

**Policy and Procedure Title:** Fitness to Practice

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**Revision History**

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**1.0 Overview**

IT Sligo (the “**Institute**”) is committed to broadening access to education and to ensuring that learners of all backgrounds, identities and abilities are enabled and encouraged to enter, successfully participate in and complete higher education. Most programmes in the Institute require students to complete aspects of their learning in professional settings, placing them in direct contact with professional practitioners and members of the public. The Institute considers it essential to protect all concerned, including patients, clients, service users, customers or colleagues from harm and to maintain the trust and confidence of the general public in the Institute

and its graduates. This policy and procedure has been developed in recognition of the Institute's duty of care to the public as well as to support students in fulfilling programme requirements and to prepare them for future professional practice. The Institute's Student Charter (the "**Student Charter**") outlines the expectations of the Institute regarding student conduct and behaviour generally.

"Fitness to Practice is concerned with those issues that affect a person's ability to practice in their profession" (CORU, 2015). It includes the skills necessary to undertake and complete a programme with professional practice, experiential learning or clinical work, safely and effectively, so the student can fulfil his/her responsibilities within the scope of practice in their chosen field.

This Policy is intended to be used to respond to and manage concerns regarding a student's fitness to practice and/or professional suitability, collectively referred to herein as ("**Fitness to Practice**").

The Institute's Fitness to Practice Policy (the "**Policy**") seeks to ensure that, in addition to having achieved the required academic standard, students also:

- Have the capacity to perform key skills and tasks (core competencies) so as to be able to practice in their chosen profession
- Are healthy of body and mind so as to be able to practice in their chosen profession
- Conduct and behave themselves so as not to harm, or put at risk of harm, their patients, clients, service users, customers, colleagues or the general public
- Conduct and behave themselves in a manner which will not harm the reputation of the Institute, their profession or practice partners.

## 2.0 Scope

This policy and procedure applies to students participating in programmes that are subject to the IT Sligo Garda Vetting Policy.

Students will be subject to this Policy throughout the duration of their studies whether registered as full time or part-time students, whatever their registration status with the Institute, irrespective of the mode or place of study. The Institute reserves the right to amend the range of programmes to which this Policy applies as deemed necessary.

### 2.1 Other Policies:

This policy will operate parallel to other Institute policies and procedures, including the Institute's Student Charter, Garda Vetting Policy, **ADM 01100** the Institute's policy regarding applicants with Criminal Convictions, **STUD 001 00** Mental Health Policy, other relevant policies and procedures and relevant programme regulations or guidelines, such as a placement policy.

Where there is more than one Institute procedure (and/or policies) applicable to any one matter, the Registrar shall decide which of the Institute's procedures (and/or policies) should have priority or be the most appropriate in the circumstances, and may direct the continuation of some procedure(s) (and/or policies) and the suspension of others pending the outcome of the former.

Where a student has been found in breach of the Code of Conduct under the Student Disciplinary Procedure contained in the Student Charter, the Chair of the Student Disciplinary Committee will notify the Registrar and the relevant Head of Department who will jointly consider whether a Fitness to Practice issue has arisen and then decide to invoke the Policy if appropriate. In appropriate cases, the Institute has the right to suspend and/or withdraw and/or terminate a student's registration on a programme and/or placement.

## 3.0 Purpose

The Purpose of this Policy is to:

- Instil in students and staff the qualities and competences required for professional practice and to support and guide students who experience issues that may affect their ability to practice
- Provide a suitable framework for the effective management of Fitness to Practice issues that may arise, either prior to or during a student's programme of study
- Protect the public, students, placement providers and the Institute.

