

# College of Arts, Humanities and Social Sciences (CAHSS)

## Fitness to Practise Procedure

OVERVIEW	
This is the College Fitness to Practise Procedure for Arts, Humanities and Social Sciences, and governs Fitness to Practise casework for Schools and the College Academic and Student Administration team.	
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DOCUMENT CONTROL	
Date approved	<i>College Undergraduate Learning and Teaching Committee 6/6/19, College Postgraduate Studies Committee 15/5/19, College Education Committee 12/10/2023</i>
Date starts	2023/24
Dates updated	
Review date	2025/26
Owned by	Academic and Student Administration, College of Arts, Humanities and Social Sciences

### 1. Purpose

- 1.1. The University Undergraduate Degree Regulations and Postgraduate Degree Regulations state that relevant College Fitness to Practice Committees (the “Committee”) have oversight of issues related to Fitness to Practise, in particular to ensure that students meet the Fitness to Practise requirements of their programme and will not constitute a risk to vulnerable children, adults, patients or the public in general and are suitable persons to become registered members of the relevant professional body.

Programmes are subject to Fitness to Practise requirements if during the course of the programme students undertake professional placements where they practise in relation to patients, children, clients or service-users, and / or where the qualification leads to eligibility for a license to practise. Applicants and students are notified if the programme they have applied to is subject to fitness to practise requirements.

Judgements concerning a student’s fitness to practise may be in respect of health, conduct or any other matters which the Committee may reasonably deem relevant, whether such matters relate to the student’s University programme (including but not limited to programme placements) or are unrelated to it.

- 1.2. The purpose of College of Arts, Humanities and Social Sciences Fitness to Practise Procedure (the “Procedure”) is to:

- 1.2.1. fulfil the College’s duty to ensure that students on professional programmes are fit to practise;
- 1.2.2. protect the interests and wellbeing of members of the public with whom students have contact during professional training, and in particular minimising the risk of harm to children, vulnerable adults, patients, clients and service users;

- 1.2.3. ensure that students are appropriately prepared for entry to the profession and understand and demonstrate professional behaviour, and to comply with the requirements of professional bodies; and
- 1.2.4. reduce the risk to the University of legal action brought by an individual or representative of an individual claiming to have suffered harm or loss as a result of student proving during training or after qualification to be unfit to practise.

## **2. Principles**

- 2.1. The safety and wellbeing of members of the public with whom students may have contact during professional training and as a practitioner are paramount.
- 2.2. Any concerns about a student's fitness to practise are raised promptly, and are investigated and assessed in a timely, fair and systematic manner.
- 2.3. The student's level of study and experience is taken into consideration in making judgements concerning fitness to practise, for example different expectations and a different approach may be appropriate for a student who has only recently commenced studies, in comparison to a student at an advanced stage in their programme.
- 2.4. This Procedure is not a disciplinary procedure, though behaviour that puts a student's fitness to practise into question may also breach the Code of Student Conduct. Interactions between this Procedure and the Code of Student Conduct are covered in section 7.
- 2.5. The University defines the academic requirements of degree programmes. The relevant professional body defines the professional competencies and standards for entrants to that profession. Schools define the requirements of fitness to practise for students on their professional programmes.
- 2.6. Students have a responsibility to read and familiarise themselves with the content of any relevant University, College and School policies, procedures, regulations, codes of practise, and course and programme handbooks. Students on professional programmes also have a responsibility to read and familiarise themselves with information on fitness to practise requirements and the expected standards of their profession provided by the relevant professional body and / or professional placement provider.

## **3. Overview of Process**

- 3.1. Before a concern is identified as a fitness to practise concern, Schools may take a range of actions to support students and to address any deficits in professional skills or competencies. These may include but are not limited to additional pastoral and academic support, referral to support services, an Authorised Interruption of Studies, or a repeat period of study.
- 3.2. Where a student is unable to progress due to a failure to meet learning outcomes associated with professional competencies, and there are no other relevant circumstances as detailed in section 6, this should be addressed through standard assessment and progression procedures.
- 3.3. Once a concern has been identified as a fitness to practise concern, there are two potential stages:
  - a. Stage One is action taken by the student's Head of School (or their designated officer).

