



VOCATIONAL TRAINING INSTITUTE (VTI LTD)

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(MQA Approved)

Regulations Governing Fitness to Practise

Responsibility of Disciplinary Master/Supervisor

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1 Purpose

- 1.1 A number of the Institute's courses entitle successful graduates to become registered members of regulated professions. The regulators of those professions require that the Institute has processes in place to ensure that students are fit to practise during the programme and upon registration.
- 1.2 The Institute also runs courses for those on a professional register or who work with children or in a care setting with vulnerable adults and there is a duty of care to the public to ensure safe practise.
- 1.3 The purpose of these regulations is to ensure that those entering or on a professional register or who are working with children or vulnerable adults are fit to practise and to ensure the following:
 - the protection of the public;
 - the safeguarding of children and vulnerable adults;
 - upholding professional standards including the relevant code of conduct;
 - the maintenance of the reputation of the profession and public confidence in the profession.
- 1.4 It should be noted that reputation in this context does not just relate to an individual's personal reputation but the collective reputation of the profession.
- 1.5 Where a student is employed in regulated activity either as a professional or other worker, the Institute may, in the interests of public safety be required to inform their employer of any concerns around their fitness to practise or be in regulated activity.
- 1.6 It is the responsibility of students to familiarise themselves with the relevant professional standards and these Regulations and meet the requirements of both.

2 Scope

- 2.1 These procedures apply to students on a course leading to a new registration status with their professional, statutory or regulatory body i.e. pre-registration students. Such students are subject to consideration of their fitness to practise by the Institute from the moment they apply to the course to the point when they achieve registration with their professional body (including students who have successfully completed their programme of study).
- 2.2 The above courses include, but are not restricted to, pre-registration courses and departmental operating practice.
- 2.3 For apprenticeships, where the issue arises in the Institute weeks i.e. Theory and Practice Placement, the Institute will take the issue through this fitness to practise process. Where the issue occurs in the employer weeks, the employer will deal with this using the workplace disciplinary processes. However, the Institute will inform the employer where a fitness to practice issue has occurred.
- 2.4 These procedures also apply to students who are already registered members of a profession but who may be undertaking continuing professional development or advanced studies with the Institute (which does not lead to a new registration status). The procedures will be used where their conduct while on the course raises concerns

about their suitability to be on that register, for example, through persistent plagiarism or through evidence of unsafe practice or behaviour.

- 2.5 The above courses include, but are not restricted to post-registration courses
- 2.6 These procedures also apply to students who are working towards a qualification who are working in regulated activity (as defined by the Disclosure and Barring requirements) or otherwise caring for children or vulnerable adults. The procedures will be used where their conduct while on the course raises concerns about their suitability to work in this environment through evidence of unsafe practice or behaviour.
- 2.7 The above courses are not restricted to,.
- 2.8 These procedures apply to students throughout their period of study whether on campus, on placement or even in their personal or everyday lives.
- 2.9 Concerns which may be considered under these Regulations include those relating to a student's health, behaviour or attitude which may affect the student's fitness to practise in their relevant profession. These concerns may arise inside or outside the Institute and may be brought to the attention of the Institute by any person or organisation.
- 2.10 Where concerns about a student may be considered under one or more Regulations such as, Academic Offences Regulations and Student Disciplinary Regulations, as well as these Regulations, the Regulations used will be those which are most appropriate, taking into account fairness to the student, the scope and purpose of the Regulations and the Institute's responsibilities to professional bodies. This decision will be taken by the Institute supervisor/discipline master in consultation with the appropriate Course Leader/trainer.
- 2.11 Decisions made under these Regulations may not be changed by the VTI Assessment Boards.
- 2.12 The Institute may start proceedings under these Regulations up to six months after a student has ceased to be a student of the Institute. For example where there is a professional or regulatory code of conduct which places a continuing duty on the Institute to ensure that those students are fit to practise and/or to recognise breaches that may put members of the public at harm.
- 2.13 If a student withdraws from the course of study after the proceedings have started, the Institute may continue the proceedings.

