Cheshire College
South & West

Higher Education (HE) Fitness to Practise Policy

Key Information	
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ELT Post Responsible for Update and Monitoring	Vice Principal – Innovation, Curriculum and Quality
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1. Introduction

1.1 Cheshire College South & West (The College) recognises that academic awards may result in a professionally recognised qualification and that academic success alone may not meet all professional requirements. These requirements might include for example, physical health, mental health, moral or behavioural standards. In confirming appropriate academic qualifications or admission to a professional body and/or statutory registration the College must be satisfied that the student will be a safe and suitable entrant to the given profession.

1.2 Students accepting a place at Cheshire College South & West to study on one of its Pearson HNC/D programmes, or on a Higher Education (HE) programme that is being run in conjunction with its collaborative partners are required to comply with all HE academic regulations and College policies and procedures of the College and, where applicable, its collaborative partners. Such regulations and procedures apply equally away from College sites and especially in the various placement settings into which a student may be placed as part of their programme of study.

1.3 Students who do not comply with the relevant regulations and procedures after enrolment and registration on to a HE programme will be subject to the College's Learner Disciplinary Policy. Where a student's behaviour has not improved following the application of College policy and where that behaviour is considered to be damaging or dangerous to service users, other students, staff of the College and its partners or creates an unacceptable risk to themselves or others, they will be subject to the Fitness for Practise Policy.

1.4 Students for whom physical or mental ill-health presents a barrier to meeting specific professional requirements will be provided with all reasonable avenues of support in accordance with the College's Equality, Diversity and British Values Policy and the Learner Mental Health and Wellbeing Policy.

1.5 The Fitness for Practise Policy exists to ensure students adhere to strict professional standards on specific professional courses at the College.

1.6 The following programmes are subject to the Fitness to Practise Policy:

Programme Title	Applicable Procedure
BSc (Hons) Person Centred Counselling	University of Derby Cheshire College - South & West
Education, Childhood and Youth BA (Hons)	University of Wolverhampton Cheshire College - South & West
PGCE / Cert Ed	University of Wolverhampton Cheshire College - South & West

2. Fitness to Practise

2.1 Where a student is registered on a programme that leads directly to, or which satisfies the conditions of, a professional qualification or which gives the right to practise in one or more professions, the student must not engage in any behaviour which renders them unfit to be admitted to that profession.

2.2 The following circumstances are examples which could render a student unfit to practise:

a. Any circumstances which may call into question a student's fitness to be admitted to and to practise their profession;
b. Offences against or exploiting the vulnerable, including children, the elderly and the mentally incapacitated;
c. Chronic drug or alcohol misuse / abuse;
d. Acting in a violent manner on or away from College premises;
e. Conviction of a relevant criminal offence;
f. Intimidation of pupils, fellow students, patients or clients;
g. Failure to rectify behaviour that has been subject to any disciplinary actions under the College and / collaborative partner policies and procedures;

h. Repeated inappropriate behaviour towards others;

i. Falsification of records;

j. Severe or relapsing physical or mental illness;

k. Being a carrier of a serious communicable disease

l. Any circumstances which may breach the professional code of Practice applicable to the profession which the programme qualifies the student to enter upon graduation

2.3 The above list is not exhaustive and the examples given do not necessarily mean that a student would be withdrawn but that it is an option if a student was found not fit to practise by a panel formed as a consequence of any of the above.

3. Initiation of the Procedure

3.1 Once a Curriculum Area / Faculty has exhausted the College's procedures for dealing with a student's behaviour or health and where it is felt that such concerns could prevent the student from continuing on their programme of study the Dean of HE or the relevant Assistant Director (or nominee) will report such concerns to the relevant Assistant Principal, in writing, together with details of any actions taken. Any report must state and detail which College policies and / or procedures have been followed to the point of referral.

3.2 On receipt of a report the Assistant Principal will, in conjunction with the Director of Learning and Learner Services, decide whether the issues should be dealt with under the College's Code of Conduct and Disciplinary Procedures, under the Fitness to Study Policy and/or under this Fitness for Practise Policy.

4. Referral to a Fitness to Practise Panel

4.1 The relevant Assistant Principal will refer cases to the Fitness for Practise Panel.

4.2 In all cases the relevant Assistant Principal and Director of Learning and Learner Services will decide, based on the report and evidence received from the Dean of HE or relevant Assistant Director whether or not to suspend the student from attending part or all of their programme with the College and /or collaborative partner pending the outcome of the Fitness to Practise proceedings or investigation into the student's health.

4.3 The membership of the Fitness to Practise Panel will be:

- The chair of the panel will be an Assistant Principal *(who is not the Assistant Principal of the student's faculty)*
- One member of teaching staff who is not associated with the teaching of the student
- An elected representative of the HE course reps
- A representative of the profession concerned *(where possible, in the event of a representative not being available then advice will be sought from the relevant professional body and this will be submitted as evidence to the panel)*
- The Dean of Higher Education will act as Secretary to the Panel

5. Procedure for the Calling of a Fitness to Practise Panel

5.1 The Secretary to the Panel will be responsible for informing the student of the substance of the allegations against them and/or concerns about them, arranging the hearing and advising the student and any witnesses.