#### 4.0 General Principles

- 4.1 Where in this policy and procedure reference is made to any named Institute office-holder, such reference is to be read as including reference to his/her appointed nominee.
- 4.2 Matters dealt with under this policy and procedure will be dealt with according to the individual circumstances. Whilst the Institute anticipates that such cases will be exceptional, it reserves the right at any level of this Policy to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety.
- 4.3 A procedure under this Policy may be initiated at any level, without any requirement for an earlier level to have been commenced or exhausted. The level at which the procedure is initiated will depend on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his/her behaviour & its implications and the response of the student to any steps taken by the Institute to manage the situation.
- 4.4 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 Institute consults, including third parties, such as health professionals
- 4.5 Unless the President decides otherwise, any decision being appealed to the President will retain full force and effect during the currency of any appeal.
- 4.6 If the student fails or refuses to engage with the procedure provided for herein the Institute has the right to continue with the procedure.
- 4.7 Should a student be unwilling or unable to participate at any level of this Policy and procedure or to attend a meeting/assessment, the Institute may nonetheless follow this Policy and procedure where it is reasonable to do so. The Institute may, where it is reasonable to do so, deal with issues on the basis of written reports and/or statements in the absence of the student. In addition, the Institute may consider any request from a student to proceed with a meeting in his/her absence on the basis of written reports and/or a written statement from the student.
- 4.8 Any person or body taking decisions pursuant to this Policy and procedure shall seek to act in the best interests, both of any and every student concerned and of every other member of the Institute community.
- 4.9 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 that has arisen, then in the first instance consideration shall be given to the level and types of support put in place for that student in conjunction with the Institute's Access Office and Student Supports Services.
- 4.10 The staff member(s) dealing with the concern under this Policy will keep records of all relevant documentation supplied to him/her in accordance with the Data Protection Acts.
- 4.11 The standard of proof applied at every stage of this Policy and procedure is the balance of probabilities.
- 4.12 The Institute cannot guarantee the acquisition of suitable work placements for students. Work placements are provided at the discretion of the placement provider.
- 4.13 Where there is a Fitness to Practice concern regarding a student's health, the student may be referred to a relevant healthcare professional. The student is obliged under this Policy and procedure to attend such medical consultation as required. A process under this Policy and procedure can proceed notwithstanding the failure of the student to attend the nominated healthcare professional.

#### 5.0 Grounds for Fitness to Practice Referral

While issues that can impair Fitness to Practice are wide ranging, cases are deemed to fall into the following categories:

- i. Garda vetting cases: Matters disclosed via Garda Vetting may be considered a Fitness to Practice issue and will generally be dealt with in accordance with the provisions of the Institute's Policy regarding student applicants with Criminal Convictions and the Institute's Garda Vetting Policy.
- ii. Disciplinary offences: Disciplinary offences are generally dealt with through the disciplinary procedure set out in the Student Charter and may also give rise to Fitness to Practice concerns.

- iii. Fitness to Practice concerns regarding a student's health.
- iv. Other Fitness to Practice cases not covered by the above.

The grounds on which a Fitness to Practice concern may be raised include (but are not limited to):

- Professional misconduct;
- Poor professional performance/lack of competence;
- Substance misuse;
- Aggressive, violent or threatening behaviour;
- Persistent inappropriate attitude or behaviour;
- Failure to abide by Health & Safety regulations;
- Failure to accept and follow educational advice;
- Having health concerns and failure to manage these;
- A relevant medical disability which may affect a student's ability to practice their profession;
- A contravention of the Health and Social Care Professionals Act 2005 (as amended), the rules or byelaws;
- A Garda Vetting Disclosure.

A pattern of behaviour/misconduct, a series or sequence of events or, on occasion, a single act of serious misconduct or misbehaviour may cause concern as to an individual's Fitness to Practice.

This Policy and procedure will be invoked where the matter of concern is unlikely to be resolved through the use of existing supports such as coaching by academic staff, advice from the Student Health Service and/or the Student Counselling Service.

### 5.1 Disability

It is the policy of the Institute to widen the access to higher education and to address the learning needs of an increasingly diverse student body. In so doing it is committed to complying with its legal responsibilities and to supporting, within available resources, all students with a disability in their endeavours to obtain an education at the Institute. Students with a disability are welcomed and reasonable accommodation will be made in accordance with Equality legislation. Where additional support is necessary, it must be feasible within the current sphere of professional practice. It is possible therefore that regrettably, some persons otherwise qualified to undertake a programme may be unable to complete certain elements for reasons of health or due to physical ability. 'Disability' is defined for the purpose of the Equal Status Acts 2000-2015 (the "Equal Status Acts") and the Employment Equality Acts 1998-2015 as:

- a) The total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,
- b) The presence in the body of organisms causing, or likely to cause, chronic disease or illness,
- c) The malfunction, malformation or disfigurement of a part of a person's body,
- d) A condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
- e) A condition, illness or disease which affects a person's thought processes perception of reality, emotions or judgment or which results in disturbed behaviour.

