



# UCD Student Fitness to Practise Policy and Procedures

<b>Policy Owner:</b>	<b>Student Engagement, Conduct, Complaints and Appeals</b>	<b>Approval date and body:</b>	<b>16 April 2020, Academic Council Executive Committee</b>
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## 1. Purpose

- 1.1 The University's expectations regarding student conduct and behaviour are articulated in the UCD Student Code. Some programmes that lead to a professional qualification and / or licence to practice often require students to undertake practical training that entails working in a professional environment with patients, animals, other service users. The University has a duty to ensure that a student is fit to practise while undertaking education and training during their programme of study.
- 1.2 This policy sets out how the University may respond to instances where a concern is raised regarding a student's fitness to practise and the type of action that may be taken to support the student and manage the matter.
- 1.3 This policy is designed to provide guidance about, and to set out procedures for, identifying and supporting students about whom there are student fitness to practise concerns; and for determining whether a student is fit to practise.
- 1.4 The objectives of this policy are to:
  - a) Protect the public, patients, animals, students, faculty, staff placement providers and the University;
  - b) instill in students the qualities and competences required for professional practise and to support and guide students who experience issues that may affect their ability to practise;
  - c) Identify and support students whose behaviour, capacity, welfare or wellbeing are of concern to themselves or others, or whose behaviour or actions are impacting adversely on, or pose a risk to, the learning, working, or living experiences of themselves or others;
  - d) Provide a suitable framework for the effective, consistent and timely identification and management of student fitness to practise issues that may arise, either prior to or during a student's programme of study;
  - e) Treat concerns regarding student fitness to practise seriously and as quickly as possible.

## 2. Definitions

### 2.1 Student Fitness to Practise

The health and safety of the public, patients, animals, service users, staff and students is paramount. Student fitness to practise means having the skills, knowledge, health and character necessary to undertake and complete a programme with professional practice, experiential learning or clinical work safely and effectively, fulfilling their responsibilities within their scope of practice in their chosen field in a manner that meets professional and ethical standards.

Examples of areas of concern or circumstances that might render a student unfit to practice include, but are not limited to: substance misuse; aggressive, violent or threatening behavior; persistent inappropriate attitude or behavior; failure to accept and follow educational advice, failure to follow health and safety requirements or the regulations; impaired judgement; lack of competence; having health concerns and lack of insight or management of these; failure to seek medical treatment or other support; refusal to follow medical advice or care plans including monitoring and reviews, in relation to maintaining fitness to practice; failure to recognise limits and abilities or lack of insight into health concerns.

Fitness to practise issues can occur at any stage during a student's time at University. The role of the policy is to establish a university-wide approach for dealing with such issues and facilitate Programmes and Schools in providing students experiencing difficulties with the appropriate supports and opportunities to remedy any problems that they experience. It is important to note that fitness to practise issues can arise and be satisfactorily dealt with during a student's programme of study and outcomes of a formal fitness to practise procedures reflect a judgement on a particular issue, at a particular moment in time, and is not necessarily intended to be a judgement about a student's fitness to practise in the future.

## 2.2 **Student Fitness to Practise and Health**

In this context of this policy ill health means physical or mental health conditions that impair a student's ability to practise without supervision. Good health means that a person is capable of safe and effective practice without supervision. It does not mean the absence of any disability or health condition.

## 2.3 **Programme Fitness to Practise Statement**

Programmes' Fitness to Practise Statements are published by relevant programmes to provide clear information to students about the specific standards of behaviour and professionalism required in the context of their programme area. The new or revised statements must be endorsed by a local governing board and submitted to ACCSCC for approval before they become operational.

ACCSCC will review and approve the proposed new Student Fitness to Practise Statements and revisions to the existing statements, and will maintain a register of programmes subject to Student Fitness to Practise Policy.

## 2.4 **Governing Board**

All programmes in the University are overseen by a Programme Board, Board of Studies, Graduate Research Board, or Joint Academic Programme Board (all hereafter referred to as a Governing Board), which is responsible for monitoring the overall performance and progression of students registered to its programmes and ensuring their academic welfare.