- b. Stage Two is referral to the College Fitness to Practise Committee.

It is expected that only a minority of cases will proceed to Stage Two, and that most will be addressed through appropriate student support and guidance under Stage One. Where concerns are persistent or serious, and where they cannot be appropriately addressed through measures available at Stage One, cases will be escalated to Stage Two.

#### **4. Scope**

- 4.1. By matriculating or enrolling on any credit-bearing University course or programme, a student becomes a member of the University community, and subject to University policies and procedures.
- 4.2. This Procedure applies to all students of the University matriculated on programmes in the College of Arts, Humanities and Social Sciences with Fitness to Practise requirements.
- 4.3. Subject areas in College of Arts, Humanities and Social Sciences within the scope of this Procedure are:
  - a. Education
  - b. Law (Diploma in Professional Legal Practise)
  - c. Social Work
  - d. Nursing Studies
  - e. Clinical Psychology
  - f. Counselling, Psychotherapy and Applied Social Sciences
- 4.4. In accordance with the Undergraduate Degree Regulations and Postgraduate Degree Regulations, students are subject to this Procedure both while actively studying or while on an Authorised Interruption of Studies.
- 4.5. Fitness to practise concerns will be addressed under this Procedure regardless of the student's performance in assessment.
- 4.6. If a student fails to disclose information relevant to their fitness to practise at application to a professional programme, the student's fitness to practise should be considered under this Procedure.
- 4.7. Where a fitness to practise concern is raised about a student who is due to graduate, graduation should be deferred if necessary to allow the process to be concluded, even if the student is in good academic standing.
- 4.8. The College may also take action under this Procedure when the individual concerned is no longer matriculated or enrolled at the University, and reserves the right to inform the relevant professional body if a student is found not to have met relevant fitness to practise requirements following a fitness to practise investigation taking place after a student is no longer matriculated or enrolled at the University.
- 4.9. The relevant professional body is ultimately responsible for decisions about professional registration. The test for fitness to practise and/or the threshold for fitness to practise used by the regulatory body may be different to that used by the College or by a School within the

College. Acceptance onto or completion of a programme of study does not guarantee that the relevant regulatory body will agree to register any student.

## **5. Information Provided to Applicants and Students**

- 5.1. When applicants are notified that professional body requirements are relevant to their chosen programme, they have a responsibility to make themselves familiar with these requirements. Applicants are responsible for sharing relevant information with the University during the application process.
- 5.2. Information about fitness to practise requirements for on-programme students is communicated via the Programme Handbook. Any additional information should be provided in course handbooks, on programme and course virtual learning environments (VLE) or other learning events. Students are responsible for making themselves familiar with this information.
- 5.3. Students are informed via the Programme Handbook of any information-sharing arrangements between their programme School and placement providers, professional bodies or any other external organisation. Students are responsible for ensuring that they are aware of any duty for them to make disclosures to the regulatory body of their chosen profession.
- 5.4. In the event that information about a fitness to practise concern is shared with an external organisation, the decision to share information will be subject to an internal review process, and the student will be notified of the information shared.

## **6. Relevant Circumstances**

- 6.1. Relevant circumstances that may put a student's fitness to practise in question may be a single event, or a pattern of behaviour whether about the same or different issue, and may also follow attempted remediation that has failed to resolve the issue.
- 6.2. A student's fitness to practise may be put in question because of a student's actions or failure to act appropriately.
- 6.3. The College reserves the right to request and consider evidence, including medical evidence, as it deems appropriate. Failure by the student to provide requested evidence may inform fitness to practise considerations.
- 6.4. In assessing a student's fitness to practice, the College may take into account any on-going investigation, or the outcome of any relevant decision-making process, by a relevant professional body, placement provider, or external employer (such as an NHS Board).
- 6.5. Student's actions or behaviour outside their practice placement and programme may also bring into question their fitness to practise.
- 6.6. Some relevant circumstances may also breach the Code of Student Conduct. More information can be found in section 7.
- 6.7. Professional behaviour
  - 6.7.1. Programme-specific guidance on professional behaviour is provided in programme handbooks, and may be supplemented by information in course handbooks, VLEs, and

in other course content, or may refer to standards and codes of practise published by relevant professional bodies.

