THE UNIVERSITY of EDINBURGH

School of Health in Social Science

Stage One Fitness to Practise Protocol

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1. Introduction

This protocol outlines the procedures for the Stage One Fitness to Practise (FtP) process applicable to students on practice-based professional programmes in the School of Health in Social Science with placement requirements which are either internally (e.g. the Centre for Psychological Therapies or Hope Park Counselling Centre) or externally (e.g. within the NHS or private practice) located. This document should be read in conjunction with the College of Arts, Humanities and Social Sciences (CAHSS) Fitness to Practise Procedure and Privacy Notice. Individual programmes will also draw upon professional expectations/requirements that are described in programme/subject area specific documentation.

2. Purpose

In line with the CAHSS policy and procedures, the purpose of this protocol is to:

- Ensure that HiSS fulfils its duty to ensure that students on professional programmes within the three subject areas (Clinical Psychology; Counselling, Psychotherapy and Applied Social Science (CPASS); Nursing Studies) are fit to practise.
- 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.
- Ensure that students are appropriately prepared for entry to the respective professions and understand and demonstrate professional behaviour, and to comply with the requirements of the relevant professional or regulatory bodies.
- 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.

The CAHSS policy and procedures set out a two stage process:

Stage One involves initial review and assessment of a reported concern regarding a student's FtP. Stage One is an internal School level process, characterised by evidence gathering, defining issues, formulating support plans and monitoring their effect.

Stage Two is a College level process, operated by the College Fitness to Practise Committee. Stage Two is used when either a Stage One process has completed and a student has been unable to demonstrate that they meet their programme's FtP requirements, or the reported concerns are of sufficient seriousness that they cannot be addressed through the measures available to the Stage One process. In some circumstances, College may instigate Stage Two processes independently of the School.

This HiSS protocol sets out procedures for Stage One processes which remain within the School.

A core function of the protocol is to ensure that common procedures and processes are followed across HiSS, whilst allowing flexibility as required so that the different subject areas are aligned with their own professional standards and requirements. This School level protocol ensures:

- Clarity and transparency for all stakeholders in the processes to be followed in the event that a student's performance or conduct raises concerns about their fitness to practise.
- That FtP concerns are identified as swiftly as possible, and that steps are taken to support the student to be able to meet the programme's FtP requirements at an early stage.
- That appropriate action is taken where a student has not been able to demonstrate fitness to practise, despite support and intervention.

3. Relevant circumstances

These are set out in the CAHSS Fitness to Practise Procedure Guidance for Schools (EASE log in required).

It is important to note that 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 of the CAHSS Fitness to Practice Guidance for Schools), this should be addressed through standard assessment and progression procedures.

Programmes should ensure that programme level / subject area specific FtP requirements are clearly outlined in programme handbooks/Learn spaces for new and continuing students, and that applicants are made aware of these requirements (see appendix one).

4. Support for students where there are Fitness to Practise concerns

The focus of Stage One processes should be on supporting students to develop their professional behaviours and skills, supporting the student to identify and address any behaviour that does not meet expectations for appropriate professionalism for their programme of study.

It should also be recognised that having FtP concerns raised about one's practice, and where relevant investigated, is likely to be inherently stressful for the student. Where concerns are raised, the student should be strongly encouraged to seek support from appropriate bodies e.g. through the Health in Social Science Student Support Team or The Advice Place (EUSA, Edinburgh University Students' Association).

5. Consideration of interactions with other policies

When concerns about a student's behaviour or performance are raised that lead to a consideration of FtP issues, staff should also consider whether other policies or procedures might apply. The College Fitness to Practise Procedure provides further guidance about how this procedure interacts with other policies, including guidance about making decisions about the order in which procedures should be followed.

Other relevant policies include:

Disability and Learning Support Service

If the behaviours of concern appear to arise out of a health condition, disability or other impairment, these should be addressed through an individualised Schedule of Adjustment. Consideration should be given to making a referral to the University of Edinburgh's Disability and Learning Support Service (DLSS).

