

**FITNESS TO PRACTISE POLICY**

**UNIVERSITY COLLEGE CORK**

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## 1. INTRODUCTION

1.1 To describe an individual as 'Fit to Practise' in the context of certain professions is to say he or she possesses the attributes considered necessary in an individual to allow that individual to practise as an independent practitioner in their relevant profession. Fitness to practise policies and procedures are needed to ensure that, in addition to having achieved the required academic standard to undertake programmes that permit graduates to practise in a profession, individuals also:

- (a) Have the capacity to perform key skills and tasks (Core competencies);
- (b) Are healthy of body and mind so as to be able to practise their profession;
- (c) Conduct and behave themselves so as not to harm their service users (which term includes clients and patients) ("**Services Users**") or put them at risk;
- (d) Conduct and behave themselves in a manner likely not to harm the reputation of their profession.

1.2 The responsibility for registering an individual as Fit to Practise lies with the professional registration body of the relevant profession. However, as part of their University Programme, students are required to undertake placement and training that involve Service Users. Since it is of over-riding importance to protect Service Users from harm and to maintain the trust and confidence of the general public in the professions and the University, it is vital that students are deemed fit to practise on placement.

## 2. STUDENTS SUBJECT TO THIS POLICY

2.1 Academic Council shall determine on an annual basis which students registered on Programmes in Schools from the disciplines listed below are subject to this Policy, and students subject to this Policy shall be required to read and accept the Fitness to Practise requirements relevant to their Programme at registration and annually thereafter at re-registration.

2.2 Schools offering a UCC Programme from the disciplines listed below are required to inform Academic Council of all Programmes offered that involve interaction with Service Users and lead to a qualification that is required for registration with a professional body.

| School                       | Discipline(s)                           |
|------------------------------|---|
| Applied Psychology           | Clinical Psychology                     |
| Applied Social Studies       | Social Work<br>Youth and Community Work |
| Clinical Therapies           | Clinical Therapies                      |
| Dentistry                    | Dentistry                               |
| Education                    | Teacher Education                       |
| Food and Nutritional Science | Human Nutrition and Dietetics           |
| Medicine                     | Medicine<br>Radiography                 |
| Nursing and Midwifery        | Nursing and Midwifery                   |

2.3 Schools which offer programmes which involve interaction with Service Users but which do not yet lead to a qualification that is required for registration with a professional body, may apply to Academic Council approval to make their students on those Programme(s) subject to this Policy, if and when a system for registration with a relevant Professional Body is in place.

2.4 The list of programmes governed by this Policy shall be reviewed annually by Academic Council.

### **3. PRINCIPLES UNDERLYING FITNESS TO PRACTISE**

#### **3.1 Legislation and Codes of Conduct**

In matters relating to a student's Fitness to Practise the University is guided by relevant existing legislation as may be amended from time to time. This policy is subject to the provisions of the Equal Status Act 2000 -2015. The University is also guided by codes of conduct from relevant professions.

#### **3.2 Core Competencies**

Professional Practise involves more than the possession of knowledge about a subject or area of practise. It also involves the possession of skills and the ability to complete profession-specific tasks. These core competencies are specific to the programme of study and the list of these core competencies as well as the standard or level of performance needed to be achieved in these competencies to be deemed Fit to Practise need to be clearly outlined by each Programme and endorsed by Academic Council. The list of core competencies is to be made available to students in relevant University publications.

#### **3.3. Health Matter**

Good health in the context of Fitness to Practise means that an individual's health status is such that they are well enough to undertake safe and effective practise under supervision. Good health does not necessarily mean the absence of any disability/specific learning difficulty or health condition. Many people with health conditions or disabilities or specific learning difficulties are able to practise with or without adjustments to support their practise, and are legally supported in this by the Equal Status Act 2000 – 2015. However, individuals may be rendered incapable of safe and effective practise 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 a health and/or disability issue, as well as ensuring protection for Service Users, the University shall require all students subject to this Policy to make a declaration as to any concerns the student

may have as to their own fitness to practise that arises from a health concern at first registration, and thereafter annually at registration and between these intervals in the event that a student's health status changes, or a disability or a level of disability emerges during the course of an academic year (see Section 7 below).

#### **3.4 Conduct Matter**

Certain acts of misconduct and behaviour have the potential to directly harm Service Users. Misconduct and poor behaviour also has the potential to harm the reputation of the University and the professions. This may damage and undermine public confidence in the ability of the profession/University to undertake its

professional responsibilities. A pattern of behaviour/misconduct, a series or sequence of events or a single act of serious misconduct or misbehaviour may be considered as causing concern as to an individual's Fitness to Practise, and so be subject to assessment under this Policy.

Each School /Academic Unit shall detail standards of behaviour and conduct expected of their students subject to this Policy and to indicate conduct or behaviour which is likely to indicate concern as to a student's Fitness to Practise.

If a student has a criminal conviction (or prosecution pending) prior to or during their enrolment at UCC and/or a disciplinary sanction from the University or other relevant external organisation, this will not necessarily give rise to Fitness to Practise proceedings, but it may do so. The University shall require students to declare if they have any criminal conviction (or prosecutions pending), at first registration, and annually at registration thereafter and between these intervals in the event that a criminal conviction is incurred by them during the course of an academic year (see section 7 below). Failure to do so may be sufficient grounds to cause concern as to their Fitness to Practise.

UCC may also give consideration to information disclosed to it through the UCC Student Vetting procedures in the event that it relates to a student's fitness to practise.

### **3.5 Child Protection**

Operation of this Policy shall be consistent with the requirements of UCC Child Protection Policy. Please note that the UCC Child Protection Policy defines a child as someone under 18 years of age (excluding a person who is or has been married) and regard should be had to the provisions of that policy when dealing with persons under this Fitness to Practise Policy (See Appendices A & B)

## **4. ESTABLISHMENT OF FITNESS TO PRACTISE COMMITTEES AND APPEALS COMMITTEE**

### **4.1 College Fitness to Practise Committees**

Each College of College with a programme listed at section 2.2 above shall establish a College Fitness to Practise Committee. The membership criteria, quorum and voting procedures for a College Fitness to Practise Committee are set out in Appendix C.

### **4.2 University Fitness to Practise Committee**

The Deputy President and Registrar shall establish a University Fitness to Practise Committee to (1) consider matters referred to it by College Fitness to Practise Committees, and (2) advise Academic Council on matters relating to Fitness to Practise in the University. The membership criteria, quorum and voting procedures for a College Fitness to Practise Committee are set out in Appendix C.

### **4.3 Appeals Committee**

Academic Council shall establish an Appeals Committee to consider appeals arising from a decision of a College Fitness to Practise Committee or the University Fitness to Practise Committee in accordance with Appendix H (*Appeals*). The membership criteria and quorum for the Appeals Committee is set out in Appendix I (*Constitution of Appeals Committee*).

### **4.4 Annual Reports**

Each School with programmes subject to Fitness to Practise shall submit an anonymised report to Academic

Council at least once annually

## 5. TEMPORARY SUSPENSION

5.1 The behaviour and actions of a student may be a cause of concern for the safety of the student and/or the safety of others, prompting consideration of the need to exclude the student from the University temporarily, pending further investigation and/or management of the situation under this Policy. If the Head of School/Academic Unit is satisfied that the matter is a Fitness to Practise issue and that the circumstances are such that it is in the University's or the student's wider interest, the Head of School/Academic Unit may contact the Deputy President and Registrar to allow him/her to decide if the student should be placed on temporary suspension pending the completion of the Fitness to Practise procedures under this Policy. Where it appears in the opinion of the Deputy President and Registrar that there are such grounds for concerns, then he/she, having sought such advice as he/she deems appropriate, shall be entitled to suspend a student on the basis that suspension is temporary and necessary to protect the University community having regard to the factors set out in Appendix E (*Temporary Suspension*).

## 6. EMERGENCY SITUATIONS

6.1 The safety of individuals is paramount. Occasionally, the behaviour or actions of a student can put themselves or others in proximate danger. It is important that appropriate, timely actions are taken in response. The steps illustrated in the flow chart at Appendix K are those recommended and are adapted from the Student Mental Health Policy. **In urgent/emergency** situations these actions may need to be taken before there is time to invoke the Fitness to Practise Policy. The fact that the University may invoke these procedures contained in the Student Mental Health Policy shall not prejudice its right to invoke the Fitness to Practise Policy.

6.2 The Student Mental Health Policy is intended to provide useful guidance and advice as to how to identify and support students in distress (See Appendix K – *Actions in Advising Students in Distress*)

## 7. SELF-DECLARED CONCERNS

*See Appendix A: For Graphical Representation/Flowchart Summary of the procedures for follow up and management of self-declared concerns.*

7.1 The University shall require all students subject to this Policy to make a declaration as to any concerns the student may have as to their own Fitness to Practise that arises from a health and/or a criminal matter as per sections 3.3 and 3.4 above. These shall be investigated and managed as follows:

7.2 Health Matter: If the self-declared concern(s) relate(s) to a Health Concern, the student will be required to complete and submit a Health Disclosure Form. The returned completed Health Disclosure Form details will be reviewed by an external Occupational Health Service Provider. The external Occupational Health Service Provider will then write to the Head of School/Academic Unit recommending either; (a) that no further Fitness to Practise action is necessary or (b) the concern can be addressed through informal/local supports/action; or

(c) the Head of School/Academic Unit invoke the Level 1 Response of the Fitness to Practise Procedures

(section 10 below).

7.3 Criminal Matter: If the self-concern relates to a criminal conviction (or prosecution pending), the matter will be notified to the University's Admissions Officer who will ensure that the concern is considered under the University's Student Vetting procedures for students, the outcome of which will be sent to the Head of School/Academic Unit. If the Head of School is still of the opinion that there is prima facie evidence that the student's Fitness to Practise may be impaired, the Head of School may decide to invoke the Level One Response of the Fitness to Practise Procedures (section 10 below).

## **8. LEVELS OF RESPONSE OF THE FITNESS TO PRACTISE PROCEDURES**

*See Appendices B: For Graphical Representation/Flowchart Summary of the procedures for follow up, investigation and management of reported concerns relating to fitness to practise*

8.1 Save for where there is a Self Declaration under Section 7 above (which shall be dealt with in accordance with Section 7), concerns reported about a student's Fitness to Practise shall firstly be considered by the relevant Head of School/Academic Unit who will determine, on a prima facie basis, whether the matter is (1) a Fitness to Practise issue, or (2) a breach of the student rules and therefore a disciplinary issue to be addressed under the Student Rules. In exceptional circumstances where the Disciplinary Committee are of the view that a

serious Fitness to Practise issue arises, the outcome of the Disciplinary procedure may be referred back to the Head of School/Academic Unit for consideration, who in turn may decide to invoke the Level 1 Response to Fitness to Practise (Section 10 below).

8.2 The Head of School/Academic Unit may consider that a concern can be addressed through informal/local supports/action. However, should the concern persist or the Head of School/Academic Unit decide that such low level support is not the appropriate course of action and he/she is of the opinion that there is prima facie evidence that the student's Fitness to Practise may be impaired, he/she may invoke the Level 1 Response to Fitness to Practise (Section 10 below).

8.3 Students who have had reports of concern/allegation(s) made regarding their Fitness to Practise have the right to be accompanied by a friend, UCC staff member, or UCC Student Union representative in a supportive capacity at each stage of the procedure. A student may request, in advance of a hearing, to have legal representation present. In such circumstances, the relevant Fitness to Practise Committee will consider such a request and make a decision on the matter.

## **9. REFERRAL TO HEALTHCARE PROFESSIONAL**

9.1 A student may be referred at any stage of this Fitness to Practise Policy to a relevant healthcare professional to include, but not limited to, an Occupational Physician, Psychiatrist and/or a Psychologist. Any such request for referral will be made through the relevant Head of School/Academic Unit, Fitness to Practise Investigator or relevant Fitness to Practise Committee (as appropriate) who will liaise with the external Occupational Health Service Provider to commission expert consultation and/or advisory services. The



Academic Secretary must be notified of such cases. The Student shall be obliged under this Policy to attend at such medical consultation and examination as required and shall cooperate with the healthcare professional concerned. Failure to attend or failure, in the opinion of the healthcare professional, to cooperate with any such healthcare professional shall be deemed to be a failure to cooperate with the University's procedures.

9.2 Reports from healthcare professionals under and for the purposes this Policy shall be made available to the Fitness to Practise Investigator, Head of School/Academic Unit (their Nominee where relevant) and/or the relevant Fitness to Practise Committee (as appropriate) when considering matters which come before him/her/them for consideration and/or decision.

## **10. LEVEL 1 RESPONSE OF THE FITNESS TO PRACTISE PROCEDURES**

10.1 A Level 1 Response has 2 Phases. It is expressly intended to be supportive of the student by providing for the development of an agreed management plan that will identify, and where possible arrange for the provision of support(s) that may assist the student resolve the issues that are of concern. The agreed Management plan establishes the means of monitoring and follow-up of the student's progress in addressing or resolving the concerns as to his/her Fitness to Practise.

10.2 Level 1 Response Phase 1, Investigation Phase: involves the Investigation of the concerns as to a student's Fitness to Practise and the submission of a Fitness to Practise Investigation Report to the Head of School/Academic Unit. **The Level 1 Response Phase 1 Procedure is as follows:**

- (a) Following his/her decision to invoke a Level 1 Response of these Fitness to Practise Procedures, the Head of School/Academic Unit initiates Phase 1 Investigation Phase and
  - i. Appoints a Fitness to Practise Investigator having regard to Appendix F1 of this Policy (Guidance for Schools in commencing an investigation);
  - ii. Raises a Note of Concern (see Appendix D);
  - iii. Notifies the student in writing of the nature of the concerns enclosing a copy of this Policy and advising the student on the procedure to be adopted;
- (b) The Fitness to Practise Investigator will undertake his/her investigation having regard to the procedural guidelines for the conduct of investigations at Appendix F1 to F3 of this Policy. The nature of the investigation will vary according to whether the concerns relate to:
  - i. Health Matter: If the concerns relate to a Health Concern, the student will be required to fill out a Health Disclosure Form unless the student has already completed a health disclosure form as part of the of self-declaration set out in section 7.2 above. The returned completed Health Disclosure Form details will be reviewed by Fitness to Practice Investigator who may refer the matter to an external Occupational Health Service Provider or other relevant healthcare professional in accordance with section 9.1 with a view to seeking a report in the opinion of the external professional the matter can be resolved through low level support

and/or (b) provide the results of the relevant external healthcare professional's professional assessment to the Fitness to Practise Investigator.

- ii. Conduct Matter: If the concerns noted relate to conduct and behaviour, the Fitness to Practise Investigator will undertake an investigation, consulting amongst others, the student him/herself, those individual(s) who have expressed concerns, university staff and clinical tutors and others as appropriate to allow the preparation of a Fitness to Practise Investigation Report
- iii. Criminal Concerns - If the concern relates to a criminal conviction (or pending conviction) the matter will be notified to the University's Admissions Officer who will ensure that the concern is considered under the University's Student Vetting procedures for students, the outcome of which will be sent to the Fitness to Practise Investigator.

(c) On completion of his/her investigation, the Fitness to Practise Investigator will submit the Fitness to Practise Investigation Report to the Head of School/Academic Unit, including relevant reports from the health professional or other opinions.

10.3 Level 1 Response Phase 2, Management Phase: involves the management of the concerns by the Head of School/Academic Unit (1) confirming that no ongoing Fitness to Practise concerns exist or (2) facilitating the development, implementation and review of an agreed Management Plan, or more rarely (3) arranging for the immediate escalation to a Level 2 Response by the convening of a College-Level Fitness to Practise Hearing.

**The Level 1 Response Phase 2 Procedure is as follows:**

- (a) On receipt of the Fitness to Practise Investigation Report the Head of School/Academic Unit will consider the Fitness to Practise Investigation Report, and shall decide:
  - i. that no ongoing Fitness to Practise concerns exist, The Note of Concern is to be closed and no further action is necessary under this Policy;
  - ii. the development of an agreed management plan with the student is required. In this case, the Note of Concern remains open and the concerns are to be addressed through support or other measures as described in the agreed management plan, with details of the arrangements for the monitoring and follow-up of the agreed management plan to be recorded on the Note of Concern. The Note of Concern remains open until the concerns are resolved, as determined by Head of School/Academic Unit;
  - iii. To escalate the matter and to invoke Response Level 2 of the Fitness to Practise Procedures and so convene a College Fitness to Practise Hearing.
- (b) The decision reached shall be notified to the student in writing by the Head of School. Where the decision is to invoke level 2 response with referral of the matter to the College Fitness to Practise Committee, the letter of notification shall be sent by registered post, shall clearly specify the concern/issue that shall be subject to consideration by the committee and shall include standard clauses concerning: (i) the right to make a representation to the Committee either orally or in writing if the student wishes.; (ii) the right to invite witnesses to attend the Hearing to substantiate the

student's representation; (iii) the right to be accompanied by a friend, colleague or representative; (iv) that independent advice may be sought from the Education Office of the UCC Student Union or the Student Adviser and Ombudsman and that such advice is confidential; (v) Enclosures including the Fitness to Practise Investigator's Report and appendices and other papers being submitted for consideration by the Fitness to Practise Committee.

## **11 LEVEL 2 RESPONSE OF THE FITNESS TO PRACTISE PROCEDURES**

11.1 A Level 2 Response is intended for circumstances where: (a) the Head of School/Academic Unit has considered the Fitness to Practise Investigation Report and believes that a College Fitness to Practise Committee should be convened to consider the concerns and to review the Fitness to Practise Investigation Report ; or (b) the Head of School/Academic Unit considers that a concern re FTP cannot or has not been resolved at or following a Level 1 Response and/or there are continuing concerns that have not been resolved by the implementation, or due to the failure to implement and/or agree an agreed management plan as part of a Level 1 Response.

11.2 The Investigation of any concerns as to a student's Fitness to Practise, and the subsequent hearing (if any) by the College Fitness to Practise Committee shall be carried out having regard to Appendix F4 (*Procedural Guidelines for Fitness to Practise Committees*).

11.3 The Fitness to Practise Investigator's report (including appendices) shall form the basis of the documentation to be considered by the Committee. A College Fitness to Practise Committees may consider evidence from a variety of sources in considering the concerns as to a student's Fitness to Practise, including the student, any open or previous Note of Concerns, as well as other sources. A non-exhaustive list of sources is available at Appendix G (*Materials Considered by Committees*).

11.4 The College Fitness to Practise Committee shall be competent to impose one or more of the following outcomes:

- (a) To permit the student to continue on a programme of study with no further action;
- (b) To recommend to the Deputy President and Registrar that he/she suspend the student from some or all of clinical attachment, practical placement, tutorials or lectures;
- (c) To permit the student to continue on the programme, subject to review, under certain conditions - for example mentoring by a named senior academic member of staff for a specified period;
- (d) To require a student to repeat certain parts of the programme of study.
- (e) To require a student to interrupt his/her programme of study for an unspecified period to give time to resolve a specific problem;
- (f) To dismiss and strike out from the record any allegations based on vexatious, false or malicious claims against the student;
- (g) To Invoke Level 3 Response of the Fitness to Practise Procedures and to refer the matter to the University Fitness to Practise Committee if it is considered that a student's Fitness to Practise may be so impaired as to mean that the student (i) may not be fit to progress to the next academic year or (ii) may be required to transfer to an alternative exit degree programme.

11.5 The College Fitness to Practise Committee is not empowered (i) to recommend that a student is not fit

to progress to the next academic year, or (ii) that the student should be required to transfer to an alternative exit degree programme. Fitness to Practise concerns that are, in the opinion of the College Fitness to Practise committee, likely to need either of these two outcomes, may be referred to the University Fitness to Practise Committee, by invoking a Level 3 (see section 11.4(g) above).

11.6 A student can exercise their right to appeal any of the above recommendations apart from a decision to refer the matter to the University Fitness to Practise Committee. The Appeals procedure is contained in Appendix H (*Appeals*).

## **12 LEVEL 3 RESPONSE OF THE FITNESS TO PRACTISE PROCEDURES**

12.1 A Level 3 Response is intended for circumstances where a College Fitness to Practise Committee has referred a student to the University Fitness to Practise committee, as the College Fitness to Practise committee considers that the student's Fitness to Practise may be so impaired as to mean that the student (i) is not fit to progress to the next academic year or (ii) is required to transfer to an alternative exit degree programme. A student is not permitted to appeal a decision to refer the matter to the University Fitness to Practise Committee.

12.2 The Investigation of any concerns as to a student's Fitness to Practise, and the subsequent hearing (if any) by the University Fitness to Practise Committee shall be carried out in accordance with Appendix F4 (*Procedural Guidelines for Fitness to Practise Committees*).

12.3 The Fitness to Practise Investigator's report (including appendices) shall form the basis of the documentation to be considered by the Committee. A University Fitness to Practise Committees may consider evidence from a variety of sources in considering the concerns as to a student's Fitness to Practise, including from the student, the Fitness to Practise Investigation Report, any open or previous Note of Concerns, as well as other sources. A non-exhaustive list of sources is available at Appendix G (*Materials Considered by Committees*).

12.4 The University Fitness to Practise Committee is empowered to recommend any one or more of the outcomes at 11.4 above, as well as any one or more of the following outcomes

- (a) To recommend to the Academic Council that the student's Fitness to Practise is impaired and that a student is not fit to progress to the next academic year. The student is required to undertake a Fitness to Practise remedial programme devised by the School/Academic Unit to address the Fitness to Practise issue(s) identified and be re-assessed to determine if his/her Fitness to Practise continues to be/no longer is impaired. The University Fitness to Practise committee shall review the case on completion of the Fitness to Practise remedial programme.
- (b) To recommend to the Academic Council that the Student's Fitness to Practise is impaired and that that the student should be required to transfer to an alternative exit degree Programme, that does not permit registration with the Professional body related to the original programme.

