Procedure, this will be specified in course regulations and student handbooks with reference to the relevant professional, statutory and regulatory body (PSRB) codes.
- 1.3.** The aim of this Procedure is to ensure that there is a fair, transparent and effective process for considering cases where there are concerns about a student's suitability for professional education and training and/or fitness to practise.
- 1.4.** This Procedure covers allegations relating to conduct, attitude, competence and health.

**2. Fitness to Practise**

- 2.1 Students must be enrolled on a programme of study for this Procedure to be invoked. Fitness to practise investigations cannot take place when students are on an interruption to study or when students have been withdrawn from the University.
- 2.2 This Procedure may be invoked where a 'cause for concern' is raised in relation to a student's fitness to practise or where there is any alleged breach of the professional code of conduct by a student registered on a professionally regulated course.**
- 2.3. Whilst normally the conduct in question will arise within the course activity, whether at the University, its partner institutions or whilst on placement, behaviour outside the University particularly in relation to violence, criminal convictions, dishonesty, drug or alcohol misuse and inappropriate or unprofessional behaviour may also be considered under this Procedure.
- 2.4. Where an investigation is being conducted by an employer in relation to alleged conduct whilst in an employed role, this Procedure will be invoked but held in abeyance pending the outcome of the investigation. The employer is expected to share the outcome of the investigation with the University in order to allow action under this Procedure to proceed if appropriate.

2.5 Schools should undertake a triage process to determine whether allegations should be considered under this Procedure, the Regulations for the Conduct of Students, or another process such as Support to Study. An Investigation under this Procedure may also be used for an investigation under the Regulations for the Conduct of Students.

2.6. Where courses are accredited by a PSRB, the cause for concern will be defined by the School with reference to the relevant PSRB code of conduct.

**2.7 A cause for concern may be referred to be considered in accordance with this Procedure via any other University procedure.**

2.8. Examples of causes for concern include (without limitation):

- **Aggressive, violent or threatening behaviour**, whether orally or in writing, including assault, physical violence, bullying/harassment and verbal abuse.
- **Criminal convictions or cautions**, in particular where this relates to theft, fraud, physical violence, possessing or dealing illegal substances, child abuse or any other abuse.
- **Dishonesty**, including falsification of professional records, qualifications or signatures; signing in for other students to misrepresent attendance; failure to declare a criminal conviction or other relevant information to the School in a timely manner.
- **Drug or alcohol misuse**, including dealing, possessing or misusing drugs; where the consumption of alcohol or misuse of drugs affects the work or study environment; driving under the influence of alcohol or drugs.
- **Persistent inappropriate attitude or behaviour**, including failure to accept educational advice; poor attendance, time management or communication skills; failure to submit coursework; or failure to observe or comply with the rules of the University.
- **Unprofessional behaviour**, including breach of confidentiality; failure to maintain appropriate boundaries; unlawful discrimination; absence from practice placement without permission; misuse of the internet and social networking sites; failure to work within limits of professional competencies.
- **Health concerns**, including failure to seek or adhere to medical treatment or support; failure to recognise limits and abilities and lack of insight into health concerns; or where a student cannot be expected to attain the competency standards of the course, notwithstanding reasonable adjustments.
- Any other circumstance whereby the Dean of School will be unable to certify that, upon completion of the course, the student is fit to practise and/or enter the professional register.

- 2.9. Allegations of academic dishonesty including cheating, plagiarism or collusion will be considered in line with the University's Academic Integrity Policy and Procedure for Academic Misconduct and the standard academic penalties will apply. Where the Dean of School considers that an academic sanction by itself is inadequate because the nature of the offence involves theft, falsification, impersonation or otherwise calls into question a student's fitness to practise, the matter may also be referred for consideration under this Procedure.
- 2.10. Where allegations of academic dishonesty including cheating, plagiarism or collusion are raised in relation to work undertaken to meet the requirements of this Procedure, this will constitute a cause for concern and the matter will be referred for consideration under this Procedure.
- 2.11. Students are required to declare in a timely manner if they become subject to a change in their health or good character during the course of their studies e.g. if they incur a criminal conviction. Where the School considers that this information raises questions about the student's fitness to practise, the matter will be referred for consideration under this Procedure.
- 2.12. The Dean of School may at any stage in this Procedure invoke the Support to Study Procedure if they consider it appropriate.
- 2.13 Where the cause for concern may also constitute a criminal offence and has been reported to the police, action under this Procedure will normally be deferred pending the outcome of the police investigation and/or prosecution. The University may impose interim precautionary measures during this period, with due regard for the safety and interests of the public, students and staff.