Student Conduct

The University deals with allegations of unacceptable behaviour following the procedures set out in the Code of Student Conduct. The Code of Conduct applies to all students. The University expects all students to conduct themselves in an appropriate manner in their day-to-day activities, including in their dealings with other students, staff and external organisations.

Support for Study

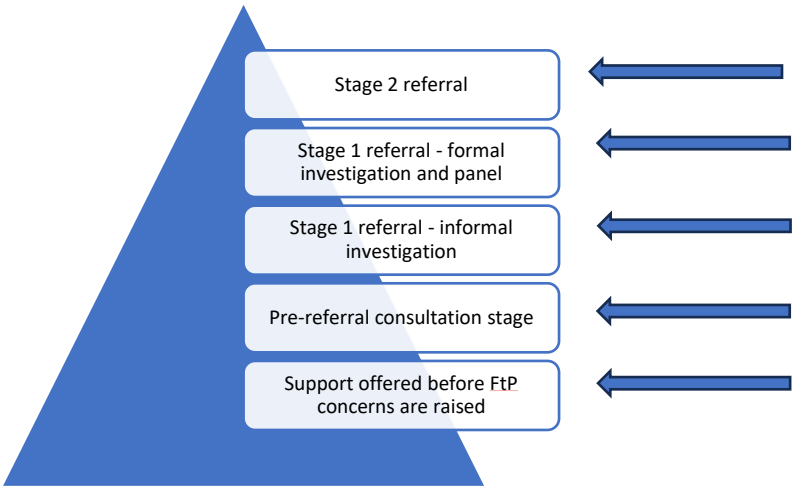
The Support for Study policy is a supportive way of assisting the small number of students whose behaviour gives cause for significant concern, offering an alternative to disciplinary action when a student's behaviour may be affected by significant health issues or disabilities.

Policies of external organisations

External organisations might also be implementing procedures which interact with internal FtP procedures e.g. where the student has been alleged to have carried out a criminal offence. For some subject areas/programmes, the external organisation might more commonly be the student's employer at the organisation where they are carrying out placements. For example, external employers might make referrals to their organisation's Occupational Health Service, and NHS Scotland has a policy (NHS Scotland Capability Policy) for managing employees where their performance does not meet the expected standard for their role. The use of policies by external organisations may run concurrently or sequentially with a University FtP procedure.

6. Progressing Fitness to Practise Concerns

The School of Health in Social Science procedures are intended to provide a clear framework for managing FtP concerns, in line with the CAHSS Fitness to Practice Procedure. The pyramid structure below reflects where the majority of actions are likely to be taken. It does not imply that concerns about a student's fitness to practise must pass sequentially through each stage. For examples, where there are sudden and serious FtP concerns raised about a student, the case might be immediately escalated to a Stage 2 referral for consideration by the College Fitness to Practise committee.



6.1 Support offered before Fitness to Practise concerns are raised

Before an issue is identified as a FtP concern, it is expected that in the majority of cases a range of actions will already have been taken 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 and clinical supervision, enhanced placement monitoring, referral to support services, an Authorised Interruption of Studies, or a repeat period of study. These actions should be clearly documented e.g. in the student's individual record on EUCLID.

6.2 Pre-referral consultation stage

Where a Programme Director is considering whether an issue is a FtP concern, these concerns should be discussed in the first instance with one of the subject area FtP contacts. This initial

discussion should clearly articulate the concern in the context of the relevant circumstances as set out in the College Fitness to Practise policy and the requirements of relevant professional or regulatory body standards, regulations and guidance. Discussions should also take into account:

a. the seriousness of the concern
b. reasonable expectations about the student's professional development relative to their level of study
c. the needs of the student for support
d. the relevance of other university policies and procedures
e. the appropriateness of outcomes available through Stage One and Stage Two set out in the CAHSS Fitness to Practise Procedure

Consideration should also be given to circumstances where the student has a health condition that is not being managed, or for which reasonable adjustments cannot be made, where these affect the student's ability to practise safely and effectively. Such circumstances might include, for example, where there is repeated absence from placement.