## **13. APPEALS**

A student can exercise their right to appeal all of the above outcomes. The Appeals procedure is contained in Appendix H (*Appeals*). No separate appeal exists in relation to a decision of Academic Council under this Policy.

Any appeal from a decision of the Fitness to Practise committee shall be in accordance with Appendix H.

#### **14. PROGRESSION**

To progress to the next academic year of their course, students subject to this Policy must be deemed to have achieved the required academic standard **and** be deemed Fit to Practise. A student is deemed Fit to Practise unless the University Fitness to Practise Committee has notified Academic Council otherwise at the time of consideration of end of year examination result

#### **15 REVIEW OF THIS POLICY**

The University Fitness to Practise Policy shall be reviewed at least once every two years and any recommendations of this review to be considered for approval by the Academic Council.

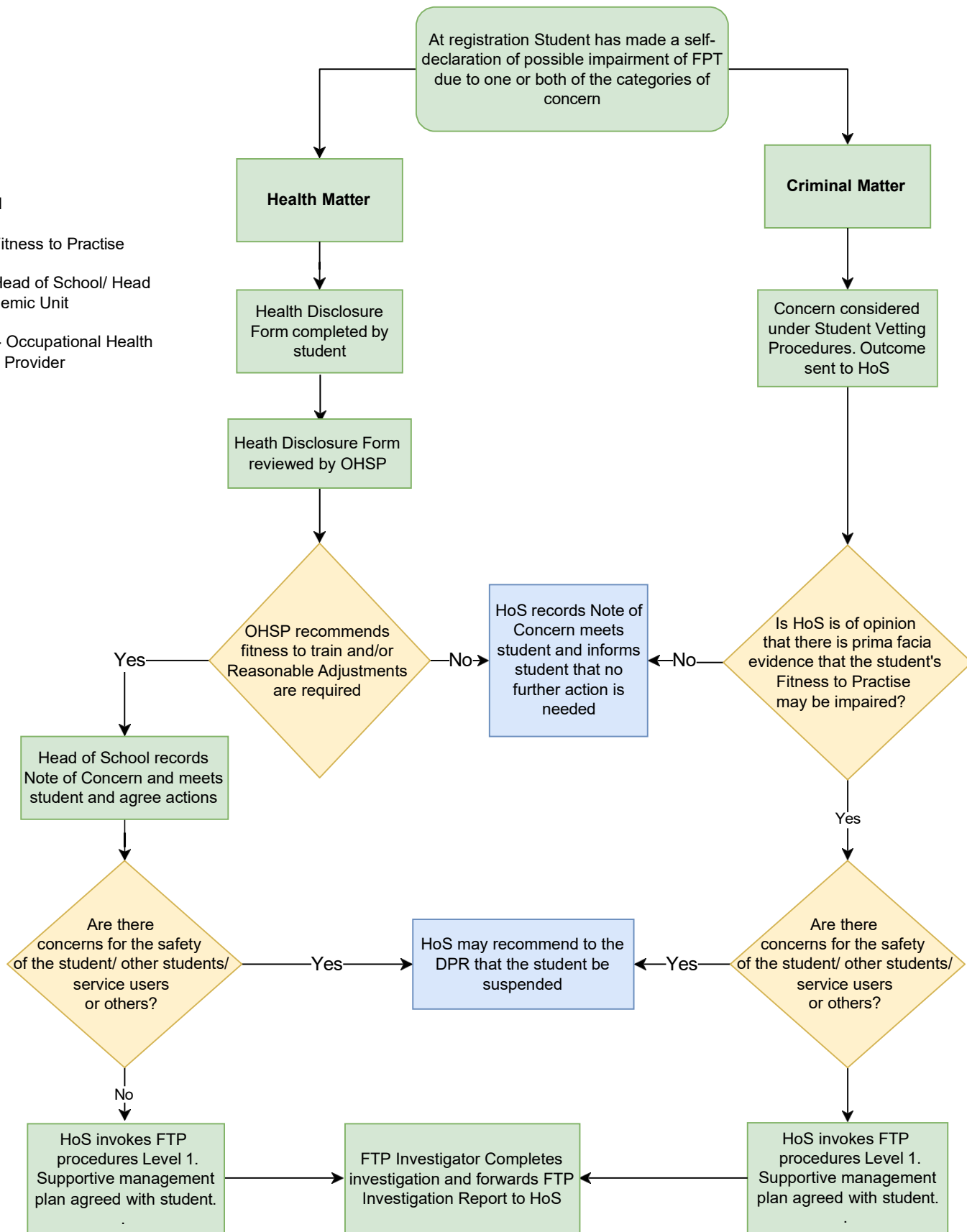
**Appendix A Investigation management of student FTP Self-declarations**

**Legend**

FTP - Fitness to Practise

HoS - Head of School/ Head of Academic Unit

OHSP - Occupational Health Service Provider



Head of School/Academic Unit considers the FTP Investigation Report and recommend that either the matter be closed **OR** the matter continues and is managed using Level 1 FTP Procedures with the development of an **Agreed Management Plan**

**OR**

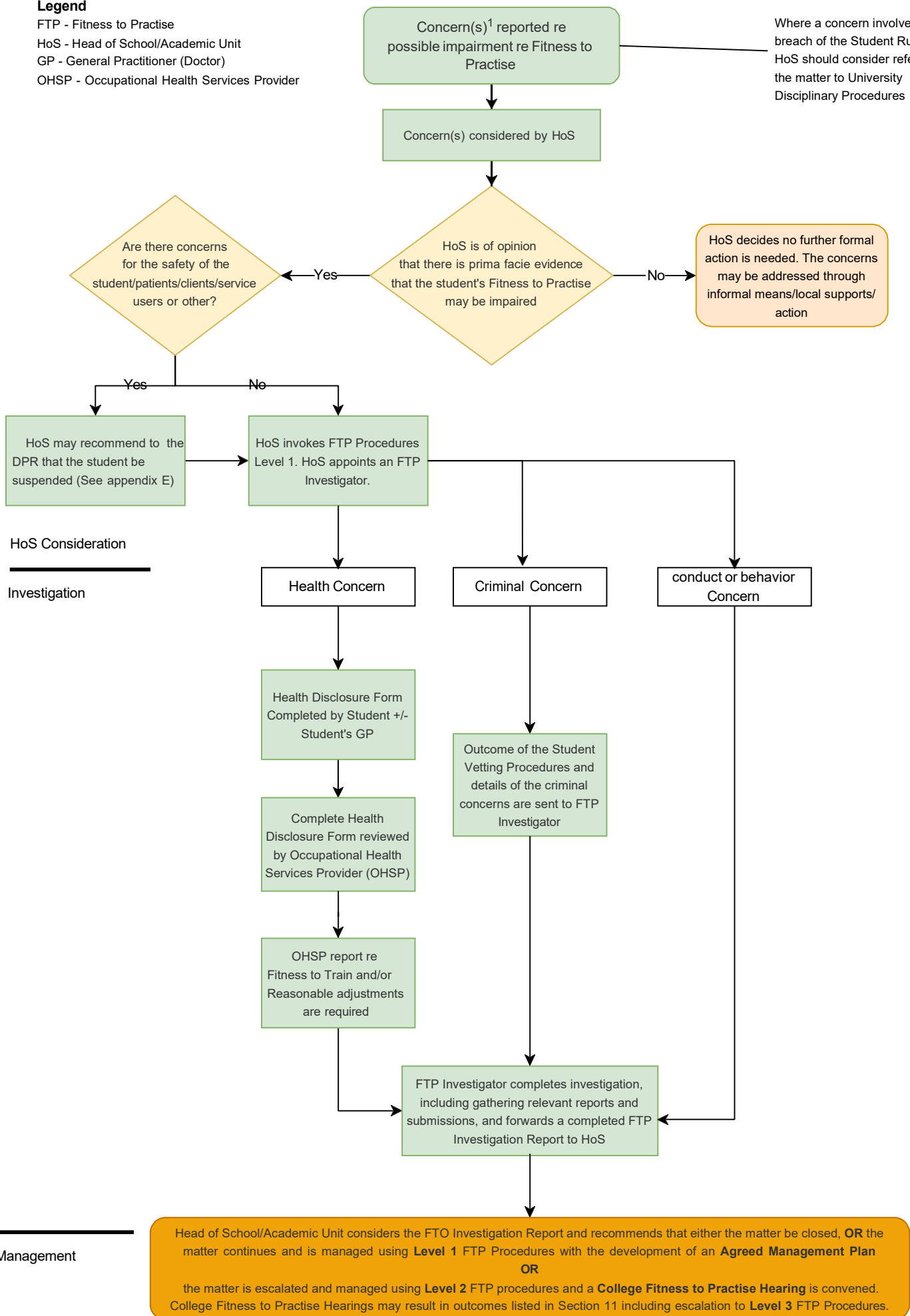
The matter is escalated and managed using Level 2 FTP Procedures and a **College Fitness to Practise Hearing** is convened. Possible outcomes of a College Fitness to Practise Hearing is listed in Section 11 of the FTP Policy, including escalation to Level 3 FTP Procedures.