Good health in the context of Fitness to Practice means that an individual's health status is such that she/he is well enough to undertake safe and effective practice under supervision. Good health does not necessarily mean the absence of any disability/specific learning difficulty or health condition. Many people with health conditions, disabilities or specific learning difficulties are able to practice with or without adjustments to support their practice, and are legally supported in this by the Equal Status Acts.

Individuals may be rendered incapable of safe and effective practice as a result of a health matter, either on a temporary or (rarely) a permanent basis. To ensure that, where possible, the Institute can make reasonable accommodation to support students with a health and/or disability issue, as well as ensuring protection for patients/clients/service users, a student on a programme of study subject to this Policy is required to declare, at first registration, any disability or health condition that, in his/her opinion, may impact on his/her ability to undertake safe and effective practice.

### 5.2 Disclosure

By registering annually for their programme, students are in effect declaring that they believe their health status is such as to allow them to undertake safe and effective practice. In the event that a student's health status changes or a disability or a level of disability emerges that causes concern as to their capacity for safe and effective practice, whether declared by the student or noticed/reported by others, they may be subject to assessment of their Fitness to Practice under this Policy.

In order to avail of reasonable accommodation, all students with disabilities or relevant health conditions are required to disclose their disability (supported by appropriate expert evidence) in the first instance to the Access Office. There is also an onus on students to bring any issues of concern relating to their Fitness to Practice to the attention of academic staff involved in their programme.

### **5.3 Raising a Concern or Making a Complaint**

All concerns or complaints (from students, staff, members of the public) in regard to Fitness to Practice issues should be made in writing using form FTP1 (available on the Student Hub) to the relevant Head of Department. The Procedure will then be implemented in accordance with the provisions contained in this document.

### **6.0 Confidentiality and Third Parties**

All matters raised under this Policy will be handled sensitively and with due consideration to confidentiality, however, it will not be possible or appropriate to maintain confidentiality in all circumstances.

Where possible, all information regarding Fitness to Practice concerns or allegations of misconduct or misbehaviour should be shared on a "need to know" basis to protect the privacy, dignity and welfare of the student concerned and regard should be had to the provisions of the Data Protection Acts when confidential information is to be shared.

While every effort is made to respect confidentiality, it may not be possible or appropriate to maintain confidentiality in all circumstances. Students should be aware that in the course of dealing with Fitness to Practice concerns, the Institute may consider it appropriate to discuss and/or refer matters and/or its outcomes to the Child & Family Agency, An Garda Síochána and/or third parties such as Professional, Statutory or Regulatory Bodies or placement providers. For example, it may be necessary to report a matter to An Garda Síochána under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 as it is an offence to withhold information on certain offences against children and vulnerable persons from An Garda Síochána. The Institute may discuss and/or refer matters on occasion without notification to the student. Where the Child & Family Agency and/or a third party carries out any investigation or process, the Institute may suspend or delay taking action under this Policy although it is not obliged to do so. The Institute will not be bound by the outcome of any Child & Family Agency or third party investigation or other process, the Institute may in its discretion take the outcome of the investigation or process into consideration in determining any outcome to be imposed under this Policy.

### **7.0 Disclosure of Criminal Convictions/Conduct which may also be a Criminal Offence**

The procedure in this Policy will be used in respect of students on Relevant Programmes who have relevant criminal convictions/prosecutions pending ie those convictions/prosecutions pending which give rise to a Fitness to Practice concern. Students on Relevant Programmes are required to disclose criminal convictions and prosecutions pending. Where a student fails to disclose criminal convictions/prosecutions pending on registration and/or while registered as a student with the Institute, the Institute may suspend/withdraw and/or terminate the student's registration.

If a student's conduct may be in breach of the criminal law, the Institute may at its discretion refer the matter to An Garda Síochána. The Institute may do so on occasion without notification to the student. In addition, the Institute may at its discretion suspend or delay taking action under this Policy pending the outcome of any An Garda Síochána inquiry and/or criminal investigation/prosecution.

The Institute may take action in respect of a student under this Policy notwithstanding his/her conviction or acquittal in criminal proceedings. The Institute is not bound by the outcome of any criminal prosecution although the Institute may in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy.

