



Fitness to Practise Policy

This document is written with reference to the UK Quality Code for Higher Education

Core Practices Quality: "The provider supports all students to achieve successful academic and professional outcomes"

1. Overview

- 1.1. Students at Norland College study for the BA (Hons) in Early Years Development and Learning and the Norland Diploma. These two qualifications enable graduates to work without supervision with babies, young children and their families.
- 1.2. Norland College has a responsibility regarding students studying these programmes, to ensure that they are fit to practise under these circumstances.
- 1.3. Under the Statutory Framework for the Early Years Foundation Stage (2014), 3.9, *"Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles. Providers must have effective systems in place to ensure that practitioners and any other person who is likely to have regular contact with children (including those living or working on the premises) are suitable."*
- 1.4. Students are required to undertake external placements and Norland has a duty to both the student and to the public to ensure that any risk of harm is minimised.
- 1.5. An offer of a place to study on the programmes offered by Norland may be conditional upon the applicant being deemed fit to practise. Please refer to Admissions Policy for more details.
- 1.6. Curriculum Leaders must ensure that students are informed of the importance of maintaining professional standards and the regulations associated with the programmes of study.
- 1.7. The fitness to practise of students on professional programmes will be assessed throughout the duration of the programme and if there are any concerns over the student's fitness to practise Norland is required to investigate and address the issue.
- 1.8. Norland may be required to report issues of fitness to practise to the relevant professional body and if applicable to the student's placement/employer and the Disclosure and Barring Service (DBS).

2. Operating Principles

- 2.1. Norland College is required to manage issues that may arise related to a student's fitness to practise and which may impact upon a student's suitability to continue with their programme of study or to be recommended for a license to practise in early years.
- 2.2. The Fitness to Practise Panel exists to consider and respond to such issues in an appropriate and timely manner.
- 2.3. Norland College will be required to consider circumstances where members of staff or work based placement staff, or other appropriate individuals, have concerns regarding a student's fitness to practise with regard to:
 - Breaches of the Norland Code of Professional Responsibilities.
 - Breaches of Norland's Regulations [particularly where this relates to attempts to deceive or gain unfair advantage].
 - Failure to comply with Safer Recruitment procedures by not completing a Disqualification Declaration when a place at Norland College has been offered.
 - Failure to complete a Disqualification Declaration on an annual basis.
 - Concerns regarding disclosures made on the Disqualification Declaration
 - Failure to declare a Criminal Conviction/ caution.

- An enhanced DBS certificate with cautions or convictions.
- A recently acquired conviction / caution.
- An on-going or pending criminal investigation.
- Ill health (including mental health issues) where this may be relevant to the profession.
- Conduct contrary to professional regulatory body guidance.
- Conduct contrary to the work based placement code of conduct.
- Inappropriate behavior, including bullying, