


Fitness to Practice Policy for Applied Social Studies in Social Care		
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## Fitness to Practice Policy & Referral Procedures for Applied Studies in Social Care.

### Revision History

Revision	Date	Revision Description	Originator
01	05/06/2019	Original Document Adopted by Academic Board	

## 1. Purpose

The Purpose of this Policy is to:

- Provide a supportive and enabling environment for students to develop knowledge and skills necessary to attain competence in practice in social care.
- Provide support for students and staff to meet/or exceed the minimum standards required for professional practice in the regulated sector.
- Provide a framework for the effective management of *fitness to practice* issues that may arise prior to, or during programmes of study in the Applied Social Studies in Social Care programme.
- Protect the students, service users, placement providers, the University, profession and the public.

## 2. Scope

This document refers to students on Applied Social Studies in Social Care programmes including

- BN051 Bachelor of Arts in Applied Social Studies in Social Care
- Bn125 Bachelor of Arts (Honours) in Applied Social Studies in Social Care

This document applies to students at all stages of study within Applied Social Care Programmes and is particularly relevant to engagement in practice placement learning and should be read in conjunction with the Applied Social Care Placement Policy (3CD14), the TU Dublin Blanchardstown Campus Student Charter (3SS03), and the CORU Code of Conduct and Professional Ethics.

### Definitions

Fitness to Practice	“Fitness to Practice is concerned with those issues that affect a person’s ability to practice in their profession” (CORU, 2015). It includes the skills necessary to undertake and complete a programme with professional practice, experiential learning or clinical work, safely and effectively, so the student can fulfil his/her responsibilities within the scope of practice in their chosen field within a supporting and enabling environment.
Service User	The term ‘service user’ includes service users, patients, clients and anyone else who uses a social care service.
CORU	Statutory regulator of health and social care professionals in Ireland.
GDPR	General Data Protection Regulations

### 3. Reference

3SS03	Student Charter
3AD15	Garda Vetting Procedure for Student Placements in an Environment with Children or Vulnerable Adults
3CD14	Applied Social Care Practice Placement Policy
3SS04	Student Disciplinary Procedure
CORU	CORU Code of Conduct and Professional Ethics
CORU	Social Care Workers Registration Board Criteria for Education and Training Programmes
CORU	Social Care Workers Registration Board Standards of Proficiency for Social Care Workers

#### 4. Fitness to practice

“Fitness to Practice is concerned with those issues that affect a person’s ability to practice in their profession” (CORU, 2015). It includes the gaining of skills necessary to undertake and complete a programme with professional practice, experiential learning or clinical work, safely and effectively, so the student can fulfil his/her responsibilities within the scope of practice in their chosen field within a supporting and enabling environment.

Fitness to Practice also relates to the students ability and capacity to understand the nature and context of professional placement. Students should demonstrate a commitment towards obtaining the core competencies/proficiencies for social care work as outlined by CORU. Students should ensure compliance with the Social Care workers Code of Professional Conduct and Ethics. A breach of the Code of Professional Conduct and Ethics may be deemed to be a breach of this policy.

This policy is intended to be used to respond to and manage concerns regarding a student’s fitness to practice and/or professional suitability, collectively referred to herein as “**Fitness to Practice**”.

This Fitness to Practice Policy (the “**Policy**”) seeks to ensure that, in addition to having achieved the required academic standard, students also:

- Have the capacity to perform key tasks (core competencies) as part of professional practice.
- Are healthy in body and mind so as to be able to practice in their profession
- Conduct and behave themselves so as not to harm, or put at risk of harm, their service users, patients, clients, customers, colleagues or the general public
- Conduct and behave themselves in a manner, which will not harm the reputation of the University, their profession or practice partners.