In many cases, the complexity of the student's circumstances might indicate that it would be useful to request a School level consultation about the best next steps. Membership of any consultation stage should be limited to those who can meaningfully contribute to decision-making at this early stage, for example:

- Subject area FtP contact
- Programme Director of the relevant programme
- School level representative(s) e.g. School FtP Lead, Director of Learning & Teaching and/or Director of Students

The consultation will take into consideration which University-based policy is most appropriate to follow. Where it is decided that the concern does not merit a Stage One or Two FtP referral, any actions that are taken should be clearly documented e.g. in the student's individual record on EUCLID.

6.3 Stage One Referral

Concerns may be raised by university staff, NHS staff, other placement providers, clients/patients, other students, members of the public or members of a relevant professional body. This initial reporting of concern should be put in writing / email and sent to the student's Programme Director in the first instance.

If a decision is made to proceed with Stage One School level processes to manage a FtP concern, a Stage One referral form should be completed, usually by the relevant Programme Director, in consultation with the subject area FtP contact. All sections should be completed.

The subject area FtP contact should ensure that the School FtP Lead is notified that a referral has been made. If the School FtP Lead is unavailable, then the Director of Learning and Teaching or the Director of Students should be notified instead. A copy of the referral form, and any subsequent documentation, should be stored in a folder created for the individual case within the subject area space in the HiSS FtP Sharepoint space.

6.4 Stage One Informal Investigation

6.4.1. Information gathering

During the Stage One Informal Investigation stage, the relevant Programme Director and/or the subject area FtP contact should determine the relevant facts and details of the concern. This is likely to mean meeting with the person initially reporting the concern and any other parties that are likely to have factual evidence relevant to the concern (e.g. placement providers, Student Support Team), before arranging to meet with the student.

Staff should take care to provide documented, factual evidence in the reporting of FtP concerns and descriptions of circumstances. As evidence is collated, the Programme Director or subject area FtP contact might also seek further advice from the School FtP lead, Director of Learning and Teaching and/or Director of Students.

Concerns should be addressed promptly and FtP processes should be prioritised. For urgent concerns involving student behaviour that is likely to pose a risk of harm to the public or the student themselves, this may need to be acted on immediately. Other investigations may require evidence gathering from a number of people and require a longer time frame. Time scales should be clearly set out once the nature of the concern has been identified.

6.4.2. Communication of Fitness to Practise concerns

The Programme Director or subject area FtP contact will inform the student in writing that a concern has been raised, clearly identifying that the concern is being considered as a FtP issue and that a meeting is required to support the student to develop their professional behaviours and skills. The written communication should also inform students that they can approach The Advice Place (EUSA, Edinburgh University Students' Association) as a source of independent advice and support, and that they have the right to be accompanied at any meeting held under the FtP procedure by a supporter from the University community, such as an Advice Place Advisor.

Other relevant parties may be invited to this meeting and this should be clearly specified in the written communication. However, the number of people invited to this meeting should remain proportionate to the level of the concerns that have been addressed and the informal stage of the investigation.

6.4.3. Informal investigation meeting

In line with CAHSS policy, the focus of the initial meeting with the student should be 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. The initial evidence gathered should be clearly presented to the student, allowing them time to respond. The meeting should result in a clear outcome (see below) and, where relevant, an action plan set out including a timeline.

If the student does not appear at a meeting, having been given due notice of the meeting, a decision may be made on the FtP concern in the student's absence. If the student does not attend the meeting, the subject area may consider this as a relevant factor when making a decision on the case.