### **8.0 Garda Vetting**

The entry requirements for certain programmes necessitate applicants to undergo Garda vetting in accordance with the Institute's Policy on Garda Vetting. The procedure in the IT Sligo Policy on Garda Vetting will be used in respect of students whose Garda vetting disclosure give rise to a Fitness to Practice concern.

## 9.0 References

When providing a reference in a professional context, for example, in connection with potential employment in a profession or admission onto a professional programme of study at another institution, for a student who has been subject to the Formal Stage (Part One and Part Two) of the Procedure, the Institute will refer to the Fitness to Practice concerns, the associated circumstances and the outcome at the Formal Stage, including referring to any appeal where applicable/appropriate. Students will be actively encouraged to contact the employing organisation and discuss full details of the case with the prospective employer.

The Institute will not normally refer to Fitness to Practice concerns to which a student was subject under the Informal Stage which did not progress any further under this Policy when providing references requested in a professional context but reserves the right to do so when it considers it appropriate.

The Institute will not normally refer to issues arising in Fitness to Practice proceedings under the Formal Stage Part One or the Formal Stage Part Two when providing references for students in non-professional contexts but reserves the right to do so when it considers it appropriate.

## 10.0 Implementing the Policy

Arrangements in each Department must be consistent with this Policy. It is the duty of all staff to be familiar with this Policy.

## 11.0 Power to Suspend

The Registrar in consultation with Head of Department may temporarily suspend a student from his/her placement, work-based learning setting, related learning activities and/or programme of study and/or temporarily exclude a student from Institute premises where the Deputy Registrar in consultation with the Head of Department reasonably believe that a student in respect of whom a Fitness to Practice concern has been raised poses a risk to

- his/her own health, safety and/or wellbeing and/or that of others
- the professional activities of a placement provider or other professional organisation or to a practice situation
- the property of the Institute and/or others, and/or
- the reputation of the Institute or a placement provider or other professional organisation and/or its functioning and/or its activities

and immediate action in the form of a temporary suspension and/or exclusion is reasonably required to remove or reduce the risk. This may include, but is not limited to, Fitness to Practice concerns relating to a criminal conviction, a serious health concern, a serious once off incident etc.

This is a neutral step which is taken without prejudice and shall not be taken as an indication as to whether or not the grounds for concern are upheld.

In the case of concerns regarding the student's health, safety and/or wellbeing, the temporary suspension will remain in place until such time as an appropriately qualified person, nominated by the Institute, certifies the student fit to proceed with his/her programme of study.

If a decision is made to impose a temporary suspension/exclusion, consideration will be given to whether arrangements can reasonably be put in place for the student in order to minimise the impact on his/her studies. However, if a student cannot satisfactorily complete his/her placement as a result of a Fitness to Practice concern or other reason, they will be deemed to have failed that element of their programme.

The temporary suspension/exclusion will be kept under review by the Head of Department.

A student who is subject to a temporary suspension/exclusion may appeal that decision provided the appeal is in writing and made within 10 working days of the written notification of the decision to the student. The Appeal can be made to the President. Any decision being appealed will retain full force and effect during the currency of the appeal.

## 12.0 Fitness to Practice – Roles

In order to implement the provisions of this Policy in an appropriate manner, specific roles are assigned.

### 12.1 The Registrar

The Registrar will have overall responsibility for the management of this Policy. The Registrar has overall responsibility for decisions related to Fitness to Practice concerns and the appropriate procedure to be utilised.

### 12.2 Head of Department

A serious concern regarding a student's Fitness to Practice should be raised with the Head of Department where a student has failed to (or is judged unlikely to) resolve the concern within the existing supports or actions. The Head of Department will work with the appropriate staff to address Fitness to Practice concerns and complaints made and endeavour to have them resolved swiftly at an appropriate level.

### 12.3 Fitness to Practice Committee

Where there is a continuing on-going concern or where there are concerns that immediate consideration and determination of a student's Fitness to Practice is warranted the Head of Department and/or the Registrar may decide to refer the Fitness to Practice concern to a Fitness to Practice Committee. The Fitness to Practice Committee will be convened by the Registrar as and when required.

The Fitness to Practice Committee shall consist of:

- An external person with expertise in the student's chosen practice area
- A staff member of the Institute from the student's school
- A staff member of the Institute from a different school to the student

The Chair of the Fitness to Practice Committee will be chosen by the Registrar and will be responsible for overseeing the process and will work closely with the Registrar to ensure that the procedure is run smoothly and effectively.