## 2.5 **Level 1**

Level 1 refers to the procedures for an initial response and support at local level. See section 6 for Level 1 procedures.

## 2.6 **Level 2**

Level 2 refers to the procedures for a Governing Board review. See section 7 for Level 2 procedures.

## 2.7 **Return to study**

Return to study in the context of this policy refers to the return of students who have been suspended or directed to take a leave of absence from a programme under the Student Fitness to Practise Policy.

# 3. **Scope**

- 3.1 This policy applies to all students registered to programmes that are subject to the University Student Fitness to Practise Policy and to former students seeking to return to study who have previously been suspended, withdrawn, or excluded from programmes under this policy.. Successful applicants to relevant programmes should be made aware of the UCD Student Fitness to Practise Policy along with any other conditions of registration such as healthcare screening and Student (Garda) Vetting. Student fitness to practise issues may arise at both undergraduate and graduate levels of study on programmes that may lead to professional

qualifications.

- 3.2 This policy will, where relevant, be read in conjunction with the UCD Student Code, Student (Garda) Vetting and Infectious Diseases and General Health Screening procedures and relevant programme regulations or guidelines, as students on programmes subject to the Student Fitness to Practise Policy may also be subject to these additional conditions of registration, and non-compliance may have implications for their fitness to practice as a student.
- 3.3 At any stage of these procedures a case may be referred to be considered under an alternative University policy or procedure as appropriate. The Chair of the Governing Board shall decide which policy should have priority or be the most appropriate in the circumstances. The Chair of the Governing Board may suspend a policy or procedure, pending the outcome of another policy or procedure.
- 3.4 Students, undertaking placements as part of their programme, may also be subject to the placement provider's regulations, and procedures of the placement provider. Placement providers may, using their own procedures independent of any policy implemented by the University, seek to suspend or terminate placements where it is believed the safety of the public, patients, animals, service users, students, faculty, staff or the public is deemed to be at risk. At any stage of these procedures, the continuation of a placement is subject to the agreement of the placement provider.

#### **4. Principles**

- 4.1 This policy should be interpreted in a manner that welcomes diversity, respects the dignity of all persons involved, promotes equal opportunities for students to develop their full potential, and ensures a positive student experience, and that ensures a fair, clear, consistent and timely approach to dealing with student fitness to practise matters.
- 4.2 Student fitness to practise issues that arise should be discussed early and addressed locally between students and relevant staff (including as relevant supervisors and/or placement hosts) with the student receiving advice on how best to improve conduct and competence so that student fitness to practise issues do not arise again.
- 4.3 In implementing this policy, staff will consider what support may be offered to students both from within the University and externally. Students will be provided with information on the range of supports available and encouraged to seek support.
- 4.4 Programmes will promote student understanding of the importance of professional standards and an awareness of the provisions of the UCD Student Fitness to Practise Policy.
- 4.5 Determination as to what constitutes failure to meet fitness to practise requirements in specific programmes must be clearly articulated, documented and well communicated to the student as it is a breach of these stated criteria that will constitute the grounds on which fitness to practise procedures will be followed.
- 4.6 The processes under all levels of this policy will be undertaken in a transparent manner, and the student will normally be informed of the identity and capacity of any persons with whom the University consults, including third parties, such as health professionals.
- 4.7 Should a student be unable or unwilling to participate at any level of this policy or to attend a meeting, the University may nonetheless follow this policy where it is reasonable to do so. The University may deal with issues on the basis of written reports and/or statements in the absence of the student. In addition, the University may consider any request from a student to proceed with a meeting in their absence on the basis of written reports and/or a written statement from the student.
- 4.8 Where an issue arises in relation to a student who is known to have a disability, and where the disability is relevant to the issue, then in the first instance consideration shall be given to the level and types of support put in place for the student in conjunction with UCD Access and Lifelong Learning. In consultation with the student, reasonable accommodation suitable to the needs of the student will be made available where practicable for students with disabilities. However, on programmes with a Student Fitness to Practise statement, students must have the ability to demonstrate core competencies, with appropriate reasonable accommodations in place where

necessary. Where additional support is necessary, it must be practicable within the current sphere of professional practice. Some students may be unable to complete elements of the programme required for professional registration for reason of health or physical ability.