The following is an indicative list of possible issues and concerns, which have been identified in the literature as grounds on which a student may be subject to a Fitness to Practice assessment. These can include but are not limited to:

- Drug or alcohol misuse
- Aggressive, violent, threatening or discriminatory behaviour
- Erratic behaviour
- Persistent, unsatisfactory timekeeping and punctuality or non-attendance
- Inappropriate disclosures of sensitive or confidential information or breach of professional boundaries
- Breach of academic integrity
- Dishonesty or fraud, including dishonesty outside of the professional role/s
- Health concerns or lack of insight into/or management of such concerns
- An alleged breach of the CORU Social Care workers Code of Professional Conduct and Ethics A relevant medical health or medical issue which may affect a student's ability to practice their profession
- A Garda Vetting Disclosure/Concern;
- Poor professional performance/lack of competence;
- Failure to abide by Health & Safety regulations;

Where a potential fitness to practice issue arises related to a student's Garda vetting status being invalid/revoked or in any way unsatisfactory, this will be dealt with under the Garda Vetting Procedure for Student Placements in an Environment with Children or Vulnerable Adults (3AD15).

## **5. General Principles**

Where in this policy and procedure reference is made to any named University office-holder, such reference is to be read as including reference to his/her appointed nominee. This policy will operate parallel to relevant legislation and University policies and procedures. Where a student has been found in breach of the Code of Conduct under the Student Disciplinary Procedure (3SS04) the University retains the right to suspend and/or withdraw and/or terminate a student's registration on a programme and/or placement. The Chair of the Student Disciplinary Committee will notify the Office of the Registrar and the relevant Head of Department who will jointly consider whether a Fitness to Practice issue has arisen and then decide to invoke the Fitness to Practice Policy if appropriate.

- 5.1 A procedure under this policy may be initiated at any stage of the Fitness to Practice Procedure, without any requirement for an earlier stage to have been commenced or exhausted. The stage at which the procedure is initiated will depend on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his/her behaviour & its implications and the response of the student to any steps taken by the University to manage the situation. Decisions taken under this policy will be in accordance with current student disciplinary procedures (3SS04).
- 5.2 The processes under all levels of this policy will be undertaken in a fair and transparent manner.
- 5.3 The student retains a right of appeal in relation to decisions taken under this policy.
- 5.4 Unless the Principal adjudicates otherwise, any decision being appealed to the Principal will retain full force and effect during the currency of any appeal (3SS09 Student Appeal Procedure).
- 5.5 If the student does not engage with the procedure provided for herein the University has the right to continue with the procedure.
- 5.6 Should a student be unwilling or unable to participate at any level of this Policy and procedure or to attend a meeting/assessment, the University may nonetheless follow this Policy and procedure where it is reasonable to do so. The University may, where it is reasonable to do so, deal with issues based on written reports and/or statements in the absence of the student. In addition, the University may consider any request from a student to proceed with a meeting in his/her absence based on written reports and/or a written statement from the student.
- 5.7 Any person or body taking decisions pursuant to this Policy and procedure shall seek to act in the best interests, both of any and every student concerned and of every other member of the University community and those external stakeholders who may be impacted by decisions taken under this policy (including service providers & service users).
- 5.8 The staff member(s) dealing with the concern under this policy will keep records of all relevant documentation supplied to him/her in accordance with the Data Protection Acts and the General Data Protection Regulation (GDPR).

- 5.9 The standard of proof applied at every stage of this policy and procedure is the belief of a 'reasonable person'.
- 5.10 Where there is a potential Fitness to Practice referral arising from a concern regarding a student's health, the student may be referred to a relevant healthcare professional. The student is obliged under this Policy and procedure to attend such medical consultation as required. A process under this Policy and procedure can proceed notwithstanding the failure of the student to attend the nominated healthcare professional.