# Appendix B Consideration, investigation and management of reported concerns re FTP

## Legend

FTP - Fitness to Practise  
 HoS - Head of School/Academic Unit  
 GP - General Practitioner (Doctor)  
 OHSP - Occupational Health Services Provider

Where a concern involves a breach of the Student Rules, the HoS should consider referring the matter to University Disciplinary Procedures



HoS Consideration  
 Investigation

Management

## APPENDIX C: FITNESS TO PRACTISE COMMITTEES

### C1 - University Fitness to Practise Committee

The University Fitness to Practise Committee shall normally be convened as and when necessary by the Deputy President and Registrar or his/her nominee from an Academic Council appointed panel of senior academic staff of the University (Senior Lecturer or Professor), and external experts.

**Chair:** The Deputy President and Registrar.

**Members:**

- 4 senior or experienced members of academic staff drawn from Schools listed at 2.2
- 2 senior or experienced members of academic staff who are members of a College Fitness to Practise committee.
- A suitable specialist representative from the profession, external to UCC. The specialist representative may be either the specialist representative who would be the specialist member for the College Fitness to Practise Committee for the appropriate School or Department, or an alternative appropriate specialist.
- Student Union President or nominee (ex-officio)
- Student Union Welfare Officer (ex-officio)
- Academic Secretary or his/her nominee

Secretary to the Committee: Nominated by the Chair.

The quorum for the Committee shall be 7 and must include the chair and the specialist representative from the profession.

The term of office for all members, excluding the external representative, shall be 3 years with the possibility of extension for a further term or part thereof. The external specialist representative shall be appointed for a period of 3 years. Requests by a member for the extension of membership must be approved by Academic Council.

Members are prohibited from serving on a University Fitness to Practise Committee convened to hear a case that they have previously considered as a member of a College Fitness to Practise Committee.

***Decisions are reached by a simple majority, and the Chair will have a casting vote in the event a tied vote.***



## C2 – College Fitness to Practise Committee

College Fitness to Practise Committees shall be a standing committee of the College and normally be constituted as follows, unless otherwise approved by Academic Council:

**Chair:** Senior or experienced member of academic staff appointed by the Head of College

**Members:-**

- 3 senior or experienced academic members of staff from the College
- 1 senior or experienced member of academic staff who is a member of another College Fitness to Practise Committee.
- A suitable specialist representative from the profession, external to UCC.
- Student Union President or nominee. (ex-officio)

Secretary to the Committee: Nominated by the Head of College.

The quorum for the Committee shall be five, and must include the chair, the specialist representative from the profession and the member of staff from another College Fitness to Practise Committee. The latter two members shall be appointed by the Head of College. The term of office for all members, shall be 3 years with the possibility of extension for a further one term or part thereof.

***Decisions are reached by a simple majority, with Chair as a casting vote in the event a tied vote.***

## Appendix D: Note of Concern

To be completed by Head of School for each case of a student FTP self-disclosure (health) or as a record of a concern raised as to a students supports needs and/or Fitness to Practise.  
Document to be retained by School. Copy to be given to student.

Student name \_\_\_\_\_

UCC ID \_\_\_\_\_

Address \_\_\_\_\_

Date of Birth dd/mm/yyyy \_ / \_ / \_ Tel/Mobile \_\_\_\_\_

Programme and year study: \_\_\_\_\_

Concern raised by: \_\_\_\_\_

FTP report received Yes  No

Brief outline of case:

Head of School name: \_\_\_\_\_

Date of meeting with student dd/mm/yyyy / / \_\_\_\_\_

If others attended this meeting please write names clearly here:

Agreed action Plan – please tick all that apply

- No further action needed
- Student recommended to register for supports with DSS
- Student recommended to explore supports from other UCC offices

Other action(s):

Next review date: \_\_\_\_\_

Signature of Head of  
School \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Student \_\_\_\_\_

Date: \_\_\_\_\_

I understand the nature of the concern(s) raised by the university, as has been explained to me and outlined in this document and the possible impact/consequences that this/these concern(s) may have upon my own fitness to practise.

I have agreed to work towards the action plan outlined above, which has been developed to support me.

I understand that if I am unable or unwilling to carry out the action plan, the university will need to consider taking appropriate or remedial actions, or referral as my situation will require.

I understand and consent to information surrounding my fitness to practise being shared with other relevant services within the University. A copy of this action plan will therefore be submitted to the Head of School/Academic Unit and other staff as deemed appropriate by the Head of School/Academic Unit.

I am aware that this Note of Concern will be retained by the Head of School/Academic Unit.

I understand that this case will be reviewed (*insert x days/weeks or months time*).