#### 6.8. Criminal offences

- 6.8.1. If a student is charged with, or convicted of, a criminal offence after matriculating with the University, the College will decide, in consultation with the relevant Fitness to Practise contact, whether action is required under this Procedure or the Code of Student Conduct
- 6.8.2. In assessing a student's fitness to practise, the College may take into account any on-going criminal proceedings or the outcome of any relevant criminal proceedings.
- 6.8.3. Failure to disclose a relevant conviction or charge may bring into question a student's fitness to practise. Relevance here is defined by College and professional body requirements.

#### 6.9. Health concerns

- 6.9.1. In the large majority of cases, student health conditions can be addressed through appropriate support and reasonable adjustments, and will not bring into question fitness to practise.
- 6.9.2. In exceptional circumstances, a student may be referred to fitness to practise procedures because of a health condition that is preventing them from meeting required professional competencies, or practising safely, after reasonable adjustments have been made. The University's responsibilities under the Equality Act 2010 shall be taken into account in considering fitness to practise. Students are responsible for engaging with any reasonable adjustments, and a failure to do so may result in concerns about fitness to practise.
- 6.9.3. Failure to disclose a relevant health condition, or failure to recognise a relevant health condition, may bring into question a student's fitness to practise. Relevance here is defined by professional body or placement provider requirements.

#### 6.10. Academic misconduct

- 6.10.1. Academic misconduct may bring into question a student's fitness to practise. Under the University Academic Misconduct Procedure, the College Academic Misconduct Officer will report the outcome of any academic misconduct investigations to the relevant Fitness to Practise contact, and will consult on whether further action is required under this Procedure. While plagiarism in the early part of a professional programme may be appropriately dealt with under the Academic Misconduct Procedures, academic dishonesty at a later stage is likely to also raise concerns about the student's fitness to practise.

### **7. Interactions with other University Policies**

- 7.1. Student behaviour or actions that lead to fitness to practise being in question may also be within the scope of the Code of Student Conduct and/or the Support for Study Policy.
- 7.2. Where a report concerning student conduct may breach both the Code of Student Conduct and the relevant professional code of conduct, the responsible party will remit the case to the

School Fitness to Practise contact and the Chair of the Fitness to Practise Committee (or their delegates) for consultation and advice, in order to identify the alleged behaviours with reference to the professional code and to set out the terms of reference of an investigation.

- 7.3. Students will be informed as to how the different processes will be followed and in what order.
- 7.4. This does not preclude Schools taking frontline action by providing advice and guidance on appropriate professional behaviour.
- 7.5. Where an allegation of misconduct investigated under the Code of Student Conduct is proven, the case will be remitted to the relevant Fitness to Practise Committee for advice (and any additional action) prior to any action being taken under the Code.
- 7.6. Where an allegation of misconduct investigated under the Code is not proven, the allegation can be reconsidered by the Fitness to Practise Committee if there were professional issues identified at the consultation stage that were outwith the scope of the Code.
- 7.7. In all cases, the University reserves the right to consider a student's behaviour under both the Fitness to Practise Procedure and the Code of Student Conduct if it has good reason to believe that there has been or may have been both a fitness to practise concern, and a breach of the Code of Student Conduct.
- 7.8. A fitness to practise concern may also lead to a referral under the Support for Study Policy. A referral under the Support for Study Policy does not preclude a relevant School or College also taking action under the CAHSS Fitness to Practise Procedure. Where appropriate, the Chair of the Support for Study panel may be invited to any subsequent Fitness to Practise panels to act in an advisory capacity.