3 When these Regulations will be applied

- 3.1 These Regulations should be applied when there are concerns about a student's personal or professional suitability to remain on their course of study, for example when a student:
 - 3.1.1 demonstrates unprofessional behaviour or behaviour that poses a direct risk to him/herself or others, calls into question his/her suitability for working in that

environment, threatens the reputation of the Institute or placement provider, e.g. abusive behaviour/intimidation or falsification of documentation;

- 3.1.2 commits an offence under the Institute's Student Code of Conduct or Academic Offences Regulations which raises doubts about his/her professional suitability;
 - 3.1.3 is charged and/or convicted of a criminal offence whilst on the course;
 - 3.1.4 fails to disclose information on application which would have influenced acceptance on the course or self-discloses information during the course which would be deemed to impact upon suitability to practise;
 - 3.1.5 self-discloses information during the course which would be deemed to impact on suitability to practise;
 - 3.1.6 has a physical or mental health condition which may put him/herself or others at risk;
 - 3.1.7 fails to comply with Institute or placement provider policies and procedures.
- 3.2 This list is not exhaustive, other behaviour may cause concerns about a student's fitness to practise.

4 Reporting of concerns

- 4.1 In cases where a member of the Institute observes, or is informed of, any cause for concern about a student's personal or professional suitability to remain on their course, this shall be reported to the Course Leader, who shall discuss the situation with the Course Trainer/leader and Manager or his/her delegate.
- 4.2 The student should be notified in writing as soon as possible by the Course Leader/trainer about concerns raised about their Fitness to Practise.

5 Dealing with concerns

- 5.1 Where appropriate, the student should be given the opportunity and support to rectify the problems before the formal stage of these Regulations is invoked. This may be through a learning contract or action plan agreed with the Course Leader and/or Mentor/Supervisor in practice. This should be clearly documented and agreed with the student.
- 5.2 If concerns about a student's alleged behaviour and/or professionalism persist, the case should be referred to the Fitness to Practise Panel.
- 5.3 Where the alleged behaviour is sufficiently serious, the case can be referred directly to the formal stage of these Regulations.

6 Suspension from Practice

- 6.1 Where there are concerns that are serious, the relevant course leader/trainer of the College may following consultation with the Institute supervisor suspend a student without prejudice from a placement/work experience. Some examples of a serious concern to warrant a suspension of student from their practice area would include:
 - 6.1.1 clients may be at risk;

- 6.1.2 The profession might be brought into disrepute by the public knowing that the student remained in the work environment;
 - 6.1.3 Student's conduct is alleged to be disruptive to the delivery of care in a professional organisation.
- 6.2 A student may be suspended from a placement without being suspended from the Institute . If a student is suspended from a placement pending the outcome of the Fitness to Practise hearing, the student may be allowed to attend the Institute for any theory sessions as part of their course of study and may submit any theory assessments.
 - 6.3 The Institute discipline master shall be informed in writing of any decision on suspension of a student from a placement.
 - 6.4 If a student is suspended from their placement, s/he will be required to return the Identity Badges and uniforms, where applicable, pending the outcome of the Hearing.
 - 6.5 The placement is not able to suspend a student. If an incident occurs which leads to serious concerns as outlined in 5.1 above and it is not possible to contact the Institute , the relevant Service Manager will be required to send the student away from the placement until the next working day.. The Head of School will consider whether the student should be suspended from the placement with immediate effect, following the Regulations described above.

7 Suspension from the Institute

- 7.1 The Manager or his/her nominee may additionally suspend a student from the Institute during an investigation if it is deemed that such suspension is in the best interests of the student, other students and the Institute , or is necessary to ensure an effective investigation. The suspension will be undertaken in accordance with the procedure outlined in the Disciplinary Regulations.
- 7.2 The decision to suspend a student from the Institute will include the exclusion from all Institute activities including studying at or with the Institute and also the use of any Institute premises and/or facilities.
- 7.3 In the case of students on time-limited professional courses involving work placements, it may be necessary to impose enforced interruption of studies during any investigation. In such cases, the Manager may delegate the authority to impose enforced interruption to the lead trainer of School. It should be noted that some professional body requirements on the course will permit a period of interruption to be counted as part of the time taken to complete the course, although under Institute 's Academic Regulations the period would not count in this way. The student's statutory funding, if any, may stop during a period of interruption.