## 6. Grounds for a Fitness to Practice Referral

While issues that can impair Fitness to Practice are wide ranging, cases are deemed to fall into the following categories:

- (i) Garda vetting cases: Matters disclosed via Garda Vetting may be the basis for a Fitness to Practice referral and will generally be dealt with in accordance with the provisions of the Policy regarding student applicants with Criminal Convictions and the University's Garda Vetting Procedure for Student Placements in an Environment with Children or Vulnerable Adults (3AD15).
- (ii) Disciplinary offences: Disciplinary offences are generally dealt with through the student disciplinary procedure as set out in (3SS04) and set out in the Student Charter (3SS03) and may also give rise to Fitness to Practice concerns.
- (iii) Fitness to Practice concerns regarding Student Health<sup>1</sup>.
- (iv) Other Fitness to Practice cases not covered by the above.

The grounds on which a Fitness to Practice referral may be made include (but are not limited to):

- Drug or alcohol misuse
- Aggressive, violent, threatening or discriminatory behaviour
- Erratic behaviour
- Persistent, unsatisfactory timekeeping and punctuality or non-attendance.
- Inappropriate disclosures of sensitive or confidential information or breach of professional boundaries
- Breach of academic integrity
- Dishonesty or fraud, including dishonesty outside of the professional role/s
- Health concerns or lack of insight into/or management of such concerns
- An alleged breach of the CORU Social Care workers Code of Professional Conduct and Ethics
- A relevant medical health or medical issue which may affect a student's ability to practice their profession
- A Garda Vetting Disclosure/Concern;
- Poor professional performance/lack of competence;
- Failure to abide by Health & Safety regulations;

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<sup>1</sup> Defined by the Health and Social Care Professionals Act 2005, Section 52, part C which refers to '*impairment of the registrant's ability to practise the designated profession concerned because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs,*'



This Policy and procedure will be invoked where the matter of concern has not been resolved through the use of existing supports such as coaching by academic staff and advice from the University's Student Support Services.

## **6.1 Health Concerns**

Where a concern arises in relation to a student who presents with a health issue, and where the health issue is relevant to the concern that has arisen, then in the first instance consideration shall be given to the level and types of support put in place for that student in conjunction with the University's Student Support Services.

Good health in the context of Fitness to Practice means that an individual's health status is such that she/he is able to undertake safe and effective practice under supervision. Good health does not necessarily mean the absence of any disability/specific learning difficulty or health condition. Many people with health conditions, disabilities or specific learning difficulties are able to practice with or without adjustments to support their practice, and are legally supported in this by the Equal Status Acts.

Individuals may be rendered incapable of safe and effective practice as a result of a health matter, either on a temporary or (rarely) a permanent basis. To ensure that, where possible, the University can make reasonable accommodation to support students with challenges related to health and/or disability, as well as ensuring protection for patients/clients/service users. A student on a programme of study subject to this policy is required to declare, at first registration, any disability or health condition that, in his/her opinion, may impact on his/her ability to undertake safe and effective practice.

## **6.2 Disclosure**

All students will be required to complete Garda Vetting applications during their first year of registration on Applied Social Studies in Social Care Programmes. Applicants will be provided with the relevant and documentation for Garda vetting upon registration. Students must meet minimum thresholds for attendance and achieve a pass grade in prerequisite modules in order to be eligible to undertake placement. This is to ensure that students have the necessary knowledge and understanding with respect to ensuring a safe learning environment for themselves and their service users. By registering annually for their programme, students are in effect declaring that they believe their health status is such as to allow them to undertake safe and effective practice. In the event that a student's health status changes or a level of disability emerges that may cause concern as to their capacity for safe and effective practice,

whether declared by the student or noticed/reported by others, they may be subject to assessment of their Fitness to Practice under this Policy.

In order to avail of reasonable accommodation, all students with disabilities or relevant health conditions or educational issues, are required to disclose their disability (supported by appropriate expert evidence) in the first instance to the Access Office. There is also an onus on students to bring any issues of concern relating to their Fitness to Practice to the attention of academic staff involved in their programme. All disclosures will be handled in accordance with the provisions of GDPR.