## **8. College Fitness to Practise Committee and College Fitness to Practise Panels**

- 8.1. The membership of the Committee is confirmed annually and a record of the membership is held by the College Fitness to Practise Committee Secretary (the "Committee Secretary").
- 8.2. The committee Chair is the College Academic Misconduct Officer. The Dean of Students will deputise in this role if required.
- 8.3. Heads of Schools with professional programmes will be asked annually to nominate, or confirm the continuation of, at least two members of staff from each subject area with relevant expertise in Fitness to Practise.
- 8.4. There is no limit to how long an individual may be a member of the Committee.
- 8.5. Members of the Committee cannot also be members of the University Fitness to Practise Appeal Committee.
- 8.6. The Committee meets once annually to review the functioning of Fitness to Practise panels and discuss and review the annual caseload, procedure and guidance. Members of staff from relevant subject areas may be invited to attend.

- 8.7. Members of the Committee cannot serve on a College Fitness to Practise Panel if they have already had significant involvement in a student case at Stage One, for example having been involved in decision-making at Stage One
- 8.8. If a Fitness to Practise contact is presenting a case to the Panel they cannot also act as a member of the Panel for that case.
- 8.9. College Fitness to Practise Panels (the “Panel”) must include the Chair, at least two members of the Committee, normally including one representative from the student’s subject area and one from another subject area, and two representatives of the relevant profession who are external to the University (for example placement providers, external supervisors, or representatives of the relevant professional body). Representatives from the profession should not have had significant involvement with the student prior to the panel hearing, for example they should not be the student’s supervisor or line manager.
- 8.10. Representatives from other University departments, including from the University’s Student Wellbeing Services will be invited to attend a panel meeting in an advisory capacity or otherwise where appropriate.

## **9. Reporting concerns about a student’s fitness to practise**

- 9.1. Concerns may be raised by University staff, students, placement providers, patients / clients / service users, members of the public, or members of a relevant professional body.
- 9.2. Each professional programme must have a named person responsible for Fitness to Practise concerns (the Fitness to Practise contact) and concerns should be referred to this person for consideration. Fitness to Practise contacts are appointed by the Head of School, and may also act as members of the Fitness to Practise Committee.
- 9.3. Urgent concerns should be reported to the relevant Fitness to Practice contact, Head of School, and to the Secretary of the College Fitness to Practise Committee to consider suspension from studies.

## **10. Suspension from Studies**

- 10.1. In cases where there is an urgent concern, the Chair of the Committee may decide to immediately and temporarily suspend a student from further study where:
  - a. the student is judged to be a danger to themselves; or
  - b. there is a risk to the safety and wellbeing of others; or
  - c. the student is subject to a misconduct allegation; or
  - d. a criminal charge is pending against the student; or
  - e. the student is the subject of a police investigation.

The Chair of the Committee is invested with the authority of the Head of College to take this action, and this action may be taken at any stage in the Procedure.

- 10.2. The decision to suspend a student should be communicated in person to the student by the Fitness to Practise contact responsible for the area in which the student is studying. The student will be invited to bring a supporter from the University community to the meeting. The student

will be given written notice of the suspension at the meeting. If the student does not attend the meeting, they will be notified of the suspension by email.

- 10.3. Following notification, the student will be given 5 working days to make a statement to the Chair of the Fitness to Practise Committee, in person or in writing, or through an appropriate member of the University community, if they wish to contest the suspension.
- 10.4. The decision to suspend a student must be reviewed by the Chair of the Committee every 20 working days. If at a review the Chair decides the suspension is no longer required, the student will be informed that the suspension has ended.

## **11. Initial consideration of a fitness to practise concern**

11.1. When a concern is raised about a student's fitness to practise, and the Fitness to Practise contact is satisfied that action is required under this procedure, the Fitness to Practise contact will decide the appropriate route (Stage One or Stage Two, below). The safety and wellbeing of members of the public will be treated as paramount. Other issues to be taken into consideration will include:

- a. the seriousness of the concern;
- b. relevant professional body regulations or guidance;
- c. reasonable expectations about the student's professional development relative to their level of study;
- d. the appropriateness of outcomes available through Stage One and Stage Two below; and
- e. the needs of the student for support during the investigation

## **12. Consideration of a repeated or escalating fitness to practise concern**

12.1. When there is a repetition of behaviour bringing a student's fitness to practise into question, when behaviour is reported to be escalating, or when a student does not meet the requirements of outcomes agreed at Stage One or Stage Two of this process, this should be reported to the Fitness to Practise contact and they will decide the appropriate route (further action under Stage One, escalation to Stage Two or further action under Stage Two).