A member of the Institute's administrative staff will attend meetings of the Fitness to Practice Committee for the purpose of taking notes and recording decisions made. This person is not a member of the Fitness to Practice Committee and will not be involved in the decision making process. Every effort will be made to ensure gender balance on the Fitness to Practice Committee.

### 12.4 The President

The President of the Institute shall determine appeals from students in relation to decisions of the Fitness to Practice Committee

## 13.0 Procedure

### 13.1 Informal stage

It is anticipated that in most instances, Fitness to Practice concerns can be addressed and resolved informally and the Institute will make every effort to do so. For minor concerns the Placement Supervisors may discuss the issue(s) directly with the student and/or the Placement Lecturer to agree steps to remedy the situation. Notwithstanding that this is an informal step, a written record (using the Note of Concern FTP1 template at Appendix 1) must be maintained with regard to the concern and the action taken to resolve the matter at local level.

The Placement Lecturer and/or Placement Supervisor may decide, following discussions with the Student that:

- a. There is no case to answer
- b. No further action be taken
- c. Support arrangements and/or reasonable accommodation be put in place for the student, following any necessary assessment
- d. The matter be referred to the Registrar who may decide to deal with the matter via the Formal Stage or under another Institute process eg Student Disciplinary Procedure etc

### 13.2 Formal Stage

#### 13.2.1 General Points

The Formal Stage will be used to address concerns:

- Where any issues are considered too serious to be dealt with under the Informal Stage.
- Where the student is not happy with the decision made in the Informal Stage and notifies the Head of Department within 5 working days of receiving the decision that s/he is invoking the Formal Stage
- Where the student elects for the concern to be dealt with under the Formal Stage

- Where the student has failed to comply with the outcome of the Informal Stage.

Where a student, staff member or member of the public has a concern regarding a student's Fitness to Practice they must put their complaint/concern in writing using form FTP1 (available on the Student Hub) and submit this to the relevant Head of Department in order to start implementation of the Fitness to Practice Procedure. Concerns or complaints must be clearly outlined and available supporting evidence included.

Students who have issues of concern/allegations made regarding their Fitness to Practice have the right to be accompanied by an appropriate person, such as, a friend, a fellow student, student services, the Institute's Students Union representative, in a supportive capacity in the Formal Stage of the procedure. There is no right to legal representation or to be represented by any person or body unconnected with the Institute.

The person making the complaint/raising the concern (the complainant) should be made aware that:

- Full details of the complaint will be put to the Respondent (the person about whom the concern/complaint is being made)
- The Respondent will be given an opportunity to engage with the Complainant face to face in order to challenge the concern/complaint raised
- In the event of the matter being referred to the Fitness to Practice Committee, the Complainant and Respondent may call witnesses and may enter witness statements.
- Witnesses cannot be compelled to attend under this procedure.

### **13.2.2 Formal Stage Part 1**

On receipt a Fitness to Practice concern, the relevant Head of Department will:

- Carry out a preliminary review of the issue and the available evidence;
- Examine any supporting evidence/documentation from the person raising the concern;
- Inform the Respondent, in writing, of the concern(s);
- Explain the Policy and provide the Respondent with a copy of the Policy;
- Request the Respondent to make a submission in regard to the issue, including any medical or other evidence they would like taken into consideration.
- Arrange a meeting to discuss the matter with the Respondent. The Head of Department may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to deal with the matter and to provide support to the Respondent. The Head of Department will normally be accompanied at all meetings with the Respondent and a contemporaneous record of the meeting shall be taken.

The Head of Department may decide that:

- There is no case to answer
- No further action is to be taken
- Support arrangements and/or reasonable accommodation to be put in place for the Respondent, following any necessary assessment
- An action plan be drawn up setting out how the matter will be managed by the School including the outlining of any requirements which are placed on the Respondent
- The matter be referred for consideration under another Institute process eg Student Disciplinary Procedure etc
- The matter be referred to the Fitness to Practice Committee (Formal Stage Part 2)

The decision of the Head of Department will be communicated to the Respondent in writing within [15] days of the meeting between the Respondent and the Head of Department. Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay. A copy of the decision and any associated documentation will be retained on the Respondent's personal file.