### **6.3 Raising a Concern**

All concerns or complaints (from students, staff, placement agencies, service users and members of the public) in regard to Fitness to Practice issues should be made in writing to the relevant Head of Department or designated staff member of the University (who can bring the concern to the attention of the Head of Department). The concern will be addressed in accordance with the provisions contained in this document.

## **7. Confidentiality and Third Parties**

All matters raised under this Policy will be handled sensitively and with due consideration to confidentiality. However, it may not be possible or appropriate to maintain confidentiality in all circumstances. Referrals will be treated in accordance with the provisions of GDPR.

Where possible, all information regarding Fitness to Practice concerns or allegations of misconduct or misbehaviour should be shared on a “need to know” basis to protect the privacy, dignity and welfare of the student and others concerned and within the requirements of the provisions of the Data Protection legislation and rights and obligations under the General Data Protection Regulations.

While every effort is made to respect confidentiality, it may not be possible or appropriate to maintain confidentiality in all circumstances. Students should be aware that in the course of dealing with Fitness to Practice concerns, the University may consider it appropriate to discuss and/or refer matters and/or its outcomes to the Child & Family Agency, An Garda Síochána and/or third parties such as Professional, Statutory or Regulatory Bodies or placement providers. For example, it may be necessary to report a matter to An Garda Síochána under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 as it is an offence to withhold information on certain offences against children and vulnerable persons from An Garda Síochána. In such circumstances, the University may discuss and/or refer matters on occasion without notification to the student.

Where the Child & Family Agency and/or a third party carries out any investigation or process, the University may suspend or delay taking action under this Policy although it is not obliged to do so. The University will not be bound by the outcome of any Child & Family Agency or third party investigation or other process, the University may in its discretion take the outcome of the investigation or process into consideration in determining any outcome to be imposed under this Policy.

#### **8. Disclosure of Criminal Convictions/Conduct which may also be a Criminal Offence**

The procedure in this policy apply in respect of students on Applied Social Studies in Social Care Programmes who have criminal convictions/prosecutions pending i.e. those convictions/prosecutions pending which give rise to a Fitness to Practice concern. Students on relevant programmes are required to disclose any current criminal convictions and prosecutions pending. Where a student fails to disclose criminal convictions/or pending prosecutions on registration and/or while registered as a student with the University, the University may suspend/withdraw and/or terminate the student's registration.

If a student's conduct may be in breach of the criminal law, the University may at its discretion refer the matter to An Garda Síochána. The University may do so on occasion without notification to the student. In addition, the University may at its discretion suspend or delay taking action under this policy pending the outcome of any An Garda Síochána inquiry and/or criminal investigation/prosecution.

The University may take action in respect of a student under this Policy notwithstanding his/her conviction or acquittal in criminal proceedings. The University is not bound by the outcome of any criminal prosecution although the University may in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy.

The entry requirements for certain programmes necessitate applicants to undergo Garda vetting in accordance with the University's Policy on Garda Vetting (3AD15). The procedure in the University's Policy on Garda Vetting will be used in respect of students whose Garda vetting disclosure give rise to a Fitness to Practice concern.

#### **9. References**

When providing a reference in a professional context, for example, in connection with potential employment in a profession or admission onto a professional programme of study at another institution, for a student who has been subject to the Formal Stage (Part One and Part Two) of the Fitness to Practice Referral Procedure, the University will refer to the Fitness to Practice concerns, the associated

circumstances and the outcome at the Formal Stage, including referring to any appeal. Students will be actively encouraged to contact the employing organisation and discuss full details of the case.

The University will not normally refer to Fitness to Practice concerns to which a student was subject under the Informal Stage, which did not progress any further under this Policy. However, the University reserves the right to do so when it considers it appropriate.

The University will not normally refer to issues arising in Fitness to Practice proceedings under the Formal Stage Part One or the Formal Stage Part Two when providing references for students in non-professional contexts but reserves the right to do so when it considers it appropriate.