6.4.4. Informal investigation outcomes

Potential outcomes following the initial meeting with the student are as follows:

1. The student meets the relevant FtP requirements and no further action is required.
2. The student meets the relevant FtP requirements but requires additional support to help them complete their programme of studies. An action plan should be agreed.
3. The student is not meeting relevant FtP requirements, but is already taking action to address any behaviour that does not meet expectations for appropriate professionalism for their level of study. A further meeting with the student may be arranged in order to monitor their progress towards meeting those requirements/expectations.
4. The student is not meeting relevant FtP requirements, and an action plan and timeline is agreed in the meeting to address any behaviour that does not meet expectations for appropriate professionalism for their level of study. For example, this might involve agreement of reasonable adjustments, addressing health concerns, additional mentoring by an appropriate member of staff, or other requirements that a student will engage in remedial learning. In some situations, the concerns identified may be such that it is considered necessary to pause or make significant adaptations to the student's placement whilst the action plan to address any behaviour is implemented. A further meeting with the student will be arranged in order to monitor their progress towards meeting those requirements / expectations.
5. The student is not meeting relevant FtP requirements, and the concerns identified are sufficient that it is considered necessary to proceed to a subject area FtP formal investigation and panel.
6. The student is not meeting relevant FtP requirements, and the concerns are found to be sufficiently serious to escalate to Stage Two College procedures. In those circumstances, the concern should be flagged immediately to the School FtP Lead.

6.4.5. Communication of the informal investigation outcome

The Programme Director or subject area FtP contact will keep records of any meetings held using the HiSS Stage One Informal Investigation Record of Meeting Proforma, including the outcome and any agreed action plan and timeline. A copy of the completed proforma should be stored in a folder created for the individual case within the subject area space in the HiSS FtP Sharepoint space. The Programme Director or subject area FtP contact will inform the student of the outcome of the meeting and any agreed action plan in writing.

6.5. Formal Investigation / Convening a Stage One Fitness to Practise Panel

6.5.1. Relevant circumstances

Circumstances which may lead to the decision to convene a Stage One FtP Panel include, but are not limited to:

- Where there is a pattern of behaviour about the same or different issue, including where attempted remediation has failed to resolve FtP concerns
- Where there is evidence that the student has not engaged with attempts to support them to identify and address clearly communicated FtP concerns
- Where there are relevant ongoing investigations, or the outcome of any relevant decision-making process is known, by a professional body, placement provider or external employer

- Where a placement has been paused or there are significant adaptations made to a placement as part of the action plan to address FtP concerns.

There should be clear evidence of previous attempts to support a student to identify and address any FtP concerns before a decision is made to carry out a formal investigation and convene a Stage One FtP Panel. That evidence should include clear communication to the student that any issues raised are being considered as FtP concerns.

6.5.2. Formal investigation information gathering

During the Stage One Formal Investigation stage, the subject area FtP contact should determine the relevant facts and details of the concern, following the principles set out in 6.4.1 for the informal investigation. This should result in a written report of the investigation which will be made available to the student and panel members in advance of the panel meeting.

6.5.2. Communication of Fitness to Practise formal investigation

The subject area FtP contact will inform the student in writing that a Stage One FtP panel is being convened, ensuring that they are given due notice of the time and date of the meeting and information about who will be in attendance. The student will be provided with a written report of the investigation. The written communication should also inform students that they can approach The Advice Place (EUSA, Edinburgh University Students' Association) as a source of independent advice and support, and that they have the right to be accompanied at any meeting held under the FtP procedure by a supporter from the University community, such as an Advice Place Advisor.

6.5.3. Stage One Fitness to Practise Panel

Stage One FtP panels will be convened and chaired by one of the subject area FtP contacts. The composition of panels will vary across programme/subject areas and should be clearly specified in the written communication provided to the students. Suggested composition of the panel is as follows:

- Subject Area Fitness to Practice Contact (Chair)
- Relevant Programme Director
- Placement provider or External employer (Line Manager)
- Professional Services representative (Minutes)

The student is expected to attend the Stage One FtP Panel. They may be supported by a member of the University community as outlined above in section 6.4.2. If the student does not attend the panel, and the panel is satisfied that they were given due notice about the panel, the panel may make a decision in the student's absence. If the student does not attend the panel hearing, the panel may consider this as a relevant factor when making a decision on the case.

