

# **Fitness to Study and Fitness to Practise Procedure**

# Fitness to Study and Practise: Our Values

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## **Why have fitness to study and practise procedures?**

Being fit to study and practise is important because it means that you are well enough and demonstrating the right behaviours to achieve your potential and be successful on your course.

We will help you to do this by creating a learning environment which is supportive but prepares you for real-world employment.

This means that we will check that you are doing what you can to support your own learning and are attending your placements and demonstrating professional values.

Your achievements matter to you and us.

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## **What should I expect and what can we expect of me?**

We understand that going through a fitness to study or fitness to practise process will be difficult for you. However, we will deal with you in a fair and sensitive way. We handle your case confidentially and the only people who will know about your circumstances will be those who need to know. We will share with you all of the information we are using to reach a decision and give you every opportunity to tell us your side and how you are feeling. Sometimes, if you are already registered with a professional body, we may need to tell them about a decision we have reached. However, we will always tell you when we are doing this.

We will always try to work with you to resolve the issues, but we have a responsibility to you, other students and staff and any members of the public involved in your training. This means that sometimes we have to make tough decisions. This might be because;

You are not well enough to learn properly at this time;

Your behaviour is affecting the learning of others;

You are not able to practise safely;

A criminal conviction means that you will not get a job in the profession you are training for, or be able to register with a professional body;

We know that this is a difficult time for you, and you may be concerned about the outcome of these procedures, but we expect you to be honest and respect those dealing with your situation and we will treat you in the same way.

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|   | <p>You will not be able to make a complaint about the Fitness to Practise or Fitness to Study processes whilst you are going through them. However, we will always listen and support you through the process. If you need to make a complaint, you can do this after.</p>   |
| <p><b>What if I am arrested or the Police are investigating me?</b></p> | <p>If you are arrested or are being investigated by the Police, you must tell the University straight away.</p> <p>The University may decide that a Temporary Suspension is the right thing to do, for example if we are concerned about your safety or the safety of others, or if the offence would impact on the reputation of the University.</p> <p>The University will not investigate your case while the Police are. We will wait for the outcome of the Police investigation or court case before deciding what to do. However, if the case is taking a long time, and you are not able to move on with your course, you may need to take a Break in Study.</p> <p>Once the outcome of your legal case is known, the University might decide to take action against you, even if the Police do not.</p>   |
| <p><b>Reasonable Adjustments</b></p>                                    | <p>If you have a disability you can request that a reasonable adjustment is made to prevent you from being disadvantaged. Please let us know as soon as possible if this applies to you.</p> <p>All meetings undertaken within this procedure can be held digitally.</p>   |
| <p><b>Support During the Procedure</b></p>                              | <p>We know that this can be a difficult period and we want to make sure that you have the support you need. You can access our Student Guidance Advisors by e-mailing <a href="mailto:support@staffs.ac.uk">support@staffs.ac.uk</a> at any point during the procedure.</p> <p>You may wish to bring a fellow student or Students' Union representative to any meetings during the procedures. The rules for representation in the Fitness to Practise Procedure are set out in <a href="#">Support During the Procedure</a>.</p>  |
| <p><b>Trusted Contacts</b></p>  | <p>When you come to study with us, we will ask you to tell us who your trusted contact is. Your trusted contact may be a parent, carer, or another trusted adult who you would like to be contacted if required. It's really important that this is someone who we can contact if something happens to you, or if we have serious concerns about your safety. We need to know if there are any changes to who you want us to contact, and you can make changes at any time through your eVision portal.</p> <p>We always prefer to speak to you directly about you and your studies. If we need to speak to someone else about this, such as family, carers or someone else you trust, we would always want to get your agreement first. However, exceptionally we might have concerns about you that are serious enough that we'd want to speak to a trusted contact without needing to get your agreement in advance. This might be because there are serious concerns about your safety or mental</p> |

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health, or because we are unable to get your permission due to ill health.

If we think we might need to contact a trusted contact, we will ask the University's safeguarding leads to make a risk-based decision, considering your best interests. We will always explain to you afterwards why we made the decision to speak to your trusted contact.

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# Which process applies to me?