- 4.9 All matters raised under this policy will be handled sensitively and confidentiality will be observed as far as possible.
- 4.10 A student may be accompanied at meetings provided for in this policy by a support person of their choice.
- 4.11 Students registered to programmes subject to the Student Fitness to Practise Policy are required to sign or electronically indicate consent to a Student Fitness to Practise statement at the start of each academic year.
- 4.12 The standard of proof applied at every stage of this Policy is the balance of probabilities.

## 5. Roles and Responsibilities

### 5.1 Chairs of Governing Boards' responsibilities include:

- a) Ensuring that there are appropriate arrangements<sup>1</sup> in place for the effective management of student fitness to practice cases;
- b) Convening and chairing gender-balanced Student Fitness to Practise Subcommittees;
- c) Appointing an alternative Subcommittee Chair, from membership of the Governing Board, in student fitness to practise cases where the Chair has been previously involved in managing the case (e.g. where the relevant Head of School or Programme Coordinator is also the Chair of the Governing Board) or there is any other conflict of interest;
- d) Ensuring that referred cases fall within the scope of the policy and where necessary determine an appropriate, alternative policy and procedure. See 3.2 and 3.3).
- e) Referring high-risk cases to the Registrar (i.e. where a student's health, behaviour, or actions pose an immediate risk to their own health, safety, or wellbeing, or that of others);
- f) Providing an opportunity to the student to make a written submission in advance of a Student Fitness to Practise Subcommittee meeting;
- g) Notifying the student of the outcome of the Subcommittee meeting in writing no later than five working days after the meeting;
- h) Communicating the decision of the Subcommittee to the Governing Board at its next meeting;
- i) Reviewing and making decisions relating to requests to return to study from students who were previously suspended or directed to take a leave of absence under the Student Fitness to Practise Policy.
- j) Reporting annually, to ACCSCC, the number and outcomes of student fitness to practise cases referred to the Governing Board Student Fitness to Practise Subcommittee.

### 5.2 Student Fitness to Practise Subcommittees' responsibilities include:

- a) Acting with the full delegated authority of the Governing Board;
- b) Making decisions and recommendations on behalf of the Governing Board in Fitness to Practise cases;
- c) Writing a report documenting the decisions in student fitness to practise cases;
- d) Reviewing and making decisions relating to requests to return to study;
- e) Notifying the student of the outcome of the Subcommittee meeting in writing no later than five

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<sup>1</sup> This may include setting up an opportunity for a representative from each of the relevant Governing Boards to meet in an annual Student Fitness to Practise forum, for the purpose of discussing and developing Student Fitness to Practise arrangements and sharing best practice.

working days after the meeting, copying ACCSCC and, where appropriate, Registry.

- 5.3 The Registrar's responsibilities include considering, and where appropriate approving, recommendations to temporarily suspend a student in a High-Risk Case, (i.e. where a student's health, behavior or actions pose an immediate risk to their own health, safety or wellbeing or that of others), including where a student fails to engage with the student fitness to practise procedure.
- 5.4 Academic Council Committee on Student Conduct and Capacity (ACCSCC) responsibilities include:
- a) Receiving notifications from Governing Boards of decisions made under the Student Fitness to Practise policy.
  - b) Providing reports to and advising Academic Council on matters relating to Student Fitness to Practise.
- 5.5 The Student Appeals Committee is responsible for hearing appeals to a Student Fitness to Practise Subcommittee outcomes.