## **13. Stage One – School level**

- 13.1. The Fitness to Practise contact may decide that the concern can be appropriately addressed through action taken by the Head of School (or their delegated officer).
- 13.2. If a School has more than subject area with professional programmes, the School may have a Stage One procedure for each subject area.
- 13.3. Action taken at School level will be focused on supporting students in developing their professional behaviours and skills, and supporting the student in identifying and addressing any behaviour that does not meet expectations for appropriate professionalism for their level of study. Action taken in relation to health concerns will be focused on identifying support needs and reasonable adjustments, in consultation with the Student Disability Service as appropriate. It is expected that most cases will be appropriately resolved through Stage One.
- 13.4. Stage One documentation will include, at a minimum:



- a. a statement in the programme handbook on the programme fitness to practise requirements;
- b. a statement in the programme handbook on how fitness to practise concerns can be raised;
- c. a statement in the programme handbook on the School or subject area procedure for addressing any fitness to practise concerns, or reference to another document that provides this information;
- d. the name and contact details of the relevant Fitness to Practise contact; and
- e. a statement of possible outcomes of action taken under Stage One. Indicative outcomes at Stage One are the outcomes listed under 15.13 a) to c) below. Outcomes listed under 15.13 d) to g) can only be imposed by the College Fitness to Practise Panel. If an appropriate outcome is not available to a School, the case should be referred to Stage Two.

13.5. Stage One procedures will include, at a minimum:

- a. a procedure for informing the student of the fitness to practise concern and enabling them provide a statement or explanation in response to the concern;
- b. investigation of the initial concern and production of a written report of the investigation;
- c. a timescale for the conclusion of the investigation and subsequent decision-making.
- d. actions taken at Stage One and any outcomes agreed with the student must be recorded by the School to an appropriate level of detail. Any outcomes agreed with the student will be communicated to the student in writing.
- e. students will be informed that they can approach The Students' Association Advice Place as a source of independent advice and support. Students have the right to be accompanied at any meeting held under this procedure by a supporter from the University community, such as their Personal Tutor or an Advice Place Advisor.
- f. if the student does not appear at a meeting, having been given due notice of the meeting, the School may make a decision on the fitness to practise concern in the student's absence. If the student does not attend the meeting, the School may consider this as a relevant factor when making a decision on the case.

#### **14. Stage Two – College level**

14.1. If the Fitness to Practise contact decides a concern requires escalation for action by College, they should seek confirmation from their Head of School, and then complete a College Fitness to Practise referral form and send this to the College Fitness to Practise Committee Secretary. See sections 11 and 12 for issues to be taken into consideration in assessing whether a concern requires escalation to Stage Two.

14.2. If the Committee Secretary and Convener of the College Fitness to Practise Committee are satisfied that the case requires action under Stage Two, they will confirm this to the Fitness to Practise contact. If they are not satisfied that the case requires action under Stage Two as reported, or they require further information from the School, they may request further information from the School, or request that the School consider the case under Stage One.

