



UCP- FIT001 Higher Education Fitness to Practise Policy

1. INTRODUCTION

- 1.1 Any issues raised under these regulations will be dealt with promptly, sympathetically and with respect for privacy and confidentiality. Information will only be disclosed to other parties as is necessary for the investigation of a case, or for safeguarding reasons, or as required by law, or as is required by the relevant professional, regulatory or statutory body. For courses which qualify students for professional accreditation by another organisation, we have a duty to protect the public by setting standards for professional practice, overseeing the education of students and taking action when we doubt whether they are fit to practise.

2. PURPOSE

- 2.1 This policy applies if concern is raised about your fitness to practise. It is designed to make sure that we take appropriate action in the best interests of the public, the profession and you. It is not appropriate for us to enrol you or allow you to continue to study on a programme when you would be unable to enter that profession such as education where you must be able to hold a successful enhance Disclosure and Barring check (DBS; formerly the Criminal Records Bureau).

3. SCOPE

- 3.1 This policy applies exclusively to all Higher Education provision offered by University Centre Peterborough. This also applies to sub contractual provision.
- 3.2 This policy and procedure are only intended for use where the behaviour, disruption or risk presented by the student and the impact on their learning is perceived to be of a serious or potentially serious nature.
- 3.3 Issues which could cause concern will vary from profession to profession but may include:
- i. criminal convictions;
 - ii. criminal convictions which prevent you from obtaining a DBS;
 - iii. information previously not declared which raises questions of your suitability;
 - iv. allegations of inappropriate behaviour; and
 - v. illness. This is not a full list.

4. RELATED DOCUMENTS

- 4.1 UCP-FIT002 Higher Education Fitness to Study Policy
UCP-CRI001 Higher Education Declaration of Criminal Convictions Policy
UCP-REC001 Higher Education Recruitment and Admissions Policy
UCP Terms and Conditions of Admissions and Enrolment
UCP-ASS005 Higher Education Academic Appeal Policy

5. **RESPONSIBILITIES**

- 5.1 The Academic Director has overall responsibility for the policy but has delegated day-to-day responsibility for overseeing its implementation to the staff identified. All relevant members of staff have been made aware of the procedure and have received appropriate training.

6. **RISK ANALYSIS**

- 6.1 This policy is required to ensure that any impacts on a student's fitness to practise is fairly evaluated and supported by the institution as bound by UK legislation. This policy is dependent on the student communication and evidence.

Analyse risks of non-adherence to this policy

- 6.2 Failure to adhere to this policy could lead to academic failure of students, complaints and in extreme cases, legal action with regard to the Equality Act 2010.

Staff training needed

- 6.3 All staff involved in teaching, enrolling, supporting students and offering IAG are required to undertake annual training delivered by the HE Student Support Team to outline the support that is available and the process by which students can be referred for support. This training will be enhanced by annual updates provided on procedural requirements which will be delivered by the Academic Office.

7 **DATA PROTECTION**

- 7.1 UCP complies with the provisions of the General Data Protection Regulation Data Protection Act, 2018. As such, applicant and student data are treated as confidential by all staff involved in this process and are not divulged unnecessarily or inappropriately. However, the aforementioned Act requires UCP to release certain information to UK authorities upon request in order to assist those authorities with the prevention and detection of fraud or other crimes. We will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the Police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions. We may use anonymised data collected as part of the purpose of fulfilling statistical and reporting requirements.

8 **PROCEDURE**

- 8.1 If there is, for whatever reason, concern about your fitness to practise, this must be reported to UCP's Academic Director.
- 8.2 The Academic Director will investigate the concern and outcomes could be:
- i. Apology and agreement to abide by the UCP code of conduct
 - ii. Verbal warning
 - iii. Written warning
 - iv. Or escalation to the Fitness to Practise Committee
- 8.3 If, as a result of the investigation, the Academic Director considers that there are reasons for calling a meeting of the Fitness to Practise Committee, they will pass to the committee secretary, a written statement with the reason for concern.

8.4 Once the Academic Director has lodged a concern with the committee secretary, you may continue with your course, without affecting the outcome of the hearing, as long as you do not put yourself or others at risk. The final decision on whether you can carry on attending the University Centre or a placement will be with the Academic Director.

9 Procedure when concern for a student is referred to the Fitness to Practise Committee

9.1 The committee secretary will refer the concern to the Fitness to Practise Committee.

9.2 At least seven working days before the hearing, the committee secretary will give to the Academic Director and to you, two copies of any documents which are to be placed before the committee.