## What process applies to me?

We understand that it can be confusing when we tell you that we are going through a process to make decisions about your wellbeing or conduct. We will always be clear about the reasons why.

| Fitness to Study  | Fitness to Practise   |
|---|---|
| <p>We will use the Procedure if we need to work with you to ensure that you are well enough and demonstrating the right behaviours to study and achieve on your course.</p> <p>We will normally use the Fitness to Study Procedure for students who are not registered on professional courses.</p>   | <p>We will normally use the Fitness to Practise Procedure if you are studying on a course which leads to a job which is regulated by a professional body such as nursing, teaching, social work, psychology and counselling and biomedical science. A list of courses which fall under the Fitness to Practise Procedure is available <a href="#">HERE</a></p> <p>We have to check that you have the right values, skills, health and conduct to practise your future job safely in line with the relevant professional body. We also have to check that you don't have a criminal conviction which would stop you getting a job in your chosen profession.</p> |
| <p>Below are some examples why we may use the Fitness to Study Procedure.</p> <ul style="list-style-type: none"> <li>• You are not attending or engaging with your course.</li> <li>• You are not passing your assessments and moving through your course.</li> <li>• You are using the Exceptional Circumstances Procedure a lot.</li> <li>• Your behaviour in class is not helpful to your own learning or the learning of others.</li> </ul> | <p>Below are some examples why we may use the Fitness to Practise Procedure.</p> <ul style="list-style-type: none"> <li>• We are concerned that you are not well enough to undertake your placements because you are absent a lot.</li> <li>• Your behaviours are not what we would expect of someone in a professional role which relies on public trust and confidence. For example, you have not been honest, or your behaviour does not meet professional standards.</li> <li>• There is a safeguarding concern about you, for example you become involved with Social Services.</li> </ul>   |

# **Fitness to Study Procedure**

# What is Fitness to Study?

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## **What is fitness to study?**

We know that students who attend their course and work well with other staff and students are more likely to be successful.

To help you do this we are committed to providing you with a supportive and inclusive place to study, helping you to achieve your potential.

It is important to us you are well enough and demonstrate the right behaviours to learn. We call this being Fit to Study.

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# Why the University might be concerned about your Fitness to Study

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## **What type of concerns might there be?**

Concerns about your fitness to study will normally be about your wellbeing or your behaviours. These might be because;

You are repeatedly using the Exceptional Circumstances Procedure;

Your behaviour is affecting staff and/or other students on your course;

You are not attending or engaging with your learning sessions and this is affecting your academic progress;

Your academic progress is not acceptable and is thought to be because of an underlying physical or mental health issue.

You are not able to work with your fellow students in group learning activities or assessments and/or you are not willing to work with us to address the reasons for this.

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## **What if I am studying at another college or provider?**

If you are studying a Staffordshire University course at one of our partners, this procedure will apply but will be put into practice using staff at your partner provider.

However, if you wish to appeal against a decision on your fitness to study, the appeal will be considered at Staffordshire University and may require your virtual attendance

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## **How could a concern be raised?**

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You or any member of staff can tell the University that there is a concern about your fitness to study. Concerns would normally be raised with your Course Leader in the first instance.

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**How will the concern be dealt with?**

Fitness to Study is not about punishing you, it is about working with you to try to address any factors which may be affecting yours or others learning.

Your School will try to deal with the concern in a way which is reasonable and appropriate for the level and complexity of the situation.

We will deal with any concern raised in a sensitive and confidential manner. To ensure that we are balanced and fair, the member of staff raising the concern will discuss this with a senior member of staff within the School to ensure that we always aim to act, wherever possible, in your best educational interest.

If we can deal with this concern informally, we will invite you to a meeting with your Course Leader. However, if the concern is more serious or if it carries on after the meeting with your Course Leader, we will invite you to a Fitness to Study Panel.

Where there is immediate risk to yourself and/or others, we will ask you to attend a Major Concerns Panel.

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## What if the University starts to be concerned about my fitness to study? (Informal)

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**How will I be supported if there is a fitness to study concern?**

If we feel that we can deal with the concern informally, your Course Leader (or nominee) and a member of Student Services will invite you to an informal supportive meeting. We will always give you one week's notice (excluding bank holidays). You may bring a fellow student or Students' Union representative with you and if you want to, you can write a statement and send it to us 48 hours before attending the meeting.

We will work with you to understand the reasons for the concern and agree an action plan to help support you to continue with your studies. The action plan might be about your attendance, behaviour or assessments. We may also agree that you will access support from Student Services.