### **3. General Principles**

- 3.1. All references in this Procedure to the Dean of School includes their appointed nominee(s).
- 3.2. This Procedure is intended to be fair and to comply with the rules of natural justice. At all stages of this Procedure the student is entitled to be accompanied and/or represented by a person of their choosing, who may be a member of the Students' Union Advice and Representation Centre. There is no objection if the person is legally qualified, so long as that person understands and respects the nature of the proceedings and does not adopt an adversarial or overly legalistic stance.
- 3.3. The University will make reasonable adjustments to this Procedure if required by a student's inclusivity needs or for other good reason.

- 3.4. The University recognises that it can be a stressful experience for students who are involved in fitness to practise proceedings, and therefore students will be advised of the range of support services that are available in Student Wellbeing Services.
- 3.5. The University recognises that it can be a stressful experience for staff/students involved in the investigation or administration of proceedings under this Procedure, and therefore staff/students will be advised of the range of support services that are available.

#### **4. Initial Investigation**

- 4.1. The Dean of School will undertake an initial assessment of the cause for concern to determine the appropriate course of action as set out below. Interim suspension/partial exclusion (section 5) will be considered in parallel with the initial assessment.
- 4.2. The Dean of School may appoint one or more senior member(s) of staff to meet with the student for a cause for concern review meeting. The purpose of the meeting will be to discuss the cause for concern in the context of the relevant University regulations and procedures, and regulatory and professional body code(s) of conduct. The student will be given the opportunity to respond and will be made aware of the standards of behaviour expected and the availability of support services.
- 4.3. Following the cause for concern review meeting, the senior member(s) of staff may decide the following action is required in the circumstances:
  - a. that there are no grounds for concern and the case should be dismissed;
  - b. that the cause for concern does not require further investigation, but a pre-regulatory warning and undertaking of good conduct is required;
  - c. that the matter should be referred to the Dean of School for further investigation;
  - d. that the matter should be referred to be dealt with under another University procedure.
- 4.4. The senior member(s) of staff may consider it appropriate, because of the nature of the concern and the student's response, to issue a pre-regulatory warning and require the student to sign an undertaking of good conduct with any associated monitoring and support arrangements. Additionally, the student may be required to formally reflect on the incident and the cause(s) for concern. Where the cause for concern was raised by a practice organisation and relates to a breach of policies and procedures, the content of a reflection and any additional training requirements will be agreed with practice organisation. It will be made clear that a failure to adhere to the undertaking may result in further action under this Procedure.

- 4.5. If the senior member(s) of staff consider(s) that the cause for concern is more serious, or there is a dispute about the facts or further information is required, the matter will be referred to the Dean of School to appoint an Investigating Officer in accordance with paragraph 4.7.
- 4.6. The Dean of School may refer the matter for investigation and/or invoke the formal meeting stage (section 6) of this Procedure without first requiring the student to attend a cause for concern review meeting where the cause for concern is considered to be serious, or there is a dispute about the facts or further information is required, or where there has been a failure to adhere to a previous undertaking of good conduct.
- 4.7. An Investigating Officer, who will normally be a member of staff from the School who is independent from the parties involved and who has no material involvement in the circumstances giving rise to the cause for concern, will be appointed by the Dean of School to undertake an investigation of the circumstances.
- 4.8. The purpose of the investigation will be to examine the circumstances giving rise to the cause for concern from the perspective of the student and other parties involved, and to establish the facts about the circumstances giving rise to the cause for concern. The Investigating Officer shall conduct whatever enquiries they consider necessary and may interview relevant parties, including the student.
- 4.9. The Investigating Officer will submit a report as soon as possible to the Dean of School, who will consider the report and will notify the student in writing of the outcome of the initial investigation and what further action, if any, will be taken under this Procedure.
- 4.10. The Dean of School may decide that one or more of the following is required:
  - a. that there are no grounds for concern and the case should be dismissed;
  - b. that the matter should be referred for further investigation;
  - c. that the student should be referred for a medical or other specialist assessment;
  - d. that the student should be suspended or partially excluded from the University and/or temporarily withdrawn from a practice placement in accordance with section 5 below;
  - e. that the matter should be referred to be dealt with under another University procedure;
  - f. that the student should be invited to a formal meeting in accordance with section 6 below;
  - g. that the cause for concern is of sufficient seriousness that a Fitness to Practise Committee hearing should be convened in accordance with section 7 below.

