

Fitness to Practise

Further & Higher Education Policy

Effective from: December 2021

Version Number: I

1. Purpose

- 1.1 The purpose of this policy is to outline the appropriate procedures that DN Colleges Group (DNCG) staff ought to take when concerns are raised regarding a student's academic engagement and/or fitness to practise in relation to training in vocational and professional occupations including those with a licence to practise.
- 1.2 The policy primarily applies to students studying on courses which lead to a professional qualification where there are statutory or professional or regulatory body requirements relating to health or behaviour or attitudes. However, there are forms of behaviour expectations, processes and penalties that all students are expected to adhere to, to ensure that they conduct themselves appropriately and that they do not damage the reputation of DNCG or their validating University partners, qualification providers and other partners.
- 1.3 These regulations apply to enrolled students at DNCG, and not to applicants, where other procedures apply, although issues about applications may be considered under these regulations for students who are enrolled.
- 1.4 DNCG has a commitment to ensure that students are fit to practise in the relevant profession and that they meet the professional standards of the relevant professional, statutory or regulatory body. We will ensure that students are made aware of any concerns about fitness to practise and that any decisions about this are arrived at through a fair and transparent process. At DNCG we are committed to ensuring that we are mindful of our obligation to safeguard the public interest, i.e., protection of patients and children, maintenance of public confidence in professions and upholding proper standards of conduct and behaviour.
- 1.5 Issues considered under this policy include those relating to health, behaviour or attitude and professional standards associated with the learning programme which may affect fitness to practise in the relevant profession. These concerns may arise inside or outside of DNCG and may be brought to our attention by any person or organisation. There may be particular processes in curriculum areas for reporting issues from placement providers, however under these regulations any issue which merits attention could be considered.
- 1.6 Where issues may be considered under another policy as well as this one, for example, Student Disciplinary, the most appropriate procedure will be used, taking into account fairness to students, the scope and purpose of the regulations and DNCG's responsibility to professional, statutory and regulatory bodies. It may be appropriate for the outcome of any proceedings under one set of regulations to be taken into consideration under another set of regulations.
- 1.7 Decisions made under this policy may not be changed by external stakeholders unless this relates to HE students and the relevant University policy applies.
- 1.8 The impact of any concerns about fitness to practise will be decided in the context of the particular professional standards of the relevant professional, statutory or regulatory body applying to the specific programme of study.

- 1.9 DNCG are responsible for making students aware of the relevant professional standards. Students have a responsibility for familiarising themselves with the relevant professional standards and meeting the requirements.
- 1.10 Students will be required to self-report on matters relating to health, behaviour or attitude for example, and where they are the subject of criminal justice processes or employee/student disciplinary processes. Such requirements may be profession specific, and you will be made aware of these in course specific documentation. If students fail to self-report as required, this may lead to action under these regulations.
- 1.11 DNCG may start proceedings under these regulations up to six months after you have ceased to be a student at DNCG, if there is a serious concern raised. If you withdraw from the programme after the proceedings have started, we may continue the proceedings. This policy is written in line with DNCG Statement of Intent which identifies a commitment to core values, safeguarding, health safety and welfare, equality and diversity and GDPR.

2 Scope

- 2.1 The scope of the policy is to outline the appropriate procedures that DNCG staff ought to take when concerns are raised regarding a student's academic engagement and/or fitness to practise. The term student includes those on apprenticeships and Higher Education.
- 2.2 Those investigating or making decisions at any stage of the proceedings set out in the policy will do so impartially.
- 2.3 Any issues raised under the policy will be dealt with promptly, sympathetically and with respect for privacy and confidentiality. Information will only be disclosed to other parties as is necessary for the investigation of a case, or for safeguarding reasons, or as required by law, or as is required by the relevant professional, regulatory or statutory body.
- 2.4 Action under the policy will be initiated promptly following the receipt of allegations or the emergence of relevant issues of concern. Such action will be completed as quickly as possible balancing the need for a thorough investigation and a fair process with the desirability of a speedy outcome. You will be informed of progress in general and, in particular, of any delays.
- 2.5 Where the placement provider informs DNCG that they are no longer prepared to accept a student for training because of concerns about fitness to practise, we will confirm to the student that they should no longer attend the placement. A decision will be made whether an investigation is required under these regulations. If appropriate DNCG may request to place you back with the placement provider or seek to find you an alternative placement. Delays to attendance on placement may occur pending investigation and conclusion of Fitness to Practise (FTP) cases. This means the length of time taken to complete your award could increase and there will be a number of implications of this including fees, funding and visa implications.
- 2.6 Where concerns have been raised with DNCG which, if substantiated, could mean there is a potential risk to the wellbeing of other students and staff, or the clients or staff of a placement provider, or to your own wellbeing, you may be suspended from DNCG generally pending

investigation under this policy. Suspension may also be considered if it was deemed that a thorough investigation of the case would be difficult to conduct if you were continuing on the programme without any restriction or limitation. In the event of a suspension the student will be provided with details of the DNCG Suspension procedure.

- 2.7 When a concern is raised at DNCG, a senior member of the team will decide whether or not to instigate a FTP investigation. It may be decided that the issues can be dealt with under the informal stage of the Student Disciplinary Regulations, for example, attendance issues. At all stages of this procedure, you can bring someone with you to any meetings held to assist you in presenting your case. You are advised to contact the Student Support Centre regarding being accompanied at the meeting. You are not permitted to have someone from the legal profession employed to work on your behalf at the meeting. We do not imitate the legal justice system and we believe that legal representation is unnecessary for both you and DNCG.

3 Consultation

- 3.1 Members of SLT, Safeguarding Group, academic teams and students were consulted in the drafting of this policy.

4 Definitions and/or Relevant Legislation

- 4.1 The DN Colleges Group recognises its compliance in respect of the following associated legislation alongside associated codes of practise:
- The Human Rights Act 1998
 - The Counter-Terrorism and Border Security Act 2019
 - GDPR 2018
 - Freedom of Information Act 2000
 - 2014 Amendments to the Rehabilitation of Offenders Act 1974
 - The Prevent Duty 2015 and the Revised Prevent Guidance 2019

5 Roles and Responsibilities

- 5.1 All members of the DN Colleges Group community have a responsibility to implement this policy in line with the DNCG ASPIRE Values.
- 5.2 The College is fully committed to all aspects of Equality, Diversity and Inclusion (EDI) as they relate to and impact on all stakeholders. The College recognises that diversity is a positive attribute and by placing EDI at the heart of the organisation, the College embraces and reflects all the many aspects of the diverse workforce and student/apprentice population.
- 5.3 The College fosters an environment where all can participate fully and will take into account its obligations regarding, the promotion of equal opportunities and prevention of discrimination, including bullying, harassment and victimisation on any grounds including the nine legally

protected characteristics, and its duties associated with preventing people from being bullied, harassed or victimised.

5.4 Every employee has a responsibility to:

- Take responsibility for their own behaviour and change it if necessary, bullying, harassment and victimisation are not acceptable. This means not ignoring a complaint from anyone who claims they find a colleague's behaviour harassing or bullying, even if such behaviour would not have been offensive to them and they did not intend to offend anyone.
- Failure to take complaints seriously or to change behaviour may lead to disciplinary action.
- Speak out if they witness or are aware of bullying, vindictiveness, verbal or physical aggression – and not assume that it is someone else's responsibility.
- Question their own fears, prejudices and assumptions.
- Familiarise themselves with the responsibilities placed on them by this policy.

5.5 The Quality and People Services teams are responsible, in line with their specific roles, for recording complaints of bullying, harassment and victimisation raised by staff/others, for reviewing outcomes and trends, and for keeping a watching brief on anybody who has been a victim of harassment or bullying or who may be vulnerable to it, so that they are not exposed to inappropriate treatment.

5.6 Line managers and leaders should ensure that they and their staff understand the policy and deal swiftly with any instances of perceived or reported bullying, harassment and victimisation in line with this policy.

5.7 Where appropriate, service providers/contractors working on campus must ensure that both they and their staff understand the policy and their responsibilities.

5.8 DN Colleges Group integrates EDI within all policies and its strategic objectives and core values. The delivery of a strategic approach through procedures and policies is in line with statutory requirements. The College performs well in the context of EDI. It provides a safe, inclusive, welcoming and respectful environment and EDI are effectively promoted.

5.9 The College will ensure that action is taken to combat perceived incidents of bullying/harassment and victimisation and promote EDI. This policy will be reviewed regularly to ensure continued effectiveness in the handling of perceived bullying, harassment and victimisation.

6 The Policy

6.1 There is a separate procedure document 'that DNCG staff will refer to when concerns are raised regarding a student's academic engagement and/or fitness to practise.

6.2 **Right of Appeal**

Students have the right to appeal a decision of the FTP Panel within the grounds and timescales set out in the DNCG's Appeal Policy and Procedure.

6.3 **Monitoring and Reporting**

Where appropriate the outcome of the FTP Panel will be reported to the relevant professional or statutory or regulatory body after an appeal has been heard or after the period for making an appeal has elapsed. You will be informed in advance of the intention to report, the scope of the report and the body or bodies to whom the report will be made.

DNCG will publish an annual report based on anonymised cases and any appeals. Its findings will be incorporated into the internal and external annual reviews that are undertaken at DNCG of quality and standards. The monitoring will include monitoring of students going through the procedures by ethnic origin, gender and disability in accordance with the duties to promote racial, gender, and disability equality.

7 **Relevant Policies and Procedures**

- DNCG Safeguarding Policy
- DNCG Equality, Diversity and Inclusion Policy
- DNCG Customer Compliments and Complaints Procedure
- DNCG Prevention of Bullying, Harassment and Victimisation Policies (for staff, volunteers, subcontractors, students and apprentices)
- Human Resources Policies
- DNCG On-line safety Policy
- DNCG Social Media Policy
- DNCG Data Protection and Freedom-of-information Policy
- DNCG Freedom of Speech Policy
- DNCG Staff Code of Conduct
- DNCG Whistle-blowing Policy
- DNCG Health and Safety Policy
- DNCG Disciplinary Policy – Students and Apprentices

8 **Who to contact with Queries**

8.1 Sally Senior, Head of Equality, Diversity and Inclusion sally.senior@don.ac.uk

Karen Dainty, Associate Director of Higher Education (Widening Participation)
karen.dainty@don.ac.uk

9 **Communication**

9.1 All staff will be made aware of the policy on commencement of employment as part of the induction and updated via staff training sessions.

Students will be made aware of the policy at Induction and be available on the student VLE.

The policy will be available on staff intranet.

The policy and procedure will be monitored and revised as needed through the Equality and Diversity Group. All changes will be updated and communicated to all staff.

10 Authorisation

Policy Holder: Assistant Principal, Quality, Teaching, Learning & Assessment

Committee Group: SLT

Authorisation Date: 8 December 2021

Next Review Date: December 2024

11 Version Control

Version Number	Effective From	Review Date
Version 1	8 December 2021	December 2024