

Appendix XX: Fitness to Practise Procedures

The Centre for Social Work takes seriously its responsibilities to ensure qualifying social workers remain professional at all times.

Social Work qualifying programmes are vocational courses leading to a combined academic and professional qualification which enables those who successfully complete the programme to register with the HCPC (Health and Care Professions Council) as a social worker. The title 'social worker' is legally protected in the UK and may not be used by anyone other than those listed on the HCPC register of social workers in England (or equivalent bodies in other countries of the UK).

Owing to the professional nature of the Social Work qualifying programmes, students studying social work are required to abide by the HCPC (2016) *Guidance on Conduct and Ethics for Students*. This requires students to ensure that their behaviours do not contravene any of the standards set out in the HCPC guidance and do not bring the profession into disrepute. These standards apply to students' behaviour at all times – not only at the University or whilst on placement, but also during their personal life.

This Fitness to Practise procedure should be read in conjunction with the HCPC *Guidance on Conduct and Ethics for Students* and the HCPC *Standards of Proficiency - Social Workers in England*

HCPC Guidance on Conduct and Ethics for Students: <http://www.hpc-uk.org/assets/documents/10002c16guidanceonconductandethicsforstudents.pdf>

HCPC Standards of Proficiency - Social Workers in England: <http://www.hpc-uk.org/assets/documents/10003b08standardsproficiency-socialworkersinengland.pdf>

A student's fitness to practise may be called into question due to either their **competence** or their **conduct**.

Competence – a student's ability to meet the required professional standards

The Centre for Social Work takes seriously its responsibilities to ensure qualifying social workers are robust and safe professionals. There are a number of circumstances in which a student's competence may be called into question. These include – but are not limited to – the following situations:

- Prior to their first placement all students must undertake and pass an *Assessment of Readiness for Direct Practice*. Under normal circumstances no more than two attempts at this assessment are permitted. Any student who fails their *Assessment of Readiness for Direct Practice* for a second time will automatically be referred to the Fitness to Practise Panel.
- If a student is in danger of not meeting the required professional standards whilst on placement then the Concerns process will be initiated (see Practice Learning Handbook for details of this process – a copy of this Handbook is available on

Mahara as part of the e-portfolio). If the student's performance does not improve following the Concerns process being implemented, then the Practice Educator and Personal Tutor (and Onsite Supervisor, where relevant) may decide to terminate the placement. In such cases the student will automatically be referred to the Fitness to Practise Panel.

- In any circumstances where a student's action has or may put a service user in danger and/or would result in disciplinary processes if the student was a member of staff in that organisation, then the placement may be terminated forthwith by the Practice Educator without the need to first initiate Concerns procedures. In such cases the student will automatically be referred to the Fitness to Practise Panel.
- If the student has completed a placement and the Practice Educator's recommendation is that the placement has been failed then this will automatically trigger a referral to the Fitness to Practice Panel.

Conduct - the student's actions in relation to the professional standards at any time

The Centre for Social Work takes seriously its responsibilities to ensure qualifying social workers are robust and safe professionals. A student's professional conduct may be called into question at any stage of the programme due to any breach of the HCPC *Guidance on Conduct and Ethics for Students* and the HCPC *Standards of Proficiency - Social Workers in England*. A non-exhaustive list of the types of behaviour that may raise concerns about a student's professional conduct includes:

- Non-disclosure by a student of any information that affects their ability to train as a social worker (this will include, but is not limited to, health matters, past or current criminal matters, child or adult safeguarding issues) either at the point of admission or during the life of the programme
- Evidence of behaviour by the student that brings the University or the Profession in to disrepute (this will include, but is not limited to, matters concerned with the use of social media)
- Behaviour by the student that causes significant concern about their professionalism either whilst on placement or whilst on the programme (this will include, but is not limited to, unprofessional or unsafe behaviours on placement, plagiarism, failure to attend teaching)
- Criminal and/or safeguarding matters that occur during their period of study
- Alterations made by a student to any document in the e-portfolio once it has been signed off by the Personal Tutor and/or Practice Educator.

In any of the above circumstances the University reserves the discretion to terminate an ongoing placement.

Fitness to Practise Procedure

Fitness to Practise Panels processes are designed to uphold the professional standards set out in the HCPC *Guidance on Conduct and Ethics for Students* and the HCPC *Standards of Proficiency - Social Workers in England*. The operation of the panels is guided by the following principles:

- All matters concerned with the panel are transparent and clear
- The panel processes are fully accessible to all concerned
- The panel process is a partnership with local employers and their involvement is critical in making informed decisions
- The Centre for Social Work works with practice educators and employers to ensure that standards concerned with professional competence and conduct are regularly considered and shared
- In relation to termination of studies, the panel can only make recommendations; these recommendations must then be considered by the programmes' Board of Examiners. The Board of Examiners in turn make a recommendation to Student Administration, which is the decision-making body.
- Students have the right to appeal against a decision to terminate their studies

1: When will a Panel be convened?