Signed: (Student)

Signed: (Head of School)

Dated:

**APPENDIX E – TEMPORARY SUSPENSION**

Where it appears in the opinion of the Deputy President and Registrar that there are grounds for concerns about a student's Fitness to Practise, then he/she, having sought such advice as he/she deems appropriate, shall be entitled to suspend a student on the following basis:-

- E1 That suspension is temporary and necessary to protect the University community, Service Users, the student and/or general public and that, on balance, the Deputy President and Registrar is of a view that this duty of care is overriding in the particular circumstances.
- E2 A suspension may be verbal and to take effect as the Deputy President and Registrar deems appropriate and shall be confirmed in writing as soon as is practicable.
- E3 That any such suspension is reported to the next scheduled meeting of Academic Board by the Deputy President and Registrar and is reviewed by him/her, in consultation as may be appropriate, at least fortnightly thereafter. The Deputy President and Registrar will update the Academic Board at scheduled meetings for the duration of the temporary suspension.
- E4 That suspension shall not be regarded as an indication as to whether or not the grounds for concern are proven.
- E5 That suspension may be limited to certain premises, placements or University activities or modules of studies.
- E6 That every reasonable effort is made to continue to support the student's academic studies so that, in so far as possible, the student is not disadvantaged academically. In the case of suspension due to mental health, continuation of support for the student's academic studies during the temporary suspension may not be possible.
- E7 That suspension shall be for no longer than is unduly necessary in terms of the completion of the process under the Fitness to Practise Policy.
- E8 In cases of suspension due to mental health issues, the suspension may be for a longer period and in such cases should be reviewed by the Deputy President and Registrar and reported to the Academic Board at each scheduled meeting of the Academic Board while the suspension remains in place.
- E9 That this power shall be exercised with caution and with due regard to natural justice and fair procedures.
- E10 That the Deputy President and Registrar shall be accountable to the Academic Council in respect of the exercise of his/her power of suspension.
- E11 Where the Deputy President and Registrar exercises the power of suspension, He/she shall, as soon as practicable, notify the Head of the relevant School and/or Chairperson of the relevant Fitness to Practise Committee and refer the matter accordingly. The Chairperson shall call a meeting of the relevant Fitness to Practise Committee or Appeal Committee as soon as practicable from the date of the suspension.

**APPENDIX F: PROCEDURAL GUIDELINES FOR INVESTIGATIONS AND FITNESS TO PRACTISE  
COMMITTEE HEARINGS**

- 1 Guidance for Schools & Fitness to Practise Investigators in commencing an investigation
- 2 Interviewing parties concerning the issues of concern
- 3 General conduct of an investigation
- 4 Conduct of Fitness to Practise Committee hearings

**F1 Guidance for Schools & Fitness to Practise Investigators in commencing an investigation**

F1.1 Schools providing programmes whose students are subject to this Fitness to Practise Policy should ensure that there is a clear divide between (a) those responsible for providing support for the student, (b) those responsible for carrying out the investigation into the Fitness to Practise issue and (c) those responsible for hearing and adjudicating the case in a Fitness to Practise hearing.

F1.2 The Fitness to Practise Investigator shall be a senior member of the relevant College or an individual external to the College nominated by the Head of School/Academic Unit and not directly involved with the student. If the Fitness to Practise Investigator deems the issues of concern/allegation(s) to be sufficiently serious s/he may recommend the temporary suspension of the student's registration from the programme of study, (either practise only, or both theory and practise) in consultation with the Head of School/Academic Unit). The Head of School/Academic Unit shall consult the Deputy President and Registrar. A decision to temporarily suspend a student shall be made by the Deputy President and Registrar having regard to Appendix E (*Temporary Suspension*) who shall inform the student in writing of the decision. The Deputy President and Registrar shall also inform the Head of School/Academic Unit.

F1.3 All actions undertaken under Fitness to Practise procedures must be communicated to the student and formally recorded. The record is required to support the Fitness to Practise Investigator so that they can:

- (a) Follow an agreed process that ensures consistency and fairness when investigating issues of concern/allegation(s) regarding a student's Fitness to Practise.
- (b) Produce a short report, including relevant evidence making recommendations to the Head of School/Academic Unit
- (c) Produce a summary report with evidence if the matter is referred to a Fitness to Practise committee.

F1.5 The Fitness to Practise Investigator shall ensure that their investigation follow the principles outlined below:

- (a) Relevant parties should be given the opportunity to provide evidence to substantiate their version of the issues of concern/allegation/incident.
- (b) The Fitness to Practise Investigator, where reasonably possible, shall discuss the issues/concerns with all the parties considered relevant by him/her and produce statements for any subsequent Committee hearing.
- (c) Full disclosure relating to issues of concern/allegation(s) and associated evidence shall be made to the parties involved.

F1.5 The investigation process shall be fair and transparent. This entails affording all parties the opportunity to give their evidence, normally in an interview, and to be informed as to the other parties being interviewed as part of the investigation.

F1.8 The investigation shall be conducted in a timely manner. Issues of concern and allegation(s) shall be investigated and brought to a conclusion with the minimum of delay.

F1.9 All information provided regarding issues of concern/allegation(s) which question a student's Fitness to Practise shall remain confidential for use within the process and is subject to the requirements of the data protection laws. Only persons directly involved with the matter will be given access to confidential information.

## **F2. Interviewing parties concerning the issues of concern**

F2.1 Having initially reviewed the issues of concern, the Fitness to Practise Investigator shall meet with the student and other relevant parties, where possible including witnesses. The Investigating Officer shall decide who s/he deems relevant to interview. In exceptional circumstances, (e.g. where there may be significant delays due to witness availability), the Fitness to Practise Investigator may request signed witness statements to be provided in lieu of interview with the witness. Notes must be taken during the interview – this will form the Interview Summary. The interviewee will be given a copy of the Interview Summary and asked to confirm or amend for factual accuracy following the interview.

## **F3. General conduct of the investigation**

F3.1 At the interview with the student, the Fitness to Practise Investigator shall ensure:

- a) That the student was notified as required under Section 10.2(a)(iii) of this Policy, is aware of the procedure being followed and that full disclosure of any issues of concern/allegation(s) or evidence will be made to the relevant parties to the issues of concern/allegation(s), including the interview summaries.

- b) That the student understands that the interview stage is designed to establish events and not to make judgements and that the Investigating Officer will refer the matter back to the Head of School/Academic Unit for a decision in accordance with this Policy.
- c) That the student is clear with respect to the powers granted to the College and University Fitness to Practise Committees.

F3.2 The Fitness to Practise Investigator shall produce a Student Interview Summary that shall:

- Detail the events/circumstances in chronological order, including a timeline of events and provide all documents in chronological order.
- Cross-refer relevant documents which support the account of the issues of concern/allegation(s).
- Ensure the summary is accessible to others with no prior knowledge of the case so that they would be able to form an understanding of the circumstances and the issues of concern/allegation(s) and the relevance of the evidence in determining the student's Fitness to Practise.

3.3 Other interviews shall be conducted upon the principles outlined above in terms of ensuring the interview is clear regarding procedures and the handling of their interview summary. Interview summaries shall follow the format outlined in section F3.2.

3.4 Once the investigation has been completed the Investigating Officer shall submit a report to the Head of School/Academic Unit. This shall include a summary of the issues of concern/allegation(s) and the findings of the investigation. The report shall contain the following elements:

***Introduction***

This should contain the substance of the issues of concern/allegation(s) and make reference to any relevant Codes of Conduct/required core competencies that have allegedly been breached or not reached.

***Summary of Investigation Process***

Summarise the scope of the investigation including who was interviewed and why. Cross reference to the relevant documentation in a logical order. Include a timeline of events and the investigation. The report should address all aspects of the issues of concern/allegation(s) as summarised in the introduction.

**F4 Conduct of a Fitness to Practise Committee Hearing**

F4.1 The Committee Secretary shall make the necessary arrangements to convene the relevant Fitness to Practise Committee in consultation with the Chair of the Committee.