## **10. Implementing the Policy**

Provisions for implementation in the Department must be consistent with this Policy. It is the duty of all staff to be familiar with this Policy.

## **11. Power to Suspend**

Upon a recommendation from the Head of Department and/or the Fitness to Practice Committee the Office of the Registrar may temporarily suspend a student from his/her placement, learning setting and/or programme of study and/or temporarily exclude a student from University premises where the Office of the Registrar reasonably believe that a student in respect of whom a Fitness to Practice concern has been raised poses a risk to

- his/her own health, safety and/or wellbeing and/or that of others;
- the professional activities of a placement provider or other professional organisation or to a practice situation;
- the property of the University and/or others, and/or
- the reputation of the University or a placement provider or other professional organisation or its activities.

Under such circumstances, immediate action in the form of a temporary suspension and/or exclusion is reasonably required to remove or reduce the risk. This may include, but is not limited to, Fitness to Practice referral/s relating to a criminal conviction, a serious health concern, a serious once off incident etc.

This is a neutral step, which shall be taken without prejudice and shall not be taken as an indication as to whether or not the grounds for concern will be upheld. Where relevant, the TU Dublin Blanchardstown Campus student charter and relevant disciplinary procedures will also apply. This will be done in accordance with Student Disciplinary Procedures (3SS04).

In the case of concerns regarding the student's health, safety and/or wellbeing, the temporary suspension will remain in place until such time as an appropriately qualified person, nominated by the University, certifies that the student is fit to proceed with his/her programme of study.

If a decision is made to impose a temporary suspension/exclusion, consideration will be given to whether arrangements can reasonably be put in place for the student in order to minimise the impact on his/her studies. However, if a student cannot satisfactorily complete his/her placement as a result of a Fitness to Practice concern or other reason, they will be deemed to have failed that element of their programme.

The temporary suspension/exclusion will be kept under review by the Head of Department. A student who is subject to a temporary suspension/exclusion may appeal that decision provided the appeal is in writing and made within 10 working days of the written notification of the decision to the student. The appeal can be made to the Principal. Any decision being appealed will retain full force and effect during the currency of the appeal.

## **12. Fitness to Practice – Roles**

In order to implement the provisions of this policy in an appropriate manner, specific roles are assigned.

### **12.1 The Registrar**

The Registrar (or nominee of the registrar) will have overall responsibility for the management of this Policy and related procedures. The Registrar will have the overall responsibility for decisions related to Fitness to Practice referrals and the designated stage.

### **12.2 Head of Department**

Concern regarding a student's Fitness to Practice will normally be raised with the Head of Department where a student has been unable to resolve the concern within the existing supports or actions. The Head of Department will work with the appropriate staff to address Fitness to Practice concerns and complaints made and endeavour to have them resolved swiftly at an appropriate level.

### **12.3 Fitness to Practice Committee**

Where there is a continuing on-going concern or where there are concerns that immediate consideration and determination of a student's Fitness to Practice is warranted the Registrar (following a recommendation from the Head of Department) may constitute a Fitness to Practice Committee to investigate the referral.

The Fitness to Practice Committee will not be a standing committee and will be constituted based on clear criteria as the need arises shall consist of:

- An independent chair with expertise in the field of social care;
- A staff member of the University from an Applied Social Studies in Social Care Programme
- A University staff member from a discipline outside of the Department concerned
- Practice Placement coordinator (ex-officio member)
- Where a referral is based on health/disability grounds appropriate external expertise may be sought
- A layperson, where it is deemed appropriate by the registrar

The Chair will be appointed by the Registrar and will be responsible for overseeing the process. The chair will work closely with the Office of the Registrar to ensure that the procedure is run smoothly and effectively. A member of the University's administrative staff will attend meetings of the Fitness to Practice Committee as rapporteur. The rapporteur will not be involved in the decision making process.

#### 12.4 The Principal

The Campus Principal shall determine student appeals in relation to Fitness to Practice Committee decisions.