8 Formal Stage of Fitness to Practice proceedings

- 8.1 Where the concerns raised about the student's behaviour are serious and call in to question his/her suitability to remain on the course or where the initial attempts to resolve concerns has not resolved the matter, the Head of School or nominee, in consultation with appropriate persons, shall decide whether or not to

instigate an investigation into the matter. The Head of School may delegate any such investigation to a senior member of staff competent to undertake it.

- 8.2 The investigation will include the collection of relevant information in respect of the allegation, with signed and dated statements from the student, statements from witnesses directly involved with the cause for concern/incident and the completion of an investigation report.
- 8.3 The investigation should normally be completed within 20 working days.
- 8.4 Following the completion of further investigation into the concerns, the Head of School or their nominee may decide on one of the following outcomes:
 - 8.4.1 No further action;
 - 8.4.2 Resolve informally (allow the student to continue fully as a student on the course but provide advice in writing as to their future conduct and/or impose a requirement to attend an alternative placement);
 - 8.4.3 Refer to a Fitness to Practise Panel.
- 8.5 The student shall be informed of the outcome of further investigation in writing within five working days of completion of the investigation.
- 8.6 The investigation report is to remain on the student's file for the duration of the course even if there is no further action.
- 8.7 The student will have the right of appeal against these decisions as outlined in Section 16 below.

9 Fitness to Practise Panel

- 9.1 Membership of the Fitness to Practise Panel shall include:
 - 9.1.1 The Chair, who is a member of the Senior Management Team or a Senior Academic;
 - 9.1.2 One member of academic staff in the relevant field;
 - 9.1.3 Senior Placement Provider representative (not from the student's placement), working at strategic level in the student's area of practice.
 - 9.1.4 An administrator appointed by the Academic Registry will act as Secretary to the Panel.
- 9.2 All members of the panel should not have had previous involvement with the concerns that have given rise to the Fitness to Practice Panel. The Chair is responsible for ensuring that the hearing is conducted in a fair manner.

10 Prior to the Panel Hearing

- 10.1 A student whose case has been referred to Fitness to Practise Panel Hearing should be given at least ten working days' notice of the date of the Hearing including the following information:

- 10.1.1 A statement of the allegation to be considered, including reference to the breach of specific Regulation/Student Code of Conduct.
- 10.1.2 A statement of the student's right to be accompanied by a friend. Students may not be represented by an external organisation. The accompanying person may not be a practicing solicitor or barrister. Under no circumstances shall the costs be re-claimable, save for expenses in exceptional cases.
- 10.1.3 A copy of the investigation report.
- 10.1.4 A statement to the effect that witnesses may be called in support of the allegation and that the student has the right to call witnesses on his/her behalf.
- 10.1.5 Copies of any documents to be considered in connection with the allegation, including any signed and dated statements.
- 10.1.6 A statement as to whether the student requires any reasonable adjustments.
- 10.1.7 Details of the date, time and place of the hearing and those who will be present.
- 10.1.8 Reference to the relevant professional body requirements, if appropriate.
- 10.2 The student will be requested to submit a statement about the allegation(s) not less than 5 working days prior to the hearing. This will be circulated to all members of the Panel and the student's friend or representative.
- 10.3 A student who intends to be accompanied will inform the Secretary of the name of the person accompanying him/her in writing in advance of the meeting.
- 10.4 All participants (the student, Panel members, and representatives of the School) should receive the same papers.
- 10.5 The Chair will satisfy him/herself that the student has been sent all of this information before he/she allows the hearing to go ahead.
- 10.6 Should a student notify the Chair of the Panel in advance of the hearing that s/he is unable to attend the hearing on the scheduled date, normally only one further attempt to reschedule the hearing shall be made.
- 10.7 If a student does not attend the hearing and does not communicate the reason for their non-attendance, the Chair will consider whether the hearing should proceed in the absence of the student by taking into account the seriousness of the allegations and whether they could lead to enforced deferral, expulsion or a further period of suspension, in accordance with these Regulations.
- 10.8 Where a student has provided a reason for their non-attendance, the Chair of the Panel will consider whether in all the circumstances the reason provided is reasonable and if the hearing should be reconvened or the hearing should proceed with the written evidence.