- F4.2. In determining a schedule for the meeting of the Committee, the Chair shall give due consideration to all relevant factors including for example the student's overall programme of assessment, balanced against the need to expedite the procedure and the quorum for the relevant Fitness to Practise Committee (as set out in Appendix C).
- F4.3 The student should also be given a reasonable period in which to seek advice and prepare their response but normally this shall be no more than 15 working days.
- F4.4 The Committee Secretary, on behalf of the Chair of the Committee, shall notify all parties of the names and roles of the attendees, including if applicable the names of any witnesses that may be interviewed by the Committee.
- F4.5 The Fitness to Practise Investigator shall attend the Fitness to Practise Committee and shall formally present the case using the Report as a basis. The Investigating Office is not a member of the Committee but may be invited to respond to questions of fact or accuracy with the permission of the Chair of the Committee.
- F4.6 The Committee may consider evidence from a range of sources including relevant UCC student support services, reports from external Healthcare professionals of UCC's choosing which may include one or more of the following: Consultant in Occupational Health, Psychiatrist or Psychologists or others as deemed appropriate.
- F4.7 Evidence to be considered by the Committee shall be made available to the student except where such evidence may be in contravention of the Data Protection Acts.
- F4.8 The Committee shall reach a decision and impose outcomes and/or make recommendations based upon all the available evidence.
- F4.9 A summary note recording the decisions and recommendations relating to the case presented to the Committee, and the basis for these, will be produced and made available to the student. Verbatim minutes shall not be recorded.
- F4.10 Where necessary, the Chair may decide to suspend the deliberations of the Committee and reconvene pending further information.
- F4.11 The Committee shall determine, whether the student's fitness to practise is impaired or not and shall determine the most appropriate recommended outcomes.
- F4.12 In the absence of a unanimous decision by the Committee the decision of the majority shall prevail, the Chair shall have the casting vote in the event a tied vote. The Secretary to the Committee in each case shall not be entitled to vote.
- F4.13 The Chair of the Fitness to Practise Committee shall inform the student in writing of the outcome and the recommendations of the Committee. The letter shall include advice about the applicable appeals process. The student's relevant registration body may be notified of the outcome of the hearing if deemed appropriate by the Committee.



F4.14 Where the Committee recommends suspension from study, exclusion from the programme and/or the University this recommendation will be referred to Deputy President and Registrar for action as appropriate. The referral shall include the rationale for the decision and the Committee's summary note.

F4.15 The Committee Secretary shall ensure that relevant UCC staff and offices are notified of the Committee decision as appropriate for implementation and the maintenance of the student record.

## APPENDIX G: MATERIAL CONSIDERED BY COMMITTEES

When assessing a student's Fitness to Practise, the Fitness to Practise Committee(s) may consider the following:

### G1 Information

- Medical information or psychological reports provided by the student and/or subsequent health examinations.
- Other information provided by the student, the University or other professional organisations/institutions.
- Criminal and disciplinary records.
- Findings against a student by a professional body regulator either in this country or overseas.

**G2 Health** When assessing a student's health the following may be taken into consideration:

- The nature and seriousness of any condition and how it might impact on the student's ability for safe and effective practise.
- How it is managed and controlled by the student.
- Any reasonable adjustments to the degree programme or assessments which can be made.
- The risk to the public, colleagues or the profession.
- Any supporting information about the student condition and its impact on future practise.
- The report and/or opinion of a relevant healthcare professional of UCC's choosing, e.g. Consultant Occupational Physician, Consultant Psychiatrist, Consultant Psychologist or other as deemed necessary by the committee.

**G3 Conduct** : When assessing a student's conduct or behaviour, the following may be taken into consideration:

- Conduct relevant to the professional codes of conduct
- Potential harm to the reputation of the University and the profession.
- Pattern of previous behaviour or any series or sequence of acts of behaviour, misbehaviour, inaction or omission

**G4** The Committee may also consider the evidence with regard to:

- Safeguarding vulnerable groups
- Child protection and safety
- Public protection and safety
- Professional codes of conduct
- The student's academic progress on the programme

#### APPENDIX G MATERIAL CONSIDERED BY COMMITTEES

- Any potential risk to the University, staff or students, or other individuals.
- The standards required in the Core Competencies of concern, where applicable

**APPENDIX H: APPEALS**

- H1 A student may appeal a decision of Fitness to Practise Committee about them.
- H2 Such appeals must in writing and lodged with the Academic Secretary within 10 working days from the date of the posting of a decision notification by the College Fitness to Practise Committee or University Fitness to Practise Committee to the student. The appeal must state in sufficient detail the grounds of the appeal.
- H3 Where an Appeal is made in accordance with the above, then the decision which was made by the College Fitness to Practise Committee or the University's Fitness to Practise Committee shall be deferred until the Appeal is determined. This provision for deferral does not apply in relation to a temporary suspension where in the opinion of the Deputy President and Registrar that suspension is, on balance, necessary, to protect the public and the duty of care owed to others is overriding in the particular circumstances.
- H4 On receipt of an Appeal, the Academic Secretary shall as soon as practicable send notice of the Appeal to the Appeal Committee and to the relevant Fitness to Practise Committee and request the relevant Fitness to Practise Committee to furnish to the Appeal Committee an accurate summary of the evidence and any submission tendered at the hearing, the findings of School Fitness to Practise Committee or University Fitness to Practise Committee and any outcomes imposed on the student. The Chairperson of the College Fitness to Practise Committee or the University Fitness to Practise Committee, or his or her nominee, shall furnish this to the Appeal Committee so far as is practicable within 10 days of being so requested to do so by the Academic Secretary.
- H5 The Appeal Committee will, at its absolute discretion, consider the Appeal in such a manner it deems appropriate to the circumstances of the case, having regard to fairness and due process.
- H6 The Appeal Committee shall not be obliged to hear or accept further submissions from the student, whether written or oral, but if it decides to do so, the student must be notified in writing and that notification must specify the date, time and location for the making of any oral submission or the date for the delivery of written submissions which date, in either case, must not, except in exceptional circumstances, be earlier than 10 days or more than 30 days from the date of such notification, unless stated otherwise.

## APPENDIX H: APPEALS

- H7 The Appeal Committee shall have the power, should it see fit, to hold a fresh hearing into the matter.
- H8 The Appeal Committee shall determine the Appeal, and make whatever decision it considers appropriate in the circumstances. The Appeal Committee shall have power to revoke or amend the decision of the College Fitness to Practise Committee or University Fitness to Practise Committee in full or part or issue a revised penalty as it sees fit. The Appeal Committee may direct either the College Fitness to Practise Committee or University Fitness to Practise Committee to reconsider the position further.
- H9 The decision of the Appeal Committee shall be final and binding and shall be reported to the Deputy President and Registrar as Secretary of Academic Council.
- H10 The constitution of the Appeals Committee is set out in Appendix I below.