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We will make sure that you have a copy of the action plan and we will agree dates to review whether the action plan is working.

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## What if the University continues to have concerns or the concerns cause distress to you or others? (Formal)

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### **What if the concerns are serious or ongoing?**

We hope that concerns can be resolved by putting an informal action plan in to place. However, in some circumstances, it might be necessary to consider your fitness to study more formally. This may be because;

The action plan we have put in place has not fully resolved the concern;

You were not willing to work with us informally;

The concern is too serious or complex for informal resolution.

If this is the case, we will ask you to meet with a Fitness to Study Panel.

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### **What is a Fitness to Study Panel?**

The meeting of a Fitness to Study Panel is intended to be a supportive and balanced process to identify the cause of the concern and decide on what is in your best educational interest and the interest of others.

The Fitness to Study Panel will consist of;

A Head of Department (or nominee) who has not been involved in the case (Chair)

The Head of Student Support (or nominee)

President of the Students' Union (or nominee)

Your Course Leader (or nominee) will also attend the meeting to explain why they feel that the Fitness to Study Panel is necessary.

Someone will take notes at the meeting and you will be sent a copy of the decision within one week (excluding bank holidays and University closures).

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### **How can I prepare for a**

We know this can be a difficult time, so we will always give you time to prepare, this is one week (excluding bank holidays and University closures).

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## **Fitness to Study Panel?**

Your Course Leader will gather evidence of the concerns and we will share this with you. We may ask you to provide some medical evidence to help us make a reasonable decision on your fitness to study, which takes all of the circumstances into account.

You may bring a fellow student or Union representative with you and if you want to, you can write a statement before attending the meeting. It's important that we discuss the concerns with you, so you need to tell us as soon as possible if you can't attend the meeting at the date or time that we ask you to. We will do what we can to rearrange the meeting. If you don't tell us, and don't attend we may hold the meeting without you.

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## **The Decision of the Fitness to Study Panel**

The outcome of a Fitness to Study Panel is not intended to be a punishment. It is about addressing any factors which are affecting yours or others' study. If this is not possible, we will consider whether a break in study is likely to help you.

Only if we feel that none of the above would address the concern, will we escalate the case to the Major Concerns Panel.

As such, the decision of the Fitness to Study Panel will usually be one or more of the following;

- a) We do not need to take any further action
- b) You will need to follow an action plan to support your study. The action plan will include dates to review if it is working.

If you do not follow the action plan, or it does not fully resolve the issue, we may need to consider the concerns as major and persistent under the final stage of this procedure.

- c) You should take a break in studies to give you time to get well or resolve whatever is causing the concern. You will be allowed to return to study if the Chair of the Panel agrees that we do not need to take any further action, or that your return can be supported with an action plan. You may need to provide medical evidence to help us decide if you are well enough to return to study.

If the Chair does not agree that you can return, or if the causes for concern continue or re-appear, we may need to consider the concern as major and persistent under the final stage of this procedure.

- d) The concerns about your fitness to study are major and persistent and your case should be considered at the final stage of this procedure.

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# Major and Persistent Concerns (Final)

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## **What is the Major Concerns Panel?**

If the concern is escalated to the final stage of the procedure, the Major Concerns Panel will consider your case.

The Panel will take into account the impact of your behaviours on yourself and others and carefully consider whether there is anything we can reasonably do to support you to remain in study.

The Major Concerns Panel will consist of;

Dean of Student Services (or nominee)  
Head of Student & Library Services (or nominee)  
The Dean of School or nominee  
President of the Students' Union (or nominee)

The Panel will complete a Risk Assessment and you will be invited to come to the meeting.

You will be able to prepare for the meeting. Please see the section [How can I Prepare for a Fitness to Study Panel](#).

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## **What can the Major Concerns Panel decide?**

The Risk Assessment will help us decide what is in your best interest and the best interest of other staff and students.

The decision of the Major Concerns Panel will be one of the following;

- a) The level of risk to you and/or others is within acceptable levels, but you will need to follow an action plan to support your continued study. You may also be required to take a break in study. The rules about your return will be the same as outlined above.
- b) The level of risk to you and/or others is unacceptable, and you should be withdrawn from your course.
- c) Based on the evidence, we believe that you are unable to meet the required learning outcomes and you should be withdrawn from your course.