11 Conduct of the Panel

- 11.1 The Fitness to Practise Panel shall consider the following:
 - 11.1.1 The impact or relevance of the student's action on their suitability to continue to study on a professional course leading to practitioner registration;

- 11.1.2 The student's suitability to undertake professional practice;
- 11.1.3 The risk in the practice area if the student has a physical or mental health condition;
- 11.1.4 For students who are already registrants, to consider their suitability to remain on their professional Register.

12 The Hearing

- 12.1 The Chair will open proceedings and will:
 - 12.1.1 Explain the purpose and the possible outcomes of the hearing if the allegation is upheld;
 - 12.1.2 Establish the names and identities of everyone present at the hearing and confirm the names of all witnesses who will be supplying evidence;
 - 12.1.3 A record shall be kept of all persons attending the hearing and whether or not the student has elected to be accompanied by a friend or representative in accordance with these Regulations, or if the student has failed or declined to attend the hearing and the Chair's decision, including the reasons for it;
 - 12.1.4 If the allegations involve several students, the Chair may decide to hear the allegations at one hearing subject to their being no reasonable objection from the student(s) or their representative(s).
- 12.2 The Chair will invite all parties except witnesses into the room.
- 12.3 Where witnesses are to be heard they are only to be present for the duration of their own evidence.
- 12.4 The Panel will not have access to the student's previous record unless and until the allegation has been upheld.
- 12.5 The hearing will be conducted fairly but will not seek to replicate a court of law and will ensure that all relevant facts are considered by the Panel and a suggested procedure is as follows:
 - 12.5.1 The Chair will explain the purpose of the hearing and the extent of his/her delegated powers in taking decisions on behalf of the Institute ;
 - 12.5.2 The Chair will explain the penalties which are possible outcomes of the hearing if the allegation is upheld as set out in Section 13;
 - 12.5.3 The Chair will request the Course Leader or nominee to present the case against the student, including submission of written or verbal statements from witnesses;
 - 12.5.4 The Fitness to Practise Panel and the student and their representative will be given the opportunity by the chair to address questions to the Course Leader, or ask for points of clarification.
 - 12.5.5 The Course Leader will then leave the hearing but remain available for the purposes of clarification.

- 12.5.6 The key witnesses submitting written statements should be in attendance to answer any questions unless there are exceptional circumstances or the parties agree otherwise;
 - 12.5.7 The Panel may be given the opportunity by the Chair to address questions any of the witnesses;
 - 12.5.8 The Chair will request the student or their representative to present their case, including submission of written or oral statements from witnesses;
 - 12.5.9 The Chair may ask questions of anyone present at the hearing at any time for the purposes of clarification; the Panel members should direct any questions they wish to ask at the hearing through the Chair.
- 12.6 The Chair will invite the student or, where the student requests it, his/her friend or representative to make a final statement.
 - 12.7 The Chair will then ask everyone except the members of the Panel to withdraw from the room.
 - 12.8 The Chair may adjourn the hearing where further evidence or information is required at any time and shall communicate the rationale for the amendment of procedure to the student.