#### 13. Procedure

Concerns dealt with informally to conclusion at a department level will not be considered to fall under the fitness to practice policy. A concern may be escalated from a department level and then be considered to fall under the formal stage of this policy.

The Formal Stage will be used to address concerns:

- Where any issues are considered too serious to be dealt with under the Informal Stage;
- Where the student disagrees with the decision made in the Informal Stage and notifies the Head of Department within 5 working days of receiving the decision that s/he is invoking the Formal Stage;
- Where the student elects for the concern to be dealt with under the Formal Stage;
- Where the student has failed to comply with the outcome of the Informal Stage.

Where a student, staff member or member of the public has a concern regarding a student's Fitness to Practice they must put their complaint/concern in writing using **Relevant Form** (See Appendix 1), and submit this to the Head of Department or any other relevant University staff member (who will forward the concern to the Head of Department) in order to instigate the Fitness to Practice Referral Procedure.

Concerns or complaints must be clearly outlined and available supporting evidence provided.

Students who have issues of concern/allegations made regarding their Fitness to Practice have the right to be accompanied by an appropriate person, for example, a fellow student, class representative, student services, the University's Students Union representative, in a supportive capacity in the Formal Stage of the procedure. There is no right to legal representation or to be represented by any person or body unconnected with the University. Both parties must be informed of those attending in advance of the meeting. The person making the complaint/raising the concern (the complainant) should be made aware that:

- i) Full details of the complaint will be put to the Respondent (the person about whom the concern/complaint is being made)
- ii) Where appropriate, the respondent will be given an opportunity to engage with the complainant face to face in order to challenge the concern/complaint raised
- iii) In the event of the matter being referred to the Fitness to Practice Committee, the complainant and respondent may call witnesses and may enter witness statements.
- iv) Witnesses cannot be compelled to attend under this procedure.

### **Formal Stage 1**

On receipt of a Fitness to Practice concern, the relevant Head of Department will:

- i) Carry out a preliminary review of the issue considering the evidence provided
- ii) Review documentation from the person raising the concern;
- iii) Inform the Respondent, in writing, of the concern(s);
- iv) Explain the Policy to and provide the Respondent with a copy of the Policy;
- vi) Request the Respondent to respond to the allegations. The respondent may wish to include details of any medical or other evidence they would like taken into consideration.
- vii) Arrange a meeting to discuss the matter with the Respondent. The Head of Department may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to process the matter and to provide support to the Respondent. The Head of Department will normally be accompanied by a third person at all meetings with the Respondent and a contemporaneous record of the meeting shall be taken.

The Head of Department may recommend that:

- a. There is no case to answer
- b. No further action is to be taken
- c. Support arrangements and/or reasonable accommodation to be put in place for the Respondent, following assessment
- d. An action plan be drawn up setting out how the matter will be managed by the Department including the outlining of any requirements which are placed on the Respondent
- e. The matter be referred for consideration under another University process e.g. Student Disciplinary Procedure etc.
- f. The matter be referred to the Fitness to Practice Committee (Formal Stage2)

The decision of the Head of Department will be communicated to the Respondent in writing within 15 working days of the meeting between the Respondent and the Head of Department. Where the decision cannot be communicated within 15 working days, the Respondent may be notified in writing of the revised timescale for receiving a response and the reason(s) for the delay. A copy of the decision and any associated documentation will be retained on the Respondent's academic file.

### **Fitness to Practice Committee Formal Stage 2**

The Formal Stage Part 2 will be used to address concerns where

- The Respondent disagrees with the recommendation made by the Head of Department in the Formal Stage Part 1 and notifies the Head of Department within 5 working days of receiving the decision that s/he is invoking Formal Stage 2;
- The Respondent has failed to comply with the outcome of the Formal Stage Part one;
- The Fitness to Practice concern is considered too serious to be deal with under the Formal Stage Part one.