9.3 The committee secretary will do the following.

- a. Call a meeting of the committee, normally within 20 working days from the day on which they receive the written statement in section 3c above.
- b. Ask you if you object to the Student Officer or a member of the Student Council/Student Representative being at the meeting of the committee.
- c. At least 15 working days before the meeting, give notice to the Academic Director and the Student Officer or a member of the Student Council/Student Representative of the date, time and place of the meeting.
- d. At least 15 working days before the meeting, they will give you notice in writing and by hand or if this is not possible by recorded or special delivery to your last known address. The notice will give details of:
 - i. the reasons for concern;
 - ii. the date, time and place of the committee hearing;
 - iii. your right to be heard at the hearing;
 - iv. your right to be accompanied by a friend (who may not also be a witness) or by a representative of the Student Council;
 - v. your right to provide a written statement or written evidence for the committee to consider (this must be received at least two working days before the hearing);
 - vi. your responsibility to let witnesses know about the hearing and to make sure they attend; and
 - vii. your responsibility to let the committee secretary know, as soon as possible and at least two working days before the hearing, the names of the witnesses you plan to call and, if you want to be accompanied by a friend, the name of the friend or name of the representative of the Student Council.

10 The Hearing

10.1 The Chair will be elected. The Chair may invite other people to be at the hearing for the purpose of maintaining security or safety.

10.2 The committee secretary will keep a record of the proceedings and may, for this purpose, appoint a recording clerk.

10.3 If two or more students are the subject of the hearing, the committee will decide whether it would affect the interests of either student hearing the complaint against them jointly. If, in the committee's opinion, interests might be affected or proceedings could not be easily or fairly carried out against two or more students together, they will continue the hearing against them individually.

- 10.4 Evidence will be taken in the following order.
- i. From the Academic Director.
 - ii. From witnesses called by the Academic Director.
 - iii. From you or your friend or representative of the Student Council.
 - iv. From your witnesses.
- 10.5 The Academic Director will then give a final statement.
- 10.6 You or your friend or representative of the Student Council will then give a final statement.
- a) The committee can put questions to anyone at the hearing.
 - b) You and the Academic Director will have the right to be present when evidence is taken and you can put questions to the witnesses and to each other. However, you cannot ask any questions after each other's final statement.
 - c) The Student Officer or a member of the Student Council/Student Representative, depending on **4 c ii**, can be present when evidence is taken but not during the committee's decision.
 - d) If you do not appear at the hearing, the committee may deal with the matter without you, as long as they are satisfied that the committee secretary has given proper notice to you of the hearing.
 - e) The committee will sit in private to make its decision. The committee secretary will be present.
 - f) If you go to the hearing, the committee will give you their decision at the end of the hearing. Normally within five working days, the committee secretary will inform you in writing of the committee's decision, and let you know that you have a right to appeal against the decision, to the UCP Council. If you want to use this right, you must give notice within 10 working days of the date of the committee's decision.
 - g) After sending you notice of the committee's decision normally within 10 working days, the committee secretary will send you a set of formal minutes taken at the hearing.

11 Powers

- 11.1 The committee will, by majority, have the power to:
- a) decide that there are no reasons for concern; or
 - b) decide that there are reasons for concern, but they are not serious enough to recommend that you are not fit to practise (in this case, the committee may recommend to the Academic Director a course of action to take); or
 - c) decide that you are not fit to practise and recommend to the Academic Director that you withdraw from your course at this University Centre (unless there is a reasonable alternative).

12 Appeal

- 12.1 You will have the right of appeal to the UCP Council as shown in the Appeals Committee Procedure (appendix A) for appeals by students. We will only consider appeals if the student claims alleged maladministration or if new information is presented.

13 Fitness to Practise Committee Constitution

- a) The committee is made up of:
 - i. An independent Academic (see 1 below);
 - ii. two members of UCP's staff (see 2 below); and
 - iii. an independent member who is not a current member of staff or a current student of UCP (see 2 below).
- b) The independent academic will normally be an individual with experience of teaching on a relevant course in a UK university.
- c) The two members of staff and the independent member will be members of the profession which accredits your course of study or will be suitably qualified in the reasonable opinion of the Academic Director.

13.1 Quorum

The quorum is the minimum number of committee members needed to make decisions. For this committee the quorum is three.

If fewer than three committee members are present and notice has been properly given, the secretary will call another meeting, normally within 20 days.

13.2 Chair

The Chair will be elected by the Committee.

13.3 Secretary

The Secretary and Clerk (or their nominee) is the secretary to the committee.



Appendix A

Procedure for appeals by students to the UCP Council

Procedure

- 1 If you want to appeal against a decision of the Student Disciplinary Committee or those of the Fitness to Practise Committee for reasons of maladministration (other than in cases where you have failed to make a payment where the appeal will be to the Academic Director), you must make your appeal in writing within 10 working days of the decision and send it to the clerk / secretary to the UCP Council.