## **5. Interim Suspension or Partial Exclusion**

- 5.1. The Dean of School will consider whether there are grounds for the student to be suspended or partially excluded from the University pending the conclusion of proceedings under this Procedure and/or under the Regulations for the Conduct of Students, and/or the conclusion of criminal proceedings, and/or receipt of an assessment from an appropriately qualified medical and/or psychiatric and/or occupational health expert.
- 5.2. Where an interim suspension or partial exclusion may be required, the Dean of School will refer the matter to the Academic Registrar who will conduct a review in consultation with relevant members of staff including the Dean of School and Director of Student Services to determine whether a partial exclusion, interim suspension or other interim precautionary and/or support measures are required, in line with the Regulations for the Conduct of Students.
- 5.3. Where the initial investigation indicates that the cause for concern is sufficiently serious and the student is on practice placement, the student will be temporarily withdrawn from the placement with immediate effect by the responsible member of staff, subject to confirmation by the Dean of School at the earliest opportunity. The student will have the right to make representations in person to the Dean of School and to request a review of the temporary withdrawal every four weeks.
- 5.4. A student may not graduate from the University whilst any proceedings are ongoing under this Procedure. This applies whether or not the student has been subject to interim suspension, partial exclusion and/or withdrawal from a placement.
- 5.5. If a student withdraws from the University during this process and prior to a final outcome, the Dean of School may decide not to proceed with a formal meeting or hearing. This decision will take account of the risk to public safety and any PSRB requirements. In these circumstances, a formal note will be placed on the student's record to state that a fitness to practise process was underway at the point of their withdrawal.

## **6. Formal meeting with the Dean of School**



- 6.1. The student will normally be invited to a formal meeting with the Dean of School to discuss the cause(s) for concern. A formal record of the meeting will be taken.
- 6.2. The student will be given at least 5 working days' notice of the date, time and place of the meeting and may be accompanied by a friend or representative. The student will be provided with details of the cause(s) for concern prior to the meeting including a copy of the Investigating Officer's report.
- 6.3. The Dean of School may consult with and/or be accompanied by another member of the relevant profession at the meeting, in accordance with PSRB requirements.
- 6.4. The outcomes available to the Dean of School following a formal meeting are one or more of the following:
  - a. that there are no grounds for concern and the case should be dismissed;
  - b. that further investigation is necessary;
  - c. that the matter should be referred to be dealt with under another University procedure;
  - d. that there is insufficient evidence to reach a finding that a student is unfit to practise, but that the cause of concern is sufficiently serious to warrant remedial action such as monitoring or supervision of the student for a defined period, and/or the issue of a written reprimand which will normally have effect for the duration of the course;
  - e. that the student be required to complete a reflective piece of work or other remedial activity exploring the impact of their behaviour and the lessons learned (where a breach of practice policy was reported, this requirement will be agreed with the practice organisation);
  - f. that the student be re-assessed in specified part(s) of the course (decision to be reached in consultation with the Chair of the Assessment Board);
  - g. that the student be permitted to continue on the course, subject to conditions and/or an undertaking including (without limitation) a programme of rehabilitation or treatment, or observation/supervision, to be reviewed by the Dean of School after a given period;
  - h. that the student is required to withdraw from their studies for a specified period, in which case the student's return to study may be subject to a further satisfactory assessment and/or conditions;
  - i. that the matter should be referred to a Fitness to Practise Committee.
- 6.5. The student will normally be notified verbally of the outcome and the associated reasons at the end of the formal meeting. Written notification of the decision and the reasons will be sent to the student within 5 working days of the meeting.
- 6.6. The student may appeal against the outcome in line with the Appeals Procedure set out in the Regulations for the Conduct of Students.