To aid the determination of an outcome at Formal Stage 2, the University may undertake any such investigations, as it considers reasonable and appropriate in the circumstances. The register will appoint a member of staff acting as an Investigating Officer with clear terms of reference for the investigation. The Respondent will normally be informed that an investigation is being carried out and of the identity of the Investigating Officer.



The Investigating Officer will follow agreed procedures on disciplinary matters and where relevant third parties (such as placement providers or health professionals) and call for information. Any investigation will be carried out in a transparent and fair manner. The Investigating Officer will

- Inform the Respondent that concerns regarding his/her Fitness to Practice have been raised and full details of the nature of these concerns will be outlined
- Provide the Respondent with a copy of the Policy
- Provide documentation to the Respondent in support of the concern, if any
- Indicate that s/he will be given an opportunity to respond
- Inform him/her that he may be accompanied in accordance with this Procedure
- Advise of any appropriate internal and external supports available to the student

The Investigating Officer will provide a report to the Fitness to Practice Committee which will determine whether the Respondent's Fitness to Practice is impaired, or may become impaired.

In advance of the Fitness to Practice committee sitting, the Chairperson of the Fitness to Practice Committee will write to the student to:

- Inform him/her that concerns regarding his/her Fitness to Practice have been raised and full details of the nature of these concerns will be outlined
- Provide a copy of the Policy
- Provide documentation in support of the concern, if any
- Provide a copy of any Investigating Officer's report
- Indicate that s/he will be given an opportunity to respond
- Invite him/her to attend a meeting with the Fitness to Practice Committee
- Give him/her notice of the date, time and place of the meeting with the Fitness to Practice Committee
- Inform him/her that he may be accompanied in accordance with this Procedure
- Advise of any appropriate internal and external supports available to the student

The Fitness to Practice Committee will consider all of the evidence provided to it and may obtain any expert advice that it deems necessary. Arising from its consideration of the evidence, the Fitness to Practice Committee may recommend one or more of the following to the registrar:

- Undergo examination/assessment by a doctor or specialist nominated by the Fitness to Practice Committee, at the University's expense, in respect of suspected drug or alcohol addiction/misuse. A Respondent who does not comply with this requirement and/or whose tests confirm drug or alcohol addiction/misuse may result in the Fitness to Practice Committee recommending to the registrar withdrawal of the student from his/her course and/or placement and/or to defer

his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the University) to be fit to proceed.

- Undergo a relevant examination or assessment by a doctor or relevant specialist nominated by the Fitness to Practice Committee at the university's expense for the purpose of obtaining an opinion as to the Respondent's medical Fitness to Practice. A Respondent who does not comply with this requirement and/or is deemed unfit for practice, may result in the Fitness to Practice Committee recommending to the registrar withdrawal of the student from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the University) to be fit to proceed.

The Fitness to Practice Committee will recommend to the registrar whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Recommendations may include, but are not limited to, one or more of the following:

- Decide that there is no case to answer
- Decide that no further action is to be taken
- Support arrangements and/or reasonable accommodation to be put in place for the student
- An action plan be drawn up setting out how the matter will be managed by the School including the outlining of any requirements which are placed on the Respondent
- The matter be referred for consideration under another University policy e.g. Student Disciplinary Procedure etc.
- Continue in the relevant programme subject to review
- Caution the respondent in relation to the matter which will be noted on the Respondent's records and that the matter will be taken into account by the University in response to requests for references
- Withdraw the student from placement
- Suspend the respondent until such time as s/he is certified by an appropriately qualified person (nominated by the University) as fit to proceed with his/her course of studies
- Require the respondent to repeat parts of the programme
- The Respondent be transferred to an alternative programme of study
- Withdrawal of the Respondent from placement
- Dismiss or strike out from the Respondent's record any allegations based on vexatious, false or malicious claims
- Terminate/Expel the Respondent from his/her course
- Such other action as is appropriate in the circumstances.

The Principal will communicate a decision to the Respondent normally within 15 working days of the recommendation of the Fitness to Practice Committee.