Your request should clearly give the reasons for the appeal.

- 2 When they receive your request, the clerk / secretary to the UCP Council will:
 - a. call a meeting of the committee as soon as possible.
 - b. make available to the members of the committee copies of all papers to do with the case.
 - c. ask you if you object to an elected Student Representative being at the committee hearing.
 - d. at least five working days before the meeting give notice to the Member of the Student Council of the date, time, and place of the meeting.
 - e. invite you and our representative, at least seven working days before the hearing, to give a statement of your and our case and reveal any relevant documents you want to rely on at the hearing (if you or we miss the deadline or do not limit the size of documents you provide, it may lead to an adjournment or other delays); and
 - f. at least 15 working days before the meeting, give you notice in writing and by hand or if this is not possible by recorded or special delivery to your last known address. The notice will give details of:
 - i. the date, time and place of the committee hearing.
 - ii. the names of the witnesses to be called by our representative.
 - iii. your right to be accompanied by a friend or elected Student Representative (but they may not also be a witness).
 - iv. your right to decide whether or not to attend the hearing.
 - v. your responsibility to give witnesses, that you plan to call, details of the hearing, and to make sure they attend.
 - vi. your responsibility to let the committee secretary know, as soon as possible and in any case not less than two working days before the hearing, the names of the witnesses you plan to call: and
 - vii. your responsibility if you want to be accompanied by a friend, to give the name of the friend or elected Student Representative to the committee secretary.

- 3 The sides may agree to change the time limits to suit the circumstances of the case.

The Hearing

- 1 The committee will choose a Chair from among its members.
- 2 The committee secretary will keep a record of the proceedings and may appoint a record clerk for this purpose.
- 3 The committee will consider any written evidence.
- 4 Your and our witnesses will receive equal treatment throughout the proceedings.

- 5 The committee will hear representations and evidence in the following order.
 - i From you or your friend or elected Student Representative
 - ii From your witnesses
 - iii From our representative
 - iv From our witnesses
- 6 You or your friend or your elected Student Representative can give a final statement. We will give a final statement.
- 7 Members of the committee will have the right to put questions to any person at the hearing.
- 8 You and our representative will have the right to be present when taking evidence. You and our representative will have the right to put questions to the other and to witnesses. However, you and our representative cannot ask questions relating to final statements.
- 9 A member of the Student Council or their representative will have the right to be present, as an observer, when evidence is taken but not during the committee's decision.
- 10 The committee may call for other documents, explanations, or evidence they decide they need. The committee may seek any other advice in the hearing and in any subsequent consideration from UCP's solicitors and/or any such other source as the committee may determine.
- 11 If you or our representative do not appear at the hearing, the committee may go ahead, as long as they are satisfied that the committee secretary has given you notice properly.
- 12 In considering its decision, the committee will sit in private. The committee secretary will be present.
- 13 The committee secretary will tell you the committee's decision at the end of the hearing. Normally within five working days of the end of the hearing, the committee secretary will confirm in writing the committee's decision and send you a letter of 'completion of procedures.
- 14 Following this notice, normally within 10 working days, the committee secretary will send you a formal set of minutes taken at the hearing.

Powers

- 1 The committee will, by majority, have the power to:
 - a confirm the decision of the Academic Director;
 - b withdraw the decision of the Academic Director; or
 - c change the decision of the Academic Director.

Decision

- 1 The decision of the appeals committee of the UCP Council will be final. However, you may have a right of complaint to the Office of the Independent Adjudicator (OIA) and your rights as an individual in law.

Appeals Committee

The Appeals Committee will be made up of the following.

- A member of the UCP Council.
- Two other members who are either members of the UCP Council or members of the IEG Board of Governors.
- Staff Governors, student Governors and the PRC Principal cannot serve as members of this committee.

1 The aims of the committee are to:

- a consider, hear, and decide on appeals in line with procedures approved by the UCP Council.
 - b confirm, cancel, or amend decisions which are referred to the committee in line with appeals procedures approved by the UCP Council.
 - c consider, hear, and decide on appeals to do with maladministration when applying university rules, regulations, or procedures; and
 - d use all powers shown above, for complaints or appeals made to the committee by students at university member institutions in line with the rules of those institutions.
- 2 The committee will not deal with appeals which dispute the academic or professional judgement of a member of our staff or an external examiner. It will also not deal with judgements pertaining to the Fitness to Study Committee.

Quorum

The quorum will be three members of the committee.

Rules for the committee

The committee will be governed by the rules for the committees of the UCP Council.

Chair

The Chair will be elected from among the members of the committee.