- 14.3. The Committee Secretary will arrange a College Fitness to Practise Panel meeting to review the case. Where possible, the Committee Secretary will seek to ensure panels are sufficiently diverse and representative of protected characteristics.
- 14.4. Panel meetings should be held in person wherever possible. Where a student is unable to attend in person, the Committee Secretary will consult with the student and panel members to establish if a virtual meeting would be appropriate.
- 14.5. The Committee Secretary will write to the student at least 10 working days prior to the committee meeting date, with the arrangements for the meeting. At this stage the student will also be sent a copy of the referral report form and any other documentation that will be considered by the Panel, and the names of any witnesses who will appear at the meeting. The student will be informed that they will have an opportunity to present their case to the Panel, and given about information about their rights to invite witnesses, submit evidence and seek independent support.
- 14.6. The student has the right to invite individuals to give evidence on their behalf. If a student wishes to invite a witness to speak to the Panel on their behalf, the student must inform the Committee Secretary, at least two working days in advance of the meeting, of the names and contact details of any witnesses.
- 14.7. If the student wishes to submit any documents to the committee, these must be submitted to the Committee Secretary at least two working days in advance of the meeting can be appropriately addressed through action taken by the Head of School (or their delegated officer).
- 14.8. Students have the right to be accompanied at any meeting held under this procedure by a supporter from the University community, such as their Student Adviser or a EUSA Advice Place Advisor. All students must be strongly advised to consult the EUSA Advice Place prior to the meeting.
- 14.9. The student has a right to be legally represented at their own expense at the Panel meeting, however the Committee Secretary must be informed of this in writing at least 5 working days in advance of the Panel meeting. If this is the case, then the Committee Secretary will arrange for a legal representative of the University to be present at the Panel hearing.
- 14.10. The College will undertake the Fitness to Practise procedure according to these guidelines and will not provide additional documentation or enter into discussion with a student's legal adviser prior to the Panel meeting.
- 14.11. If the student seeks to delay the meeting on the grounds of ill health, medical evidence must be required to support the request.
- 14.12. If the student does not appear at the meeting, and the Panel is satisfied that the student was given due notice of the meeting, the Panel may make a decision on the fitness to practise concern in the student's absence. If the student does not attend, the Panel may consider this as a relevant factor when making a decision on the case.

## **15. College Fitness to Practise Panel procedure**

- 15.1. The Panel will consider each case on its own merits with due regard to the circumstances and will make a decision on the balance of probabilities about whether the student meets, or does not meet, the relevant fitness to practise requirements. If the case has previously been through Stage One, the report of Stage One will be made available to the panel. If the case has previously been through a Support for Study process, the report and outcome will be made available to the panel.
- 15.2. The Chair of the Panel will open the meeting by outlining the procedure to be followed at the meeting.
- 15.3. The Fitness to Practise contact will present the fitness to practise concern and supporting evidence.
- 15.4. The student will be invited to make a statement and present evidence. The student may submit a written statement or have a supporter read a written statement on their behalf.
- 15.5. Evidence from any witnesses will be heard. Witnesses will only be in attendance to give evidence.
- 15.6. The members of the panel and the student or their representative may examine, cross-examine and re-examine the Fitness to Practise contact, the student and any witnesses.
- 15.7. The Chair of the Fitness to Practise Panel may withdraw the right of the student or their representative to examine, cross-examine or re-examine certain witnesses, where it is reasonable and proportionate in the circumstances of the case. Where this occurs, the student will have the right to present any challenges to the witnesses' evidence to the members of the panel.
- 15.8. The Chair of the Fitness to Practise Panel may agree to make special arrangements to allow witnesses to give evidence to the Panel from a separate location, e.g. via video link. Any evidence provided to the Panel via special arrangements will also be made available to the student.
- 15.9. The Fitness to Practise contact and student or their representative will be invited to make a final statement, with the student speaking last.
- 15.10. The Panel will then consider a decision or may adjourn the hearing if it is felt further evidence and/or reports are required or if the Panel wishes to seek independent legal advice. Any such further evidence, reports or legal advice will be disclosed to the student.
- 15.11. A decision cannot be made on any additional concerns raised within the meeting. If this occurs, the Panel must adjourn until these further concerns are separately investigated.
- 15.12. The Fitness to Practise Contact, student, any supporters, and any witnesses, will withdraw while the Panel considers its decision. The Committee Secretary will record the decision and the reasons for the decision. The Committee Secretary is not part of the Panel and does not contribute to the Panel decision.
- 15.13. The purposes of the outcomes of the procedure are to ensure that the student will not constitute a risk to vulnerable children, adults, patients or the public in general and is a suitable person to become a registered member of the relevant professional body. The level of sanction

applied will be determined by weighing the interests of the public against the interests of the student. The Panel may take any reported mitigating circumstances into account when deciding on the most appropriate outcome, however the safety of the public must remain paramount and requirements to meet relevant professional standards cannot be waived.