The report of the Stage One investigation will be made available to the panel and the student in advance. If any party invited to the meeting wishes to submit any further documentation, this should be submitted to the panel chair at least two days in advance of the panel hearing. The panel chair will begin by outlining the findings of the formal investigation. The panel have the opportunity to pose questions of the panel chair/FtP contact, or any other member of the panel involved in the process, including of the student.

The student and / or their representative have the opportunity to provide a response to the report, and the panel have the right to ask further questions based on that response.

The student and their representative will be asked to leave and the panel will consider the case and reach an agreement about the outcome.

6.5.4 Stage One Fitness to Practise Panel Outcomes

The Stage One Panel may reach one of the following outcomes:

1. The student meets the relevant FtP requirements and the case is dismissed.

2. The student meets the relevant FtP requirements but requires additional support to help them complete their programme of studies. An action plan should be agreed.

3. The student has not met the relevant FtP requirements, but the student has now taken action to address the failure to meet these requirements, for example effective use of support or acknowledging and redressing failure to meet professional standards, and no further action is required. The student will be issued with a warning and advised of the consequences of any further similar behaviour.

4. The student does not meet the relevant FtP requirements, but permit the student to continue under certain conditions in a period of supported development. For example, there may be requirements to address health concerns, implement a schedule of adjustments, receive additional mentoring by an appropriate member of staff, or comply with remedial learning and assessment. Additional monitoring may be required during this period. The panel will determine a reasonable time scale against which to review the student's progress.

5. The student is not meeting relevant FtP requirements, and the concerns are found to be sufficiently serious to escalate to Stage Two College procedures. In those circumstances, the concern should be flagged immediately to the School FtP Lead.

6.5.5. Communication of the Stage One Fitness to Practise Panel Outcome

Minutes of the panel meeting will be recorded, and the outcome, any agreed action plan and timeline will be reported using the HiSS Stage One Record of FtP Panel Proforma. A copy of the completed proforma should be sent to School xxxxx.

The panel outcome and any required actions and timeline will be communicated in writing to the student by the Panel Convenor, as well as relevant members of the Programme Team and other key stakeholders in the student's training. This information should be communicated on a proportional, 'need to know' basis only.

If the panel wishes to share information about a FtP issue or outcome of a FtP case with an external organisation, this must comply with the requirements set out in the CAHSS Fitness to Practise Privacy Notice. Any decision to share information with an external organisation, beyond what is set out in the programme's communication policy in relation to supporting the student's training, should be reviewed and signed off by the School FtP Lead. Only the minimum required information should be shared and the relevant student must be informed that the information has been shared.

6.5.6. Monitoring Progress following a Stage One Fitness to Practise Panel

Where the panel outcome specifies a supported development period, the panel will evaluate the evidence of progress, which will be compiled into a written report by the subject area FtP contact. If possible, the original panel will assemble but a revised panel may be used if this is not possible. The student and their supporter will be invited to the review panel and will have a similar opportunity to address the progress report and answer questions.

The student and their supporter will be asked to leave and the panel will consider the case and reach an agreement about the outcome. Potential outcomes include:

1. The student now meets the relevant FtP requirements and the case is concluded. The student will be warned of the consequences of any further similar behaviour.

2. The student does not yet meet the relevant fitness to practise requirements, but has demonstrated progress and will be permitted to continue under certain conditions in a further period of supported development. The panel will determine a reasonable time scale against which to again review the student's progress.

3. The student has not been able to demonstrate sufficient progress towards demonstrating FtP requirements after a period of additional support. The subject area FtP contact will consult with the School FtP Lead and where agreed, escalate the FtP proceedings to a Stage 2 FtP Procedure via a College referral. The student will be informed of the escalation.

