

P980 Higher Education Fitness to Practise

1. INTRODUCTION

For courses which qualify students for professional accreditation by another organisation, we have a duty to protect the public by setting standards for professional practice, overseeing the education of students and taking action when we doubt whether they are fit to practise. For PRC this will mainly be teaching qualifications due to the safeguarding and Prevent implications. There are stringent DBS requirements for teaching/assessor qualifications. It should be noted effective Initial Advice and Guidance will ensure gate keeping to prevent those with criminal convictions/issues highlighted in the list in Section 9. However, while on programme there may be a necessity to invoke this policy.

2. PURPOSE

This policy applies if concern is raised about your fitness to practise. It is designed to make sure that we take appropriate action in the best interests of the public, the profession and you.

3. SCOPE

All Higher Education provision offered by PRC under direct and franchise arrangements as defined by QAA (Quality Assurance Agency). This applies to both UK/EU and International students

4. RELATED DOCUMENTS

P800 Academic Appeals
P981 HE Complaints Process

5. RESPONSIBILITIES

Fitness to Practice Committee

Constitution

The committee is made of :

- Academy Director
- Two members of PRC Staff
- One UCP/one PRC Academy Manager/Academic Staff (who must have teaching qualifications)
- An independent member (student, Representative or Ambassador) who is not a current member of staff or a current student of UCP or PRC on the same programme

The Academy Director will normally have responsibility for the student's course of study. If more than one Academy Director has responsibility for the student's course, the Directors together will decide which of them will act in the matter. The two members of staff and the independent member will be members of the profession which accredits your course of study or will be suitably qualified in the reasonable opinion of the Principal.

Quorum

The quorum is the minimum number of committee members needed to make decisions. For this committee the quorum is three. If fewer than three committee members are present and notice has been properly given, the secretary will call another meeting, normally within 20 days.

Chairman -The Chairman will be the Academy Director

Secretary - The Director of Quality (or their nominee) is the secretary to the committee

Attendance

The Student Officer or their nominee, who must be another elected full-time officer of the Student Council, will have the right to be at sittings of the committee when evidence is taken, but not during the committee's decision. The Student Officer or their nominee may not attend if you object

6. RISK ANALYSIS

This policy is required to ensure that correct procedures are in place and documented by all involved in the handling of complaints, both formal and informal, for higher education students.

Analyse risks of non-adherence to this policy

Risk to the profession and failure to adhere to safeguarding guidelines. Poor student satisfaction and impact on annual return from OIA. Poor external stakeholder

perception and potential financial costs and compensation. Failure to demonstrate effective enhancement. Failure to achieve position outcome from a Higher Education Review, HEFCE Assurance Review and the likelihood of additional scrutiny.

Staff training needs

Initial and refresher training to be made available to staff

Compliance with this policy reduces the risks described above

7. EQUAL OPPORTUNITIES IMPACT ASSESSMENT

All new policies must undergo an Impact Assessment. Failure to do so will result in the policy not being approved. A template Equality Impact Assessment form is available on [J:\Policies\Equality impact assessment \(2\).doc](J:\Policies\Equality impact assessment (2).doc)

Section one: Screening for impact consists of three pages (this is mandatory and must be signed and dated and attached to the new policy)

Section two: Full assessment (this only needs to be completed if there are equality issues within the Policy)

8. DATA PROTECTION

This policy requires the college to collect, store and process personal data in accordance with the terms of its data protection registration.

9. PROCEDURE

Introduction

- a For courses which qualify students for professional accreditation by another organisation, we have a duty of care to protect the public by setting standards for professional practice, overseeing the education of students and taking action when we doubt whether they are fit to practice
- b This policy applies if concern is raised about your fitness to practise. It is designed to make sure that we take appropriate action in the best interests of the public, the professional and you.

Possible issues which could cause concern

Issues which could cause concern will vary from profession to profession but may include:

- criminal convictions against children/young people/vulnerable adults

- the relevance of information previously not declared which raises questions of your suitability;
- allegations of inappropriate behaviour;

Procedure for dealing with a concern

- a** If there is, for whatever reason, concern about your fitness to practise, this must be reported to PRC Executive Director of Students.
- b** The Executive Director of Students will investigate the concern. In the first instance they may liaise with the Local Authority Designated Officer (LADO) and/or local Prevent nominee.
- c** If, as a result of the investigation, the Executive Director of Students considers that there are reasons for calling a meeting of the Fitness to Practise Committee, they will pass, to the committee secretary, a written statement with the reason for concern.
- d** Once the Executive Director of Students has lodged a concern with the Committee Secretary, you may (subject to advice from LADO) continue with your course, without affecting the outcome of the hearing, as long as you do not put yourself or others at risk. The final decision on whether you can carry on attending classes or a placement will be with the Principal.