## **7. Referral to a Fitness to Practise Committee**

- 7.1. The Fitness to Practise Committee will be appointed by the Student Casework Team and will comprise no fewer than four members, at least two of whom must be professionally qualified in the field, one of whom will normally be external to the School or University e.g. from another School offering professional courses or from the relevant professional or partner agency, in line with relevant PSRB requirements, and one of whom will be an elected officer of the Students' Union.
- 7.2. Members of the Fitness to Practise Committee should have no direct interest or prior material involvement in the student's case. The caseworker will brief the Committee about the Procedure and any relevant PSRB guidelines and will be responsible for taking a formal record of the proceedings, but will have no voting rights.

## **8. Notice of a Fitness to Practise Hearing**

- 8.1. Arrangements for a Fitness to Practise Hearing (the hearing) will be made by the Student Casework Team.
- 8.2. The student will be given at least 5 working days' notice of the date, time and location of the hearing.
- 8.3. The notice will state the alleged cause(s) for concern, the names of the Fitness to Practise Committee members and also the range of possible outcomes if the Fitness to Practise Committee determines that the cause(s) for concern render(s) a student unfit to practise, or does not render the student unfit to practise but warrants the imposition of one of the remedial outcomes set out in section 10, sub-paragraphs a to f below.
- 8.4. The following documents will be included with the notice:
  - a. a copy of this Procedure; and
  - b. a copy of a report prepared by the Dean of School or Investigating Officer identifying the cause(s) for concern including copies of all the evidence (including any evidence provided by the police or a qualified medical expert); and
  - c. reference to the relevant PSRB code; and
  - d. factual information on the student's progress.

- 8.5. The student will normally be expected to attend the hearing. If the student does not attend without good cause, the hearing may proceed and the relevant outcome or sanction may be imposed in their absence. The Committee will consider any representations made on behalf of the student (in absentia) at the appropriate point in the hearing.
- 8.6. The student will be required to inform the caseworker at least 3 working days before the hearing whether they intend to exercise their right to be accompanied/represented at the hearing, the name of the person who will be attending and in what capacity such person will be attending.
- 8.7. The student will be permitted to submit a statement and any additional evidence including witness statements, no later than 3 working days before the hearing. Witnesses may be invited to give evidence in person at the discretion of the Chair of the Committee.

## **9. Procedure for a Fitness to Practise Hearing**

- 9.1. The following procedure will normally apply at a Fitness to Practise hearing:
  - a. The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing, the order of proceedings, the possible outcomes and the standard of proof.
  - b. The Investigating Officer or Dean of School will present the case, including calling any witnesses to give evidence as previously agreed by the Chair.
  - c. The Committee and the student (or representative) will have the opportunity to question the Investigating Officer or Dean of School.
  - d. The student (or representative) will present their response, including calling any witnesses to give evidence in person, if previously agreed by the Chair.
  - e. The Committee and the Investigating Officer or Dean of School will have the opportunity to question the student and any witnesses.
  - f. The Committee may ask questions of any party at any stage during the hearing.
  - g. Summing up by the Investigating Officer or Dean of School with particular reference to the implications for the student's fitness to practise.
  - h. Summing up by the student (or representative) with particular reference to any mitigating factors.

- i. The Committee may retire to consider its decision; or seek further information; and/or adjourn to a later date.
- j. The student and any representative or witnesses and the Investigating Officer or Dean of School shall withdraw while the Committee deliberates the issue.

9.2. The Committee will reach a decision based on the facts and on the evidence presented. The standard of proof will be the civil standard of proof which is that on a balance of probabilities the facts of an allegation are more likely than not to have happened.

9.3. The outcome imposed by the Committee should be one which satisfactorily addresses the fitness to practise concern(s), whilst taking account of any previous allegations or findings which will be made known to the Committee by the caseworker after it has reached a decision.

9.4. When considering outcomes, it is good practice to start at the lowest outcome and determine whether that satisfactorily addresses the fitness to practise concern(s), and if not then move to consider the next higher outcome and so on. The outcome letter should state the reasons for the outcome chosen.