13 Decision of the Panel

- 13.1 Once the Panel has reached its decision, the student and his/her friend or representative, and the Course Leader may be invited back into the room and the Chair will announce whether or not the allegation has been upheld.
- 13.2 Where the allegation against the student has been upheld the Chair of the Panel may re-convene the meeting with the Panel members to determine the outcome of the hearing and inform the student in writing of the decision of the Panel within five working days of the Hearing.
- 13.3 Where the Panel has upheld the concerns, the student's file/record will be made available to the Panel at this stage along with a short summary of the student's current academic position which has been obtained by the Course Leader. In arriving at a decision, the Panel will take account any previous suitability to practise issues that may have been investigated previously and the decision(s) made in respect of this.
- 13.4 The Chair of the Panel will sign the written record of the decision of the panel and, the record will be kept by the Academic Registry and a copy will be placed on the student's file.
- 13.5 The Panel need not be unanimous in its decision, but should base its decision on the majority view. Where there is not a majority view, the Chair will have the casting vote.
- 13.6 The Panel must reach a decision based on the balance of probabilities, based on the facts available at the time.

14 Outcomes and Penalties

- 14.1 The Fitness to Practise Panel shall have the power to decide on one or more of the following outcomes:
- 14.1.1 Defer a decision pending the receipt of further information or advice;
 - 14.1.2 No further action;
 - 14.1.3 Permit the student an extended period of placement with the same provider;
 - 14.1.4 Permit the student a new placement with the same or a different provider;
 - 14.1.5 Enforced deferral of studies while receiving therapy/counselling/medical treatment. In such cases, students shall be asked to provide evidence of suitability to resume study and professional practise before being re-admitted to their course (a student may be referred to an appropriate Occupational Health adviser for this purpose);
 - 14.1.6 Require the student to provide a written undertaking that the Student Code of Conduct and Academic Regulations will be observed for the remainder of the student's studies;
 - 14.1.7 Require the student to apologise in the appropriate manner to any person;
 - 14.1.8 Require the student to sign a contract for good behaviour/conduct;
 - 14.1.9 Notify the relevant Professional Statutory or Regulatory Body where required;
 - 14.1.10 Permit the student to continue on the course, either unconditionally, or subject to such requirements relating to the course as may be reasonably imposed;
 - 14.1.11 Require the student to repeat a specified part or parts of the course, as permitted;
 - 14.1.12 Withdraw the student permanently from further study on the course;
 - 14.1.13 Recommend to the Manager that the student is suspended either for a specified period of time, or until specified conditions have been met (not exceeding 12 months);
 - 14.1.14 Recommend to the Manager that the student is expelled from the Institute ;
 - 14.1.15 Exclude the student indefinitely from enrolling on any other award with professional requirements within the Institute ;
 - 14.1.16 Exceptionally, recommend to the Academic Board that an award already made is withdrawn.

This list is not exhaustive and the Panel may agree other outcomes as appropriate and relevant to the particular case.

15 Notification of the Panel's decision to the student

- 15.1 The student should be notified in writing of the Panel's decision within 5 working days of the outcome of the Panel meeting. The student should be notified of the right of appeal and of their right to guidance.
- 15.2 The Secretary to the Panel has responsibility for notification of the outcome of the Panel to all relevant parties.

16 Record of the meeting

- 16.1 The Secretary to the Panel shall produce a formal record of the meeting, to include:
- 16.1.1 The nature of concerns about a student's Fitness to Practise;
 - 16.1.2 The evidence considered and the weight given to it;
 - 16.1.3 The Panel's decision;
 - 16.1.4 The reasons for the decision.
- 16.2 The record of the meeting will be retained on record. Any information received as part of the hearing will also be retained apart from where the information includes details of a criminal conviction, where only summary information of the conviction and the Panel's decision will be retained.
- 16.3 All information will be retained in accordance with the Data Protection Policy and the **Student Privacy Notice**
- 17 Right of Appeal**
- 17.1 The student has a right of appeal against the decision of the Fitness to Practise Panel in accordance with these Regulations. Refer to the Academic Regulations under the section Appeal Regulations.
- 17.2 If the student makes an appeal under the above Regulations, any decision of the Fitness to Practise Panel will not take effect until a decision on the appeal has been taken, although a suspension may be maintained until the end of the appeal process.
- 17.3 A student who not satisfied with the outcome of the appeal provided by the Institute may submit a complaint to other authority..