15.14. The Panel may:

- a. Find that the student meets the relevant fitness to practise requirements, and dismiss the case
- b. Find that the student has not met the relevant fitness to practise requirements, but that the student has taken action to address the failure to meet these requirements, for example seeking support or acknowledging and redressing misconduct, and no further action is required. The student will be issued with a warning and advised of the consequences of any further similar behaviour.
- c. Find that the student does not meet the relevant fitness to practise requirements, and permit the student to continue, subject to review, under certain conditions – for example additional mentoring by an appropriate member of staff, agreement of reasonable adjustments, or compliance with a requirement to engage with remedial learning or assessment, or addressing health concerns.
- d. Find that the student does not meet the relevant fitness to practise requirements, and require the student to repeat certain parts of the programme of study. For students close to the end of their prescribed period of study, this may require an extension to their period of study.
- e. Find that the student does not meet the relevant fitness to practise requirements, and require the student to interrupt their programme of study for a period of time to allow an opportunity to resolve a specific problem. An interruption of longer than 12 months would require a review of the case by a College Fitness to Practise Panel (not necessarily involving the same panel membership) at the end of the first 12 month period.
- f. Find that the student does not meet the relevant fitness to practise requirements, and terminate the student's enrolment on their programme of study but allow the student to transfer to another non-professional programme of study, if there is an appropriate programme for which the student is qualified and to which the student can transfer under CAHSS transfer policies. If there is no appropriate programme to which the student can transfer, the panel may move to option 15.13 g).
- g. Find that the student does not meet the relevant fitness to practise requirements, and terminate a student's programme of study and exclude the student from the University. If a student has completed the assessments required for their programme at the time of the finding, the Panel may decide that the award of a degree be withheld.

15.15. The panel will consider the options available starting with the least severe and move to the next outcome if it is satisfied that a warning or lesser sanction is not appropriate.

15.16. The Committee Secretary will inform the student of the Panel's decision in writing within three working days of the decision, and will remind the student of their right to appeal

15.17. The Committee Secretary will inform the Fitness to Practise contact of the Panel's decision in writing.

15.18. The Committee Secretary will ensure that persons directly affected by decisions made in respect of allegations are informed of panel outcomes, without respect to specific sanctions

## **16. Standard of Proof**

16.1. In making decisions under this Procedure, the standard of proof that shall be used is the balance of probabilities, which is the standard of proof used in civil law. This means that a Fitness to Practise Committee will be satisfied that an event occurred if they consider that, on the evidence available, the occurrence of the event was more likely than not.

## **17. Record Keeping and Communications**

17.1. In line with University policy all formal communication regarding Fitness to Practise cases between the College and the student will take place by email.

17.2. All record-keeping must comply with the University's responsibilities under current data protection laws including requirements concerning special categories of personal data.

17.3. Schools hold records, to an appropriate level of detail, on action taken under Stage One of this Procedure. Records will be retained in line with the CAHSS Fitness to Practice Procedure Privacy Notice (appended below).

17.4. The Committee secretary holds records of proceedings, evidence considered and decisions taken under Stage Two of this Procedure. Records will be retained in line with the CAHSS Fitness to Practice Procedure Privacy Notice (appended below).

17.5. The Committee Secretary will maintain a list of Fitness to Practise contacts and Committee membership.

## **18. Appeals**

18.1. A student may submit an appeal against a decision of the Panel within 10 working days of the decision being issued.

18.2. In The appeal will be handled under the University Student Appeal Regulations:  
<https://www.ed.ac.uk/academic-services/students/appeals>

18.3. Any decision of the Panel remains in force until the outcome of any decision on appeal.

## College of Arts, Humanities and Social Sciences (CAHSS) Fitness to Practise Procedure - Privacy Notice

In this Privacy Notice, 'The College' refers to both the College of Arts, Humanities and Social Sciences College Office and Schools within this College.