## 6. Level 1: Procedure for Initial Response and Support at Local Level

- 6.1 In most cases student fitness to practise concerns can be addressed and resolved locally. For minor infringements, the existing practice of placement supervisors discussing their concerns directly with the student and with the University to agree steps to remedy the situation will usually be sufficient. Serious or persistent student fitness to practise concerns are likely to warrant the initiation of formal procedures.
- 6.2 Initial response and support may be appropriate where there are emerging concerns about a student's fitness to practise. Initial response and support comprise action or actions that aim to support students and to resolve the emerging concerns locally, at module, school or programme level, within the University, or in host institutions for placements, under this initial procedure.
- 6.3 While it is possible that individual faculty or staff<sup>2</sup> will have previously made efforts to support and advise the student, the Level 1 procedure is initiated by one of the following: placement supervisor, programme coordinator/director, or the head of the relevant academic unit at or following a meeting with the student. If the student does not attend a meeting the procedure may be initiated in their absence and the student will be so informed.
- 6.4 An initial response may include a recommendation that the student be provided with, and/or be encouraged to avail of, supports. The following is an indicative, but non-exhaustive, list of potential supports:
- a) Appropriate academic advice (e.g. supervisor, academic adviser, stage coordinator)
  - b) Referral to the *Extenuating Circumstances Policy*
  - c) Referral to *Leave of Absence Policy*
  - d) Life Skills Collection or UCD Books on Prescription Scheme
  - e) College/School Offices
  - f) UCD Access and Lifelong Learning
  - g) UCD Chaplaincy
  - h) UCD Student Advisers
  - i) UCD Student Counselling Service
  - j) UCD Student Health Service
  - k) UCD Students' Union Welfare Officer

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<sup>2</sup> For example academic staff, student adviser, College/School Office staff or staff associated with, or located in, the student placement environment

- 6.5 The purpose of the initial response and support is to resolve any concerns by reaching agreement with the student (and, if relevant, the placement host) on recommended actions. The student (and, if relevant, the placement host) shall be notified in writing of agreed actions, timeframes or review periods (i.e. the action plan).
- 6.6 In some circumstances, supportive actions may include a recommendation that a student takes a leave of absence, an exit award if available, or voluntarily withdraw from the programme in the interests of their safety, health and/or wellbeing, and/or that of others.
- 6.7 If the concern is not resolved or persists, the case should be referred to the Governing Board for the student's programme (Level 2), along with supporting documentation (e.g. the written notification of supports and interventions, and recommended actions and agreed timeframes or review periods).
- 6.8 If the concern arises immediately prior to or during a placement, the placement may be delayed or deferred while the concerns are being addressed.

## **7. Level 2: Procedures for Governing Board Review**

- 7.1 The Chair of the Governing Board shall decide if a case review should take place.
  - 7.1.1 The Chair may seek further information or professional advice before considering any further action. This may include medical and/or psychological assessment, which shall not be at the expense of the student. The assessment shall be undertaken by an appropriately qualified person nominated by the Chair and currently working in the area, without a conflict of interest, and unrelated to and independent of the student.
  - 7.1.2 If the Chair decides a case review should take place, on receipt of all documentation relevant to the case, including relevant information from a placement host, the Chair convenes a Student Fitness to Practise Subcommittee (hereafter the Subcommittee), which acts with full delegated authority of the Governing Board. It conducts a case review to consider reported student fitness to practise concerns and the initial response and support provided at Level 1.
  - 7.1.3 The student shall be informed in writing that the Level 2 procedure has been initiated and that the Subcommittee has been convened. The student should be invited to and given a minimum of ten working days' notice of the date of the meeting. The student may choose to waive the notice period if the Subcommittee can convene a meeting in advance of the notice period.
  - 7.1.4 The student will be asked to confirm their availability to attend the meeting. Where a student does not attend a meeting the committee may choose to proceed in their absence. Where a student intends to be accompanied to the meeting by support person of their choice, they should provide the Subcommittee with the name and capacity of the accompanying person in advance of the meeting.
  - 7.1.5 A copy of any relevant documentation that has been supplied in respect of the case will be provided to the student in advance of the meeting. The student shall be invited to make their own written submission in advance of the meeting.

### **7.2 Composition of the Student Fitness to Practise Subcommittee**

- 7.2.1 The Subcommittee shall comprise three voting members: a Chairperson (or their delegate as per section 5.1c), one member of the Governing Board from the student's professional discipline, and another member of the Governing Board, who is ideally not from the student's professional discipline (for the purposes of fairness and cross-learning).
- 7.2.2 A member of staff may be appointed as a non-voting secretary of the Subcommittee.
- 7.2.3 The Subcommittee may co-opt additional members to provide required expertise or specific representation and advice to the Subcommittee. The co-option of members will be on a case-by-case basis and requires the agreement of the Chair of the Governing Board. Co-opted members will act in a strictly advisory capacity and shall be non-voting.
- 7.2.4 The Subcommittee for the case review should be kept as small as possible.

### **7.3 Procedures of the Subcommittee meeting**

- 7.3.1 The Subcommittee may seek attendance of other relevant parties to provide verbal evidence and accounts of incidents or behavior that have called into question the student's fitness to practise.
- 7.3.2 At the meeting, the Chair should outline the procedures of the meeting, setting out the different possible outcomes available to the Subcommittee.
- 7.3.3 Members of the Subcommittee may ask the student questions relating to the concerns over their fitness to practise as a student.
- 7.3.4 The student should be given the opportunity to respond to any concerns raised and may make any relevant contribution to the meeting.
- 7.3.5 The Subcommittee shall determine whether they consider that the student is fit to practise (see section 2.1 and 2.2).
- 7.3.6 Decisions of the Subcommittee shall be agreed by a simple majority and the student will be informed of the timeframe within which they will be notified of the outcome of the process.
- 7.3.7 A record of the proceedings shall be made.

### **7.4 Outcomes of the Subcommittee review**

- 7.4.1 When all of the documentation and oral evidence has been considered the Subcommittee may apply one or more of the following outcomes:
  - a) Decide that the case be dismissed with no further action and the student is recommended to continue in study;
  - b) Direct that the student be allowed to continue, subject to review under certain specified conditions, such as careful mentoring by an appropriately experienced member of faculty at the grade of Associate Professor or above, and/or by a member of staff of the placement host;
  - c) Direct that a student who has failed to comply with any requirement to be assessed is assessed by an appropriate qualified person and suspended, without prejudice, until they are certified as fit to practise as a student by the person recommended by the University in section 7.1.1, without a conflict of interest and unrelated to and independent of the student;
  - d) Direct that a student be suspended, from attending UCD or a placement with immediate effect for a specified period, with or without conditions.
  - e) Direct that the student be required to undertake a second attempt for certain elements of the programme of study without academic penalty;
  - f) Direct that the student be required to complete specific actions in a specified and reasonable time frame to demonstrate their fitness to study (e.g. undertake an action plan to resolve a specific concern);
  - g) Direct that the student take a leave of absence from studies for an agreed period to concentrate on their wellbeing and/or to resolve any specific concern, subject to review at the end of that period and demonstration, to the satisfaction of the Chair of the Governing Board, that they are fit to return to study (see section 10);
  - h) Recommend that the student transfer to another programme (without fitness to practise requirement) or avail of an exit award, if one is available, and subject to compliance with the University's transfer regulations and policy;
  - i) Direct that the student's registration be terminated and/or that the student be excluded from the programme.
- 7.4.2 The Subcommittee shall write a report on the meeting including their decision(s) and the rationale for their decision(s).
- 7.4.3 The Chair shall notify the student and ACCSCC of the outcome of the meeting, in writing no later than five working days after the Subcommittee meeting.
- 7.4.4 The Chair shall inform the student of their right to appeal the decision, the procedure for

lodging the appeal and the time limit for lodging an appeal (ten working days from notification of the decision).

7.4.5 The Chair shall communicate the outcome of the Subcommittee meeting at the next meeting of the Governing Board.

## **8. High Risk Cases**

8.1 In appropriate circumstances, including where a student fails to comply with the Student Fitness to Practise policy or process, the matter may be referred by Chairs of Governing Boards to the Registrar, or nominee, seeking a temporary suspension pending a full hearing in accordance with a Student Fitness to Practise review.

8.2 Where the Registrar, or nominee, determines that a student's health, behaviour or actions pose a significant risk to their own health, safety or wellbeing, or that of others, the Registrar may, without prejudice, impose a temporary suspension of the student from the University.