### **13.2.3 Fitness to Practice Committee Formal Stage Part 2**

The Formal Stage Part 2 will be used to address concerns:

- Where the Respondent is not happy with the decision made by the Head of Department in the Formal Stage Part 1 and notifies the Head of Department within 5 working days of receiving the decision that s/he is invoking the Formal Stage 2 Part 2;
- Where the Respondent has failed to comply with the outcome of the Formal Stage Part 1;
- Where the Fitness to Practice concern is considered too serious to be dealt with under the Formal Stage Part 1

Prior to any matter being determined at Formal Stage Part 2, the Institute may undertake any such investigations as it considers reasonable and appropriate in the circumstances. A member of staff will be appointed by the Registrar to act as Investigating Officer and the Institute may put in place terms of reference for any such

investigation. The Respondent will normally be informed that an investigation is being carried out and of the identity of the Investigating Officer.

The Investigating Officer will determine the process to be followed for the investigation and may speak with the Respondent and with other students, staff and where relevant third parties (such as placement providers or health professionals) and call for information. Any investigation will be carried out in a transparent and fair manner. The Investigating Officer will

- Inform the Respondent that concerns regarding his/her Fitness to Practice have been raised and full details of the nature of these concerns will be outlined
- Provide the Respondent with a copy of the Policy
- Provide documentation to the Respondent in support of the concern, if any
- Indicate that s/he will be given an opportunity to respond
- Inform him/her that he may be accompanied in accordance with this Procedure
- Advise of any appropriate internal and external supports available to the student

The Investigating Officer will provide a report to the Fitness to Practice Committee which will determine whether the Respondent's Fitness to Practice is impaired, or may become impaired.

In advance of the Fitness to Practice meeting with the Respondent, the Chairperson of the Fitness to Practice Committee will write to the student to:

- Inform him/her that concerns regarding his/her Fitness to Practice have been raised and full details of the nature of these concerns will be outlined
- Provide a copy of the Policy
- Provide documentation in support of the concern, if any
- Provide a copy of any Investigating Officer's report
- Indicate that s/he will be given an opportunity to respond
- Invite him/her to attend a meeting with the Fitness to Practice Committee
- Give him/her notice of the date, time and place of the meeting with the Fitness to Practice Committee
- Inform him/her that he may be accompanied in accordance with this Procedure
- Advise of any appropriate internal and external supports available to the student

The Fitness to Practice Committee will consider all of the evidence provided to it and may obtain any expert advice that it deems necessary. Arising from its consideration of the evidence, the Fitness to Practice Committee may decide that the Respondent requires one or more of the following:

- Undergo testing by a doctor or specialist nominated by the Fitness to Practice Committee, at the Institute's expense, in respect of suspected drug or alcohol addiction/misuse. A Respondent failing to comply with this requirement and/or whose tests confirm drug or alcohol addiction/misuse may be required by the Fitness to Practice Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the Institute) to be fit to proceed.
- Undergo a medical examination or assessment (including a psychiatric assessment) by a doctor or relevant specialist nominated by the Fitness to Practice Committee at the Institute's expense for the purpose of obtaining an opinion as to the Respondent's medical Fitness to Practice. A Respondent failing to comply with this requirement and/or whose is deemed medically unfit, may be required by the Fitness to Practice Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the Institute) to be medically fit.

The Fitness to Practice Committee will determine whether the Respondent's Fitness to Practice is impaired, or may become impaired, and whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following:

- Decide that there is no case to answer
- Decide that no further is action to be taken
- Support arrangements and/or reasonable accommodation to be put in place for the student
- An action plan be drawn up setting out how the matter will be managed by the School including the outlining of any requirements which are placed on the Respondent
- The matter be referred for consideration under another Institute policy eg Student Disciplinary Procedure etc
- Continue in the relevant programme subject to review
- Caution the Respondent in relation to the matter which will be noted on the Respondent's records and that the matter will be taken into account by the Institute in response to requests for references

- Suspend the Respondent until such time as s/he is certified by an appropriately qualified person (nominated by the Institute) as fit to proceed with his/her course of studies
- Require the Respondent to repeat parts of the programme.
- The Respondent be transferred to an alternative programme of study
- Withdrawal of the Respondent from placement
- Dismiss or strike out from the Respondent's record any allegations based on vexatious, false or malicious claims
- Terminate/Expel the Respondent from his/her course
- Such other action as is appropriate in the circumstances.