The Head of Student & Library Services will meet with you to discuss the decision and you will also receive this in writing.

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# What if I feel the outcome is wrong?

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## How can I appeal?

Whilst we hope to work with you to agree a joint approach to supporting your fitness to study, if you feel that a decision made by the Fitness to Study or Major Concerns Panel is wrong, is not right for you, you are able to appeal against it.

You can send your appeal to [regulations@staffs.ac.uk](mailto:regulations@staffs.ac.uk) within 2 weeks of the decision you are appealing against (excluding bank holidays and University closures).

You can appeal because of one or more of the following reasons;

That the procedure was not followed properly and this has affected the outcome;

That the Panel reached an unreasonable decision due to bias of the Panel or because the outcome was disproportionate.

That you have new evidence which you were unable to provide earlier in the process for valid reasons;

The Pro Vice-Chancellor (or nominee) of the University will consider your appeal within 2 weeks of receiving it (excluding bank holidays and University closures).

The Pro Vice Chancellor (or nominee) may overturn or vary the decision of the Panel but may not apply a more serious outcome. The decision of the Pro Vice Chancellor will be final.

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# What if I still feel that the outcome is wrong?

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## The Office of the Independent Adjudicator

If you disagree with the decision of the appeal panel, you have the right to make a complaint to the Office of the Independent Adjudicator (OIA) within one year of the decision. You can find out more by clicking [here](#).

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# **Fitness to Practise Procedure**

# How do we know you are fit to practise?

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## **Good Health and Good Character**

Being fit to practise on a professional course means that you have the values, skills, knowledge and good health to work safely and effectively in your future profession. This includes your actions outside of the University which may impact on the public.

The University will always use the relevant professional code when making decisions about your fitness to practise.

Your Course Handbook will tell you if this applies to you.

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## How do I share information about my fitness to practise?

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### **Self-Declaration**

When you apply to the University you will need to tell us, using a form, about anything in your past or present that might impact on your suitability to study on a professional course.

If you have not already told us this, you must do so as soon as possible. We know that sometimes people make mistakes, and we are not here to punish you, but we need to make sure that you can practise safely and effectively.

We will look at the issue, when it occurred and how often. You will be asked about this during your application and enrolment.

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### **Occupational Health**

We will ask you to complete a form about your health and any conditions that you have which may affect your practise.

If you have a health condition or disability, we may be able to make reasonable adjustments to suit your needs. To help us do this you may be asked to attend a health check.

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### **Disclosure and Barring Service (DBS)**

For some courses we need to check whether there are any reasons why you cannot practise in your profession. To do this we need you to complete an Enhanced Disclosure and Barring Service (DBS) application.

It is important that you tell us about anything that may be on your DBS when we ask you to complete the self-declaration. If not, we may be concerned about your honesty and be unable to offer you a place. However, you do not need to tell us about protected convictions although these may appear on your DBS.

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| <b>Suitability Panels</b> | <p>If you have declared something on your self-declaration, or your DBS is not clear, we may ask you to attend a Suitability Panel.</p> <p>The panel will be made up of people who understand your course. The panel will include;</p> <p>The Course Director (or nominee)<br/> An academic from your course (not your academic mentor or module tutor)<br/> Somebody who works in the relevant profession.</p> <p>We know this can be a difficult time, so we always give you time to prepare, this is one week (excluding bank holidays). You may bring a friend with you and if you want to, you can write a statement before attending. It's important that we discuss the concerns with you, so you need to tell us as soon as possible if you can't attend the meeting at the date or time that we ask you to. We will do what we can to rearrange the meeting. If you don't tell us, and don't attend we may hold the meeting without you.</p> <p>Someone will take notes at the meeting and you will be sent a copy of our risk assessment of your suitability to study on your course within one week (excluding bank holidays).</p> <p>In some cases, you may be unable to continue on your chosen course due to the decision of the Suitability Panel. If this is the case, we will try to offer you an alternative.</p> <p>If you disagree with decision of a Suitability Panel, you have a right to make an appeal. For more information, please see What if I feel the outcome is wrong?</p> |
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## What if someone is concerned about my fitness to practise?