Concerns about competence or conduct can be raised by any member of staff in the Centre for Social Work or wider University, any member of staff in a placement setting, or any student. In some situations a Fitness to Practise Panel will automatically be convened (see above); in all other cases, relevant issues should be referred to the Director of the Centre for Social Work who will decide, in consultation with the Practice Learning Manager, whether to convene a Fitness to Practise Panel; the decision will be made with reference to HCPC *Guidance on Conduct and Ethics for Students* and/or HCPC *Standards of Proficiency - Social Workers in England*. In cases where the student is a personal tutee of either the Director of Centre for Social Work or the Practice Learning Manager then their role in this decision-making process will be taken by another member of Centre for Social Work staff.

2: Who are the Panel members?

Each Fitness to Practise panel will comprise:

- The Director of the Centre for Social Work, or their nominated representative*, who will also Chair the meetings
- Two employer representatives, from different agencies. Where the issue is one of competence the employer representatives should not have provided the placement in which the current difficulties have arisen.
- The Practice Learning Manager, or their nominated representative.*

* In cases where the student is a personal tutee of either the Director of Centre for Social Work or the Practice Learning Manager then their role on the panel will be taken by another member of Centre for Social Work staff.

3: Who else attends the Panel?

The following individuals will normally be invited to attend the panel:

- The student
- The Personal Tutor (or a nominated representative)
- The Practice Educator (for issues related to placement)
- The Onsite Supervisor (for issues related to placement, if applicable)
- Minute taker
- Mentor to Practice Educator (where applicable)
- Anyone else whom the panel considers may be relevant to the case.

In addition, the student may choose to invite someone to support them during the panel meeting. If you choose to do this, you must notify the Chair of Panel of your intention to invite a supporter at least 5 working days in advance of the panel and you must provide details of the person you are inviting.

The role of this person is as an observer/supporter and to ensure due process. The supporter may take notes on your behalf, make representations on your behalf and ask questions, but may not answer questions on your behalf. The supporter can be any of the following: a friend or fellow student; an Education Adviser from the Student Union; a solicitor or advocate; a representative a union or professional body of which you are a member (e.g. Unison, BASW).

If the student wishes to be supported by a Student Union Education Adviser then they should contact the Student Union: <http://www.su.nottingham.ac.uk/>

4: What evidence is submitted to the Panel?

Prior to the Panel taking place, all relevant parties will be invited to submit a written report for consideration by the Panel. Reports should clearly set out the author's perspective on the event which led to the Panel being called.

For competence issues, the student, Personal Tutor and Practice Educator are required to submit written reports to the Panel; other relevant parties e.g. Onsite Supervisor or Team Manager may also submit reports.

For conduct issues the student and any other relevant parties (e.g. Personal Tutor, Practice Educator, any other witness to or subjects of the unacceptable behaviour) will submit written reports to the Panel; written reports may be supplemented by other evidence such as emails, letters, screenshots of social media sites. This list is not exhaustive and other evidence may be considered. Any evidential material which refers to or could otherwise identify service users must be fully anonymised/appropriately redacted prior to being submitted to the panel.

All written reports must be submitted at least 5 working days in advance of the Panel meeting. The reports will be circulated by email to all members of the Panel and to the student. Reports submitted late will not be accepted or circulated. In competence cases, the original learning agreement, notes from the Concerns meeting, action plan and Concerns review meeting may also be submitted for consideration.

Anyone who has submitted a written report to a Panel will automatically be debarred from being a member of that Panel.

5: How are Panel meetings conducted?

1. The Panel members will meet as a group to discuss the issues raised in the written submissions.
2. Panel members will invite other attendees to join the meeting; in exceptional circumstances the panel may ask to talk with a student or other individual alone, but in usual circumstances all will attend the Panel together for a shared discussion.
3. Following the discussion the Panel will meet again in private to agree whether or not the student's fitness to practise is impaired.
4. The student and other attendees will be invited back into the meeting to hear the panel's conclusions on whether or not the student's fitness to practise is impaired.
5. If the panel's conclusion is that the student's fitness to practise is impaired, the student will be asked to put forward any matters he or she wishes the panel to consider by way of mitigation.
6. The Panel will meet again in private to agree the recommendation
7. The student will be invited back into the meeting to hear the recommendation.