## **9. Appeals**

9.1 An appeal may be made to the University's Student Appeals Committee within 10 working days from the date of issue of the decision of the Subcommittee. Details of the appeal procedure can be found in the [Student Appeals Procedure](#).

9.2 Appeals may be made on the following grounds:

- a) New evidence: Information directly relevant to the decision, which for good reason was not available to the Governing Board;
- b) Procedural irregularity: There is evidence that the procedures relating to a decision were not followed properly, which may have impacted on the Student Fitness to Practise Subcommittee's decision
- c) Disproportionate outcome: The outcome applied was disproportionately severe with regard to the circumstances of the case.

9.3 Decisions of the Student Appeals Committee. The Committee may:

- a) Uphold the Appeal
- b) Reject the Appeal.

9.4 On upholding an appeal, a Student Appeal Committee may require the appellant to meet specified conditions.

## **10. Return to Study**

10.1 The University is committed to assisting students return to study where a return to study is appropriate. Students wishing to return to study following a period of suspension or where they were directed to take a leave of absence must satisfy the Chair of the relevant Governing Board, in accordance with this policy, that they are fit to return to study and that they have complied with any conditions attached to their return.

10.2 A request to return to study must be made in writing by the student to the relevant Chair of the Governing Board.

10.3 The Chair of the Governing Board will normally require

- a) the student to provide evidence to demonstrate that the reasons why they were suspended or directed to take a leave of absence have been satisfactorily addressed; and/ or
- b) that they are certified by an appropriately qualified person to be fit to return to the programme. The assessment shall be undertaken by an appropriately qualified person nominated by the University and currently working in the area, without a conflict of interest, and unrelated to and independent of the applicant.



- 10.4 For the purposes of this section of the policy, a student is considered physically and/or mentally fit to return to study if they:
- have the physical and / or mental capacity to return and continue with their programme and /or placement requirements; and to participate in student practise to the standard required by the University and their placement host; and
  - do not constitute a risk to the health or safety of themselves or others, or of adversely affecting the working, learning, or living experiences of others.
- 10.5 The Chair of the Governing Board in receipt of the application shall convene a meeting of the Student Fitness to Practise Subcommittee to review the application to return to study and make a decision on whether the applicant should be re-admitted or admitted or be considered not fit to practise as a student indefinitely.
- 10.6 The Chair of the Governing Board should inform the applicant in writing of their decision, copying ACCSCC and UCD Registry.
- 10.7 If considered not fit to return to the programme, the student should be given a final opportunity to avail of an exit award, if one is available, or to voluntarily withdraw subject to compliance with the University's regulations and policies. If the student does not avail of either option, the Governing Board may terminate the student's registration.
- 10.8 Where a student's registration was terminated or where they have been excluded from a programme they are not eligible to return to the programme. Any subsequent applications to other programmes with fitness to practise requirements will be flagged and considered by the Chair of the relevant Governing Board in consultation with the Fitness to Practise Subcommittee Chair that terminated the student's registration or excluded the student from the programme.

## 11. Related documents

- Programme Fitness to Practise Statements
- Leave of Absence Policy
- Withdrawal Procedure.
- Continuation and Readmission Policy and Procedures
- Fitness to Continue in Study Policy and Procedures
- UCD Student Code
- UCD Student Mental Health and Wellbeing Policy and Procedures

## 12. Version History

Version	Approval Date	Summary of Changes	Approved By
1	27 April 2011	First Version	Academic Council
2	16 April 2020	Changes made a) to comply with the Student Appeals Process commencing September 2020, which moves decision-making in fitness to continue in study cases to Governing Boards, and b) to align in so far as possible with the Fitness to Continue in Study Policy and Procedures.	Academic Council Executive Committee
3	26 April 2022	Changes to section 2.3 reflect a) ACCSCC's responsibility for the oversight of Student of Student Fitness to Practice Programme Statements and the retention of a register of programmes subject to the Student Fitness to Practise Policy, and b) clarify the role of governing boards in this regard.	Academic Council Executive Committee