### **How we will use information about you**

The College will use information about students to review and make decisions regarding concerns about a student's fitness to practise while matriculated on a relevant programme in CAHSS. The College may also use information about former students to review and make decisions regarding concerns about a student's fitness to practise while they were matriculated on a relevant programme in CAHSS, which were not known at the time when the student was matriculated.

Information used and processed in this capacity will be used to determine whether or not a student meets the fitness to practise requirements of their programme, in line with the CAHSS Fitness to Practise Procedure.

The College does not use automated decision making or profiling in relation to these processes. A human decision maker will always be involved before any decision is reached in relation to students.

This information will be stored securely, and will be shared with members of University staff involved in assessing student fitness to practise. All staff involved in the handling and processing of sensitive personal data or Special Category data have a duty of confidentiality in relation to the content and processing of this data.

### **Sharing data**

In some cases data may be shared with third parties such as professional practise placement providers or a Professional Statutory or Regulatory Body (PSRB) responsible for overseeing the relevant profession, under the PSRB's duties to maintain a register of trainee and / or professional members.

Data may be shared with an external placement provider, in cases where the placement provider is the party who raises a fitness to practise concern, or where sharing this data is necessary to enable the placement provider to maintain their own fitness to practise standards, and deliver professional placement opportunities. Examples are sharing data with a placement provider in order to identify reasonable adjustments or additional support requirements, or to carry out health and safety assessments.

Any decision to disclose information to a third party will be subject to internal review and approval before disclosure, will be limited to the minimum data required by the third party, and the data subject will be informed of any such transfer of data.

Schools communicate programme-specific arrangements for sharing data with third parties to students via Programme Handbooks.

### **How long the College will hold this information**

Information about students in relation to proceedings under the CAHSS Fitness to Practise Procedure will normally be retained for 6 years from creation, and subsequently securely destroyed. In some circumstances, the University may retain information longer where a case might be relevant to an ongoing relationship between the individual and the University.

### **Data Controller and Contract Details**

For data collected under this privacy notice, the University of Edinburgh (the “University”) is the Data Controller (as that term is defined in the EU General Data Protection Regulation (Regulation (EU) 2016/679), registered with the Information Commissioner’s Office, Registration Number Z6426984.

For information on this privacy notice contact Rachael Quirk, Head of Taught Student Administration & Support ([CAHSS.Progression@ed.ac.uk](mailto:CAHSS.Progression@ed.ac.uk))

You can contact the University Data Protection Officer at [dpo@ed.ac.uk](mailto:dpo@ed.ac.uk).

### **Legal Basis for Processing**

This data is processed by the College on the basis of Performance of Contract: fitness to practise procedures are necessary to enable the University to deliver programmes that include professional practise placements and / or where the qualification leads to the award of an accredited degree and / or eligibility to apply for a license to practise a profession.

Disclosure to PSRBs are made on the basis of Legitimate Interest: PSRBs have a legitimate interest in maintaining registers of students and / or professional members. Sharing information about the outcome of a fitness to practise case is necessary to achieving this objective. Maintaining professional registers is required to maintain public safety and confidence in the profession, and this outweighs the rights and freedoms of individuals.

Disclosure to external placement providers are made on the basis of Legitimate Interest and Performance of Contract: placement providers have a legitimate interest in ensuring any trainees or placement students are fit to practise. If a placement provider reports a fitness to practise concern, it is necessary that they know the outcome to the fitness to practise case in order to ensure the concerns have been addressed. A placement provider may require information relating to student fitness to practise in order to deliver professional placements safely and to meet their own fitness to practise standards. The right of the placement provider to maintain fitness to practise standards outweighs the rights and freedoms of individuals.

### **Secondary Legal Basis (Special Category Data)**

When processing Special Category Data that you have supplied to us under the CAHSS Fitness to Practise Procedure, the University must have a legal basis for processing this data. The legal bases under which the University processes Special Category data in relation to this Procedure are available here – <https://www.ed.ac.uk/files/atoms/files/specialcategorylegalbasis.pdf.pdf>

**The University of Edinburgh’s Privacy Notice is available through the following link**  
<https://www.ed.ac.uk/records-management/notice>