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| <b>What sorts of concerns might be raised about my practise?</b> | <p>These generally fall into one of the four areas below;</p> <p>Health and wellbeing<br/> Behaviours<br/> Criminal acts<br/> Safeguarding</p>  |
| <b>How are concerns raised?</b>                                  | <p>Concerns may be raised by other students, university staff, staff at your placement and members of the public. These will be raised with</p> |

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your Course Tutor, Head of Department or Associate Dean-Students. Anyone raising a concern should use this [form](#).

When a concern is raised about you and you are studying on one of our professional courses, the Associate Dean-Students or nominee may wish to meet with you before deciding whether to start the Fitness to Practise Procedure. If you are invited to a meeting you may bring a fellow student or Union representative.

The Associate Dean-Students or nominee may also wish to speak to others to assess whether this is a fitness to practise concern. In the case of student midwives, the LME (Lead Midwife for Education) will be involved.

You will normally be informed of the outcome within one week of your meeting with the Associate Dean-Students or nominee. This will be one of the following:

No further action

You may receive a written warning which may be used in the future if there are further concerns about your fitness to practise. You may also be asked to complete a reflection on your learning about your professional conduct

To start the Fitness to Practise Procedure.

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## **Temporary Suspension**

Sometimes when a serious concern is raised, the Associate Dean-Students or nominee may decide that you should not attend your placement and/or your classes whilst the concern is investigated. This does not mean that the University has decided that you have done something wrong, but it is thought to be in the immediate best interest of either you, staff or other students.

The procedure that the University uses to decide on temporary suspensions is available [here](#).

If you are already a registrant of a profession and you are suspended by your employer, we may also have to issue a precautionary suspension. If we do, we will make it clear if the suspension applies to practice and/or your classes

It will be the responsibility of the employer to carry out whatever investigation they deem appropriate. The University will await the outcome of the employer investigation, before deciding on an appropriate course of action.

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# What if I am concerned about my own fitness to practise?

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**My own Fitness to Practise**

Sometimes you may feel that your health and wellbeing is affecting your studies or practise. It is important that you tell us about any new health and wellbeing issues which are impacting on your ability to practise safely. Or if you have a health condition that gets worse.

You should speak to your Course Leader first, and we may ask you to attend an Occupational Health assessment.

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## What if my fitness to practise is investigated?

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**Investigation**

If the Associate Dean Students or nominee decides to start the Fitness to Practise Procedure, they will ask a member of University staff to investigate the concerns raised. This person is called the Investigating Officer and will normally come from a different course area.

If you are working in an area linked to your studies when an investigation is started, we may need to inform the organisation you are working for about the investigation.

If you are a registrant with a regulatory body, the Associate Dean Students may refer the concerns regarding your fitness to practise to them for investigation. We will work with the regulatory body using their process.

The Investigating Officer will meet with people who have raised the concerns and anyone else who can provide evidence about your case. They will also meet with you. You may wish to bring a friend or Union representative.

We will try to carry out the investigation as quickly as possible and normally within 4 weeks. However, the investigation may include evidence from a number of people, and we need to make sure that the Panel have enough information about your case to make a decision. The Investigating Officer will write a report and make a recommendation to the Associate Dean Students or nominee who will make a decision whether to refer your case to a Fitness to Practise Panel or not.

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## What happens at a Fitness to Practise Panel?

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**The Panel**

The Fitness to Practise Panel will decide about your fitness to practise and whether you can continue with your studies.

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The Panel will include;

- A Head of Department or Associate Dean who has not been involved in the case (Chair)
- An academic member of staff from a course leading to professional registration
- A professional external to the University and relevant to the course you are studying
- A nominee of the Students' Union with no connection to your case

The external, professional member of the Panel will reflect the requirements of the appropriate professional, statutory and regulatory body for your course.

An agenda for the meeting will be sent to you with your invitation to attend. Click here for an example of an [agenda](#).

We know this can be a difficult time, so we always give you time to prepare, this is one week (excluding bank holidays and University closures). You may bring a friend or Union representative with you and if you want to, you can write a statement before attending. It's important that we discuss the concerns with you, so you need to tell us as soon as possible if you can't attend the meeting at the date or time that we ask you to. We will do what we can to rearrange the meeting. If you don't tell us, and don't attend we may hold the meeting without you.

Someone will take notes at the meeting and you will be sent a copy of the decision within one week (excluding bank holidays).