The decision of the Fitness to Practice Committee should be communicated to the Respondent concerned in writing within [15] days.

Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay.

A copy of the decision and any associated documentation will be retained on the Respondent's personal file.

### **13.3 Appeals**

The Respondent may appeal the decision of the Fitness to Practice Committee by writing to the Institute's President within 5 working days from the date of the communication of the Fitness to Practice Committee's decision notification.

The Respondent may appeal the Formal Stage Part 2 outcome to the President on the grounds that:

- The Institute failed to follow the process set out in the Policy and this had a material effect on the decision.
- The decision at the Formal Stage Part 2 was inconsistent or disproportionate to the evidence provided.
- The evidence produced at the Formal Stage Part 2 meeting with the Fitness to Practice Committee was factually incorrect or the student has new and material information or evidence which was not previously available and would have a material effect on the decision.

The Respondent must specify the ground(s) on which the appeal is made.

The President will normally review the Respondent's appeal within 15 working days of the receipt of the appeal and may make one of the following decisions:

- Dismiss the appeal (in whole or in part)
- Uphold the appeal (in whole or in part)
- Direct that the Fitness to Practice Committee undertake a further meeting with the Respondent on the basis of new evidence
- Impose an alternative decision.

The President will communicate his decision to the Respondent normally within 15 working days of the determination of the appeal. The decision of the President is final and may not be appealed.

### **14.0 Return to Study**

It is recommended that students returning after a leave of absence contact their academic department in advance of their return date to discuss the implications of returning to the Institute including any conditions of re-engagement and to ensure that appropriate support is in place.

The Institute reserves the right to require a student returning to study to provide a letter of certification from an independent physician or psychiatrist or other medical professional who is or has been treating the student, confirming that the student is fit to practice. The Institute also reserves the right to require a student returning to study to undergo a medical examination or assessment (including a psychiatric assessment) by a doctor or relevant specialist nominated by the Institute at the Institute's expense.

### **15.0 Malicious Intent**

Vexatious and/or malicious concerns raised by students/staff will be dealt with under the appropriate disciplinary procedure.

### **16.0 Review of Fitness to Practice Policy**

The Policy shall be reviewed annually.

The decisions of Fitness to Practice Committee shall be copied to the Registrar. The implementation of the Policy will be subject to annual audit by the Institute's Internal Auditor who will report his/her findings to the Registrar. Proposed amendments to the Policy will be brought to the Academic Council for approval.

### **17.0 Recourse to the Ombudsman**

If a student feels that they have been unfairly treated or are not satisfied with the decision/outcome, it is open to them to contact the Office of the Ombudsman.

Contact details are as follows:

Office of the Ombudsman  
18 Lower Leeson Street  
Dublin 2  
Tel: Lo-call 1890 22 30 30  
Tel: 01 639 5600  
Fax: 01 639 5674  
Email: [ombudsman@ombudsman.gov.ie](mailto:ombudsman@ombudsman.gov.ie)  
[www.ombudsman.ie](http://www.ombudsman.ie)

### **18.0 Training**

Members of staff and particularly members of Fitness to Practice Committees will be provided with relevant training on Fitness to Practice.

**Appendix I – Note of Concern Form - FTP1**

<b>Student Name:</b>	
<b>Student Number (if known)</b>	
<b>Programme:</b>	
<b>Address:</b>	
<b>Contact Number (if known):</b>	
<b>Email:</b>	
<b>Concern Raised by:</b>	<b>Name:</b> <b>Signature:</b>
<b>Relationship to student (role/context):</b>	

**Factual description of the concern – Please give specific examples and provide any available supporting evidence**

**For Head of Department Use:** Comments/Observations

Appendix 1

**Student Comments/Observations on the reported concern**

**Agreed Action Plan points**

Where a leave of absence/withdrawal is being considered, the student should check with the Fees & Grants Officer at the Admissions Desk for possible financial implications.

Review Date:

Declaration by Student:

<p>I understand the nature of the concerns raised by the Institute in regard to my Fitness to Practice. I understand the impact that these concerns may have upon others. I have agreed to work to implement the Action Plan set out above which has been drawn up to support me overcome the concerns raised. If I do not implement the Action Plan, the Institute will consider taking other appropriate action as appropriate/required.</p>	
Signed:	Date:
Witnessed:	
Head of Department:	