## **APPENDIX I: CONSTITUTION OF APPEALS COMMITTEE**

- I1 The Academic Council shall establish an Appeals Committee to consider any appeals arising from a decision of a College Fitness to Practise Committee or the University Fitness to Practise Committee.
- I2 The Appeal Committee shall comprise of 5 members all of whom shall be members of the Academic Council.
- I3 The quorum of the Appeal Committee for any meeting or hearing shall be 3 members.
- I4 The Appeal Committee shall hold office for a period of 3 years.
- I5 No member of the a College Fitness to Practise Committee or the University Fitness to Practise Committee shall be a member of the Appeals Committee

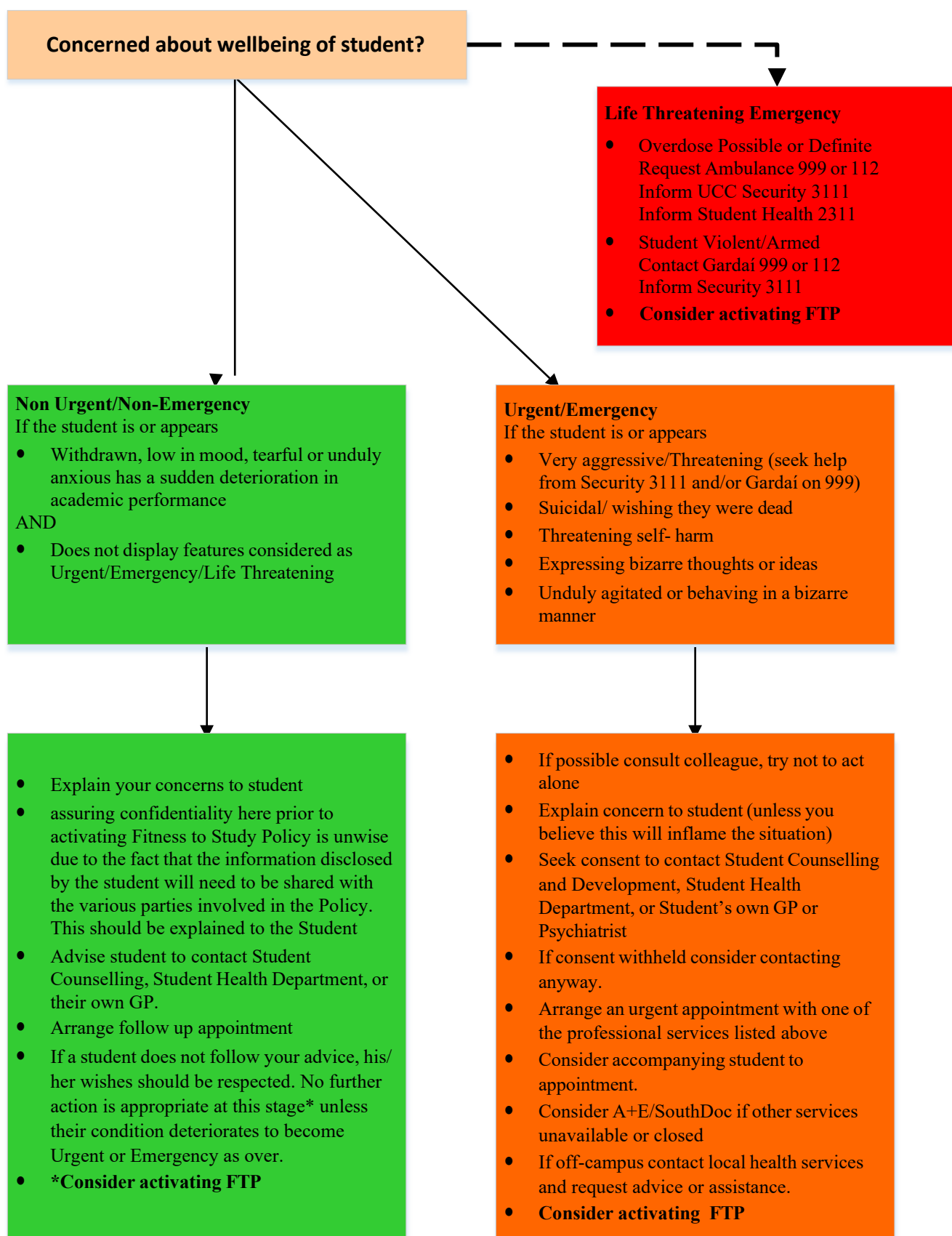
**Appendix J: USEFUL RESOURCES**

UCC Student Policies Page: [www.ucc.ie/en/current/policies/](http://www.ucc.ie/en/current/policies/)

UCC Cooperate and Legal Affairs Policies Page: [www.ucc.ie/en/ocla/policy/](http://www.ucc.ie/en/ocla/policy/)

## Appendix K – Actions advices in helping a student in distress or crisis

(Adapted from UCC Student Health Mental Health Policy)





## Contact Details

|                                     |                          |     |             |
|-------------------------------------|--------------------------|-----|-------------|
| Student Counselling and Development | Hours 9:15-1pm, 2:15-5pm | M-F | 4903565     |
| Student Health Department           | Hours 9:15-1pm, 2:15-5pm | M-F | 4902311     |
| Head of Student Experience          | Hours 9:15-1pm, 2:15-5pm | M-F | 4902692     |
| UCC General Services Security       | 24 Hours                 |     | 4903111     |
| Anglesea Street Gardaí HQ           | 24 hours                 |     | 4313031     |
| A+E Cork University Hospital        | 24 hours                 |     | 4920230     |
| South Doc                           | Evenings week ends       |     | 1850 335 99 |

## Revision History

Document Location <https://www.ucc.ie/en/academicgov/policies/>

### Revision History

|                                   |                      |
|-----------------------------------|----------------------|
| Date of this revision: 17/06/2022 | Date of next review: |
|-----------------------------------|----------------------|

| Version Number/Revision Number | Revision Date | Summary of Changes   |
|--------------------------------|---------------|--|
| 0.3                            | 30/10/2015    | Review of by RDJ   |
| 0.4                            | 22/12/2015    | Feedback from Deputy President and Registrar   |
| 0.5                            | 06/03/2016    | Feedback from Heads of School  |
| 0.6                            | 02/06/2016    | Review by RDJ  |
| 0.7                            | 19/07/2016    | Review by Head of Student Experience & OCLA  |
| 0.8                            | 19/08/2016    | Feedback from Academic Secretary, Admission Officer & Head of Student Experience   |
| 0.9                            | 19/10/2016    | Feedback from Admissions Officer & Head of Student Experience  |
| 0.10                           | 25/10/2016    | Updating flowcharts following Workshop with Heads of School  |
| 0.11                           | 01/10/2021    | Appendix H updated, plus text in relation student doctor changed to external Occupational Health Services provider as appropriate. As approved by Academic Council 01-10-2021. |
| 0.12                           | 17/06/2022    | Update to processes, Schools to review self-disclosures.   |

### Consultation History

| Revision Number | Consultation Date | Names of Parties in Consultation                                       | Summary of Changes |
|-----------------|-------------------|--|--------------------|
| 0.3             | 01/12/2015        | Deputy President and Registrar   |                    |
| 0.4             | 08/01/2016        | Heads of Schools   |                    |
| 0.7             | 19/07/2016        | Academic Secretary<br>Admissions Officer<br>Head of Student Experience |                    |
| 0.9             | 25/10/2016        | Heads of Schools   |                    |
|                 |                   |  |                    |

### Approval

This document requires the following approvals:

Professor Stephen Byrne, Deputy President and Registrar  
Academic Council

This policy has been approved by the Deputy President and Registrar and the Academic Council and sent to the University Management Team – Operations (UMTO) for noting. Any additions or amendments to this Policy will be submitted by the Deputy President and Registrar and the Academic Council for approval or to whatever authority Academic Council may delegate this role. This policy will be reviewed annually by the Policy Owner.