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

- a** The committee secretary will refer the concern to the Fitness to Practise Committee.
- b** At least seven working days before the hearing, the committee secretary will give to the Director of Studies and to you, two copies of any documents which are to be placed before the committee.
- c** The committee secretary will do the following.
 - c1** They will call a meeting of the committee, normally within 20 working days from the day on which they receive the written statement in section 3c above.
 - c2** They will ask you if you object to the Student Officer (or someone the Student Council chooses, who must be another elected officer of the Student Council) being at the meeting of the committee.
 - c3** At least 15 working days before the meeting, they will give notice to the Executive Director of Students and the Student Officer of the date, time and place of the meeting.

c4 At least 15 working days before the meeting, they will give you notice in writing and by hand or if this is not possible by recorded or special delivery to your last known address. The notice will give details of:

- the reasons for concern;
- the date, time and place of the committee hearing;
- your right to be heard at the hearing;
- your right to be accompanied by a friend (who may not also be a witness) or by a representative of the Student Council;
- your right to provide a written statement or written evidence for the committee to consider (this must be received at least two working days before the hearing);
- your responsibility to let witnesses know about the hearing and to make sure they attend; and
- your responsibility to let the committee secretary know, as soon as possible and at least two working days before the hearing, the names of the witnesses you plan to call and, if you want to be accompanied by a friend, the name of the friend or name of the representative of the Student Council.

The hearing

a The chairman will be the Academy Director. The chairman may invite other people to be at the hearing for the purpose of maintaining security or safety.

b The committee secretary (Director of Quality) will keep a record of the proceedings and may, for this purpose, appoint a recording clerk.

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

d Evidence will be taken in the following order.

- From the Executive Director of Students
- From witnesses called by the Executive Director of Students
- From you or your friend or representative of the Student Council.
- From your witnesses

The Executive Director of Students will then give a final statement.

You or your friend or representative of the Student Officer will then give a final statement.

e The committee can put questions to anyone at the hearing.

f You and the Executive Director of Students will have the right to be present when evidence is taken and you can put questions to the witnesses and to each other. However, you cannot ask any questions after each other's final statement.

g The Student Officer depending on 4c2, can be present when evidence is taken but not during the committee's decision.

h If you do not appear at the hearing, the committee may deal with the matter without you, as long as they are satisfied that the committee secretary (Director of Quality) has given proper notice to you of the hearing.

i The committee will sit in private to make its decision. The Committee Secretary (Director of Quality) will be present.

j If you go to the hearing, the committee will endeavour to give you their decision at the end of the hearing. Normally within five working days, the Committee Secretary (Director of Quality) will inform you in writing of the committee's decision, and let you know that you have a right to appeal against the decision, to the Governors. If you want to use this right, you must give notice to the Secretary and Clerk to the Governors within 10 working days of the date of the committee's decision.

k After sending you notice of the committee's decision normally within 10 working days, the Committee Secretary (Director of Quality) will send you a set of formal minutes taken at the hearing.

Powers

a The committee will, by majority, have the power to:

a1 decide that there are no reasons for concern; or

a2 decide that there are reasons for concern, but they are not serious enough to recommend that you are not fit to practise (in this case, the committee may recommend to the Principal a course of action to take); or

a3 decide that you are not fit to practise and recommend to the Principal that you withdraw from your course at this college (unless there is a reasonable alternative).

Appeal

You will have the right of appeal to the Board of Governors as shown in Appeals Committee Procedure for appeals by students. We will only consider appeals if the student claims alleged maladministration

Appeals Committee

- A member of PRC Board of Governors
- Two other members who are either members of the Board of Governors or former members of the Board of Governors
- Staff Governors, Student Governors and the Principal cannot serve as members of this committee

The aims of the committee are to:

- 1 consider, hear and decided on appeals in line with procedures approved by the Board of Governors.
- 2 confirm, cancel or amend decisions which are referred to the committee in line with appeals procedures approved by the Board of Governors
- 3 consider, hear and decide on appeals to do with maladministration when applying centre rules, regulations or procedures; and
- 4 use all powers shown above, for complaints or appeals made to the committee by students of regional HE member institutions in line with the rules of those institutions

The committee will not deal with appeals which dispute the academic or professional judgement of a member of our staff or an external examiner.

Quorum

The quorum will be three members of the committee

Rules for the committee

The committee will be governed by the rules for the committees of the Board of Governors.

Chairman

The chairman will be elected from among the members of the committee and procedures as set out in Policy P800 Academic Appeals will be adhered to.

Decision

- 10** The decision of the appeals committee of the Board of Governors will be final. However, you may have a right of complaint to the Office of the Independent Adjudicator and your rights as an individual in law.