6: What recommendations can the Panel make?

For **competence** issues related to an *Assessment of Readiness for Direct Practice* the panel can make **two** possible recommendations:

- A further opportunity to undertake the *Assessment of Readiness for Direct Practice* is granted, with appropriate actions taken in terms of further learning needs. A resit fee will be charged.
- The student's course of studies is terminated

For **competence** issues related to placement the panel can make **two** possible recommendations:

- A re-sit placement is sought, with appropriate actions taken in terms of further learning needs. A resit placement fee will be charged.
- The student's course of studies is terminated

For **conduct** issues the panel can make **three** possible recommendations:

- The conduct issue is dismissed and no further action is taken
- The conduct issue is upheld but it is agreed that the student may continue on the programme with appropriate actions taken in terms of further learning needs
- The conduct issue is upheld and is of sufficient concern to merit a recommendation that the student's course is terminated

7: What happens after the Panel?

Following the Panel, the student will be informed in writing of the Panel's recommendation and, where relevant, the details of any actions required in order for the student to continue their studies. A copy of this letter and copies of all documents submitted to the Panel will be held permanently on the student's file.

Where the Panel has recommended that the student be allowed to continue with their studies but imposed specific requirements, these requirements will be set out in writing as part of the Panel's recommendation. If the student fails to comply with any of the requirements then a further Fitness to Practice Panel may be convened.

If, at any time during the course of their studies, the student appears before another Fitness to Practice panel *for any reason*, the reports and minutes of any and all previous Panels will be taken in to consideration in the decision-making process of any and all future Panels.

8: What happens if the Panel recommends termination of studies?

Information and evidence provided to the panel will be shared as necessary with the Board of Examiners in order for them to reach an informed decision regarding whether or not to uphold the panel's recommendation.

Following consideration by the Board of Examiners, a recommendation of termination may be made to Student Administration, which is the decision-making body. Student Administration will inform the student in writing of any decision to terminate their studies and will provide the student with information about how to appeal this decision. A copy of this letter will be held on the student's file.

Where applicable, the Board of Examiners can recommend an exit qualification based on the number of academic credits already achieved. If Student Administration confirm this recommendation they will write to the student with details of the qualification.

9: What happens if the Panel recommends a further attempt at the Assessment of Readiness for Direct Practice or a further placement?

If the Panel recommends that the student should be given a further attempt to undertake the *Assessment of Readiness for Direct Practice* this will be arranged as soon as is practical, given the availability of service users and staff.

A resit fee will be charged.

If the Panel recommends that the student should be given a further placement opportunity, this will not normally take place until the next placement cycle – i.e. students will have to complete a new Placement Information Form in September/October for a placement starting the following February/March.

A resit placement fee will be charged.

10: What else may the Panel recommend?

Where it is agreed that the student may continue on the programme with *appropriate actions taken in terms of further learning needs*, the requirements which the Panel will impose can be anything appropriate to the individual case. Requirements may include, but are not limited to:

- Additional written assignments
- Additional tutor support
- Attending/engaging with appropriate external support services

- Completing and passing any remaining pieces of academic work prior to a repeat placement
- Medical 'fit note' prior to any repeat placement

Any recommendations of this nature will be explained verbally at the end of the Panel meeting and set out in detail in the minutes. All Panel members, the student and their personal tutor will be sent a copy of the Panel's recommendation. This will include information about how to appeal against the recommendation using the University appeals process.

11: How can I appeal against a decision of the Fitness to Practise panel?

Students have the right to appeal against a decision of a Fitness to Practise panel, using the University Appeals process. Appeals must be made within one calendar month of the student receiving the Panel's decision in writing. Details of the Appeals process can be found at:

<http://www.nottingham.ac.uk/academic-services/qualitymanual/assessmentandawards/academic-appeals-policy-and-procedure.aspx>

Students are also encouraged to read the following university policies:

- Policy on Communications with Third Parties:
<http://www.nottingham.ac.uk/AcademicServices/Documents/Communications-with-Third-Parties-policy.pdf>
- Unacceptable behaviour policy:
<http://www.nottingham.ac.uk/AcademicServices/Documents/Unacceptable-Behaviour-policy.pdf>

Dates of Fitness to Practise Panels

There are set Fitness to Practice Days for each academic year and students must ensure that they are available on these days to attend any Fitness to Practice Panel should they be required to do so.

For the 2017-18 academic year the scheduled Panel dates will be as shown below; further Panel dates may be added if required.

- Friday 24th November 2017
- Friday 2nd February 2018
- Friday 20th April 2018
- Friday 29th June 2018
- Friday 17th August 2018