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## The Decision

The Panel's decision will be one of the following:

- a) There is no further action.
- b) There is some evidence to support the concerns about your practise and one or more of the following will apply:
  - (i) You will need to meet with your Personal Tutor
  - (ii) You will need to comply with an action plan
  - (iii) You will have a written warning
- c) There is evidence that you are not fit to practise and either
  - (i) You will be suspended from your course until there is evidence that there is no longer a fitness to practise concern e.g. You provide medical evidence that a health issue has improved, or a police investigation has concluded in your favour.  
or
  - (ii) You will be withdrawn because you are not fit to practise.

The Panel's decision will normally be sent to you in writing within one week (excluding bank holidays).

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If you are a registrant with a professional body, we will tell them about the fitness to practise outcome and may share information about any investigation or concerns.

If the reason that your fitness to practise is found to be impaired relates to a safeguarding matter, the University will need to consider if any further action needs to be taken. The University Designated Safeguarding Officer will make a decision about making a referral to external agencies. That could include making a declaration or referral to the Disclosure and Barring Service. Please see the University's [Safeguarding Policy](#) for more details.

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## What if I feel the outcome is wrong?

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### Reasons you may appeal

If you disagree with the decision of a Suitability Panel, the Suitability Appeal Panel will consider your appeal.

The panel will include;

A Head of Department who has not been involved in the case and normally from another Department (Chair)

An academic from your course who, normally, has not been involved in the case

A senior professional external to the University, relevant to the course you are studying and who has not been involved in the case

If you disagree with a written warning given to you by an Associate Dean Students or a decision of the Fitness to Practise Panel, you have a right to make an appeal. You will need to put this in writing, to [regulations@staffs.ac.uk](mailto:regulations@staffs.ac.uk) with your evidence, within one week (excluding bank holidays and University closures) of the decision. You may appeal the decision for the following reasons:

That the procedure was not followed properly and this has affected the outcome;

The decision reached was unreasonable due to bias of the panel or the harshness of the penalty.

That you have new evidence which you were unable to provide earlier in the process for valid reasons.

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### The Appeal Panel

The Fitness to Practise Appeal Panel will consider your appeal.

The panel will include;

- A Dean who has not been involved in the case (Chair)
  - A Head of Department from an area leading to professional registration
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- A senior professional external to the University and relevant to the course you are studying
  - A nominee of the Students' Union with no connection to your case

The external, professional member of the Panel will reflect the requirements of the appropriate professional, statutory and regulatory body for your course.

Someone will take notes at the meeting and you will be sent a copy of the decision within one week (excluding bank holidays and University closures).

An agenda for the meeting will be sent to you with your invitation to attend. Click here for an example of an [agenda](#).

We know this can be a difficult time, so we always give you time to prepare, this is one week (excluding bank holidays). You may bring a friend or Union representative with you and if you want to, you can write a statement before attending. It's important that we discuss the concerns with you, so you need to tell us as soon as possible if you can't attend the meeting at the date or time that we ask you to. We will do what we can to rearrange the meeting. If you don't tell us, and don't attend we may hold the meeting without you.

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### **The Decision of the Appeal Panel**

The Appeal Panel will make one of the following decisions:

To agree with the previous decision

To remove a written warning

To start a new investigation because our procedure was not followed.

To change the decision of the Fitness to Practise Panel (but not to increase the penalty) because there is new evidence to consider or the previous decision was unreasonable or biased.

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## **Other Stuff**

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### **Reasonable Adjustments**

If you have a disability you can request that a reasonable adjustment is made to prevent you from being disadvantaged. Please let us know as soon as possible if this applies to you.

All meetings undertaken within this procedure can be held digitally.

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### **Support During the Procedure**

We know that this can be a difficult period and we want to make sure that you have the support you need. You can access our Student Guidance Advisors by e-mailing [support@staffs.ac.uk](mailto:support@staffs.ac.uk) or contact your partner support services team at any point during the procedure.

You may wish to bring a friend or Union representative to any meetings during the procedure. In some cases where we would have to tell the professional body our decision, and this may affect you right

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to practise in your chosen profession, you may wish to engage legal representation. The University may also engage legal representation so you will need to tell us at least one week before the panel meeting.

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**Office of the  
Independent  
Adjudicator**

If you disagree with the decision of the appeal panel, you have the right to make a complaint to the Office of the Independent Adjudicator (OIA) within one year of the decision. You can find out more by clicking [here](#).

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