Where the outcome of the Panel is a period of supported development, further examples or escalation of behaviours that pose FtP concerns may occur. This may necessitate an escalation of the concern to Stage 2 and College review before the end of the review period. Under such circumstances the FtP contact should seek confirmation from the Head of School or their delegate to complete a Stage 2 referral.

6.5.7 Communication of the Stage One Fitness to Practise Review Panel Outcome

The review panel outcome should be communicated as described under 6.5.5

7. Appeals

Students have the right to appeal the outcome of the Stage One process by submitting a written appeal to Academic Appeals within 10 working days of the decision. Further guidance can be found here: https://registryservices.ed.ac.uk/academic-services/students/appeals As described in the College FtP Policy for Stage Two, any decision of the Stage One Panel will remain in force until the outcome of any decision on appeal.

8. Monitoring and Review

This document is intended for use by staff within the School of Health in Social Science at the University of Edinburgh. The protocol will be reviewed annually to ensure its effectiveness and compliance with evolving policies and professional standards. This document should be referenced in all Programme Handbooks/Learn spaces to which it is applicable.

To allow School level monitoring, reporting and review, all Stage One referrals and written reports, action plans and outcomes agreed in any subsequent investigations and procedures should be

stored should be stored in a folder created for the individual case within the subject area space in the HiSS FtP Sharepoint space

APPENDIX ONE: PROGRAMME DOCUMENTATION

Each programme will ensure that the fitness to practice requirements are clearly set out for applicants, new and continuing students. Where those requirements are set out by professional or regulatory bodies, the programme information should include clear signposting to those sources.

For enrolled students, programmes must provide statements in the programme handbook/Learn space on:

- the programme fitness to practise requirements;
- how fitness to practise concerns can be raised;
- the School and where relevant subject area procedures for addressing any fitness to practise concerns, or reference to another document that provides this information, and reference to the University of Edinburgh CAHSS Fitness to Practice procedure and privacy notice.
- the name and contact details of the relevant Fitness to Practise contacts for the programme*;
- a statement of possible outcomes of action taken under Stage One.

Each programme must inform students of any specific information-sharing arrangements between the programme and placement providers, professional bodies, or any other external organisations. Each programme must notify students that information on Fitness to Practise may be shared with third parties, and should refer to the College Procedure and Privacy Notice.

*Each subject area should have two designated members of staff who are the fitness to practice representatives for that subject area. Each programme should specify who is the programme fitness to practice representative.

APPENDIX TWO: Confidentiality

All proceedings should be carried out in accordance with the CAHSS Fitness to Practise privacy notice.

The privacy of the student should be protected where at all possible, and information should only be shared according to a principle of proportionally on a 'need to know' basis.

The potential involvement of relevant staff in other School/College level Fitness to Practise processes in relation to the concerns raised (see CAHSS FtP Procedure) should also be considered. As per the CAHSS policy, the School should avoid involving all subject area representatives on the College Fitness to Practise Committee in the case during Stage One processes, to try to ensure that a representative is available to sit on a College Fitness to Practise Panel if required.

If a School wishes to share information about a fitness to practise issue or outcome of a fitness to practise case with an external organisation, this must comply with the requirements set out in the CAHSS Fitness to Practise Privacy Notice. The decision to share information with an external organisation, beyond what is set out in the programme's communication policy in relation to supporting the student's training, should be reviewed and signed off by the School Fitness to Practise Lead. Only the minimum required information should be shared and the relevant student must be informed that the information has been shared.

Decisions to share information should also be informed by a duty of care. In some cases it may be proportionate and appropriate to progress Fitness to Practise procedures without the reporting party's prior consent, even when the concerns have been raised by a patient/client or refer to a patient/client. The decision to proceed under these circumstances should always follow consultation with the School Fitness to Practise Lead and/or Director of Learning and Teaching.