### **13. Appeals**

The Respondent may appeal the decision of the Registrar by writing to the University's Principal within 5 working days from the date of the communication of the Fitness to Practice Committee's decision notification.

The Respondent may appeal the Formal Stage Part 2 outcome to the Principal on the grounds that:

- The University failed to follow the process set out in the Policy and this had a material effect on the decision.
- The decision at the Formal Stage Part 2 was inconsistent or disproportionate to the evidence provided.
- The evidence produced at the Formal Stage Part 2 meeting with the Fitness to Practice Committee was factually incorrect or the student has new and material information or evidence that was not previously available and would have a material effect on the decision.

The Respondent must specify the ground(s) on which the appeal is made.

The Principal will normally review the Respondent's appeal within 15 working days of the receipt of the appeal and may make one of the following decisions:

- Dismiss the appeal (in whole or in part)
- Uphold the appeal (in whole or in part)
- Direct that the Fitness to Practice Committee undertake a further meeting with the Respondent on the basis of new evidence
- Impose an alternative decision.

The Principal will communicate the decision to the Respondent normally within 15 working days of the determination of the appeal. The decision of the Principal is final and may not be appealed.

#### **14. Return to Study**

It is recommended that students returning after a leave of absence contact their academic department in advance of their return date to discuss the implications of returning to the University including any conditions of re-engagement and to ensure that appropriate supports are in place. The University reserves the right to require a student returning to study to provide certification from an independent physician or psychiatrist or other medical professional, confirming that the student is fit to resume practice/study. The University also reserves the right to require a student returning to study to undergo a medical examination or assessment (including a psychiatric assessment) by a doctor or relevant specialist nominated by the University.

#### **15. Malicious Intent**

Vexatious and/or malicious concerns raised by students/staff will be dealt with under the appropriate disciplinary procedures.

#### **16. Review of Fitness to Practice Policy**

The Policy shall be reviewed annually. The recommendations of Fitness to Practice Committee shall be copied to the Office of the Registrar. The implementation of the Policy will be subject to annual review. Proposed amendments to the Policy will be brought to the Academic Council for approval.

#### **17. Recourse to the Ombudsman**

If a student feels that they have been unfairly treated or are not satisfied with the decision/outcome, it is open to them to contact the Office of the Ombudsman.

Contact details are as follows:

Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2.

Tel: Lo-call 1890 22 30 30    Tel: 01 639 5600

Email: [ombudsman@ombudsman.gov.ie](mailto:ombudsman@ombudsman.gov.ie)    Web: [www.ombudsman.ie](http://www.ombudsman.ie)

#### **18. Training**

Members of staff and particularly members of Fitness to Practice Committees will be provided with relevant training on Fitness to Practice procedures.

**Note of Concern Form - FTP1**

<b>Student Name:</b>					
<b>Student Number (if known)</b>					
<b>Programme:</b>					
<b>Address:</b>	<table border="1"><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table>				
<b>Contact Number (if known):</b>					
<b>Email:</b>					
<b>Concern Raised by:</b>	<b>Name:</b> _____ <b>Signature:</b> _____				
Relationship to student (role/context):					

**Factual description of the concern – Please give specific examples and provide any available supporting evidence**

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**For Head of Department Use: Comments/Observations**

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Appendix 1

**Student Comments/Observations on the reported concern**

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**Agreed Action Plan points**

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Where a leave of absence/withdrawal is being considered, the student should check with the Fees & Grants Officer at the Admissions Desk for possible financial implications.

Review Date:

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Declaration by Student:

I understand the nature of the concerns raised by the University in regard to my Fitness to Practice. I understand the impact that these concerns may have upon others. I have agreed to work to implement the Action Plan set out above which has been drawn up to support me overcome the concerns raised. If I do not implement the Action Plan, the University will consider taking other appropriate action as appropriate/required.	
Signed:	Date:
Witnessed: Head of Department :	

//end