9.5. Where the Committee considers that a student's disability is preventing them from attaining the relevant competence standard(s) and/or complying with the code of conduct on their professional course, the Committee will in deciding on the appropriate outcome have due regard for any reasonable adjustments that have been made and will consider whether there is scope for further reasonable adjustments.

## **10. Outcomes of Fitness to Practise Hearing**

10.1. The outcomes available to a University Fitness to Practise Committee are one or more of the following:

- a. that the hearing be adjourned because further investigation is necessary;
- b. that no cause for concern has been proven and the case should be dismissed;
- c. that there is insufficient evidence to reach a finding that the student is unfit to practise, but that the cause for concern is sufficiently serious to warrant remedial action such as monitoring or supervision of the student for a defined period, and/or the issue of a written reprimand which will normally have effect for the duration of the course;
- d. that the student be re-assessed in specified part(s) of the course;

- e. that the student be required to complete a reflective piece of work or other remedial activity exploring the impact of their behaviour and the lessons learned (where a breach of practice policy was reported, this requirement will be agreed with the practice organisation);
- f. that the student be permitted to continue on the course, subject to conditions and/or an undertaking including (without limitation) a programme of rehabilitation or treatment, or observation/supervision, reviewed by the Dean of School after a given period, and/or the implementation of further reasonable adjustments;
- g. that the student be required to withdraw from their studies for a specified period, in which case the student's return to study may be subject to a further satisfactory assessment and/or conditions;
- h. that the student's professional education and training be terminated and a recommendation made to the Assessment Board that the student be required to transfer to an alternative non-professional course (if available) or to consider conferment of an alternative non-professional award;
- i. that, having been found to be unfit to practise, the student's professional education and training be terminated and the student be expelled from the University.

10.2. The student will normally be notified verbally of the outcome and the associated reasons at the end of the hearing. Written notification of the decision and the associated reasons will be sent to the student within 5 working days of the hearing.

10.3. It should be noted that a placement provider may not permit a student to return to their placement following action under this Procedure (whatever the outcome), following a formal risk assessment.

## **11. Appeal**

The student may appeal against the outcome of the Fitness to Practice Committee in line with of the Appeals Procedure set out in the Regulations for the Conduct of Students.

## **12. Independent Review**

If the student is not satisfied having completed the University's internal appeals procedure, they will be entitled to request a review of the case under the rules of the scheme of the Office of the Independent Adjudicator for Higher Education (OIA). The Student Casework Team will issue a Completion of Procedures letter following the outcome of the appeal.

### **13. Disclosure and Recording of Information**

- 13.1. The University has a duty to inform relevant third parties of the nature and outcome of a fitness to practise case in certain circumstances, whether it is considered at a Fitness to Practise hearing or by the Dean of School, including:
- a. to inform the relevant PSRB, where that PSRB's published regulations require notification of specified sanctions imposed;
  - b. to inform any placement providers in relation to any placements the student may be required to undertake as part of the course;
  - c. to inform the student's employer where the nature and outcome of the case raises questions about the student's suitability for professional practice or to be on the professional register;
  - d. to inform the Disclosure and Barring Service (DBS) where required by the DBS guidance;
  - e. to inform the University's Safeguarding Officer where a child or vulnerable adult may be at risk or other safeguarding issues arise, who may in turn notify the relevant authorities;
  - f. to inform UK Visas and Immigration (UKVI) in the case of a significant change in the circumstances of an international student.
- 13.2. The party who raised the cause for concern may also be informed that the process has reached an outcome.
- 13.3. The student will be informed in the event of any such disclosures and will be reminded of their obligation to disclose any specified sanction to the PSRB at the appropriate time.
- 13.4. The University also reserves the right to disclose the details of fitness to practise cases to any third party in the event of a reference request where the University considers it to be relevant. The student will be informed in the event of any such disclosure.
- 13.5. The University will retain a record of each fitness to practise case in a secure relevant filing system for a period of at least six years.

### **14. Monitoring and Review**

The University will collect aggregated data about fitness to practise cases and will submit an annual report to the relevant Academic Board sub-committee for the purposes of quality assuring the provision of professional education and training and improving the provision of guidance to students about professional conduct and competence.