5.2 Any party proposing to call witnesses to give evidence at the hearing must notify the Secretary of their details not less than 3 working days before the date of the hearing. The calling of witnesses will be limited to those whose identities have been notified to the Secretary.

5.3 The student will have the opportunity to write to the Secretary of the Panel prior to the hearing admitting or disputing the grounds and enclosing any documents or making any representations they may wish to be considered by the Panel.

5.4 The student must also indicate whether or not they will be attending the hearing.

5.5 The Chair of the Fitness for Practise Panel will have discretion to delay the date of the hearing at the request of the student, the Dean of HE and / or the relevant Assistant Director.

5.6 If the student does not appear at the hearing without reasonable explanation the Panel may proceed in the absence of the student.

5.7 The student may be accompanied by a friend appearing before the Panel.

5.8 The Panel will be entitled to call witnesses to give evidence on any matter relevant to the enquiry; from anyone that the panel wishes to hear evidence.

5.9 The proceedings of the Fitness to Practise Panel will be held in private.

5.10 The Secretary will prepare a record of the proceedings of the Fitness to Practise Panel.

5.11 The Dean of HE or the relevant Assistant Director (or nominee) will present the case on behalf of the College and call witnesses.

5.12 The student will be entitled to question the Dean of HE, the Assistant Director and any of their witnesses.

5.13 The student will be given the opportunity to present their case and to call on any witnesses.

5.14 The Dean of HE or the relevant Assistant Director will be entitled to question the student and any of their witnesses.

5.15 The panel will be entitled to question the Dean of HE, the Assistant Director, any witnesses and the student.

5.16 The Panel will conduct its deliberations in private and will be free to recall any witnesses, the Dean of HE, the relevant Assistant Director or the student.

5.17 The Panel will be informed of any previous penalties imposed on the student and will have access to any comments recorded on the student's ProMonitor pages or recorded elsewhere in the College, for example information held with Learner Services.

5.18 The Panel will be entitled to hear any relevant medical or character witnesses.

5.19 Within 5 working days of the decision of the Panel the Secretary will write informing the student of the decision made by the Panel. The letter will notify the student of their right to appeal.

5.20 In imposing a sanction on a student, the Panel will, if appropriate, have regard to the relevance of the matter in relation to the student's fitness on completion of the programme of study to be registered as a professional practitioner and may in this connection seek further advice from the relevant professional body before deciding on the sanction to be imposed.

5.21 The Panel may:

a. Permit the student to continue with the programme, with or without conditions;
b. Permit the student to continue with the programme under close supervision;
c. Recommend a specified period of intercalation;
d. Where programme regulations permit; require the student to resit a specified part of the programme;
e. Require any other action considered appropriate by the Panel to enable the student's successful completion of the remainder of the programme;
f. Recommend that the student's studies on a programme leading to a professional qualification be terminated but permit registration for an alternative academic qualification;
g. Recommend that the student's programme be terminated and that the student be required to withdraw from the College.

5.22 Any penalty imposed on a student by the Panel will not be implemented until such time as the appeal period has elapsed, or in the case of a student who has lodged an appeal, the appeals procedures have been completed.

5.23 Where a student has been suspended under *Section 4.2* of these regulations the suspension will remain in place until such time as the period of appeal has lapsed or until the appeals procedures have been completed.

5.24 Should the Fitness to Practise Panel recommend expulsion the Assistant Principal will inform the Vice Principal – Innovation, Curriculum and Quality, who, following receipt of a written report of the proceedings, will endorse or revoke the decision.

5.25 When necessary the College will liaise with the appropriate HE establishment.

6. Appeal against a decision of a Fitness to Practise Panel

6.1 A student will have the right to appeal against the decision of the Fitness to Practise Panel and such an appeal will be considered under the College's Appeals Procedure, specifically an Appeals Panel will be convened under the same procedures as CCSW Academic Regulations Part J Academic Appeals Procedure - Appeals Panel.

6.2 Any appeal must be made to the Dean of Higher Education within 10 working days of the decision being notified to the student.

6.3 Following the Appeals Panel, the College will confirm that the internal procedure has been completed. In the event that the appellant rejects the findings of the Appeal Procedure, he/she/they may request an independent review of the process by the Office of the Independent Adjudicator (OIA) provided it is eligible under their rules. In such circumstances, the student should submit a Scheme Application Form to the OIA. Scheme Application Forms are available from the OIA website: www.oiahe.org.uk

7. Enhanced Disclosure and Barring Service

7.1 Students on the programmes identified at *section 1.6* (*with the exception of the BSc Counselling programme)* are required to undertake an Enhanced Disclosure for entry on to course.

7.2 The Disclosure is only truly accurate on the day it is issued. For this reason, any student who takes a break from their studies *(intercalation, deferral)* is required to obtain a further Disclosure before recommencing their programme.

7.3 Students should be informed that any, and every, future employer will require evidence of a DBS certificate.

7.4 For students who disclose information or if something comes back on the DBS that wasn't disclosed then the student may be required to attend a Criminal Conviction Panel as set out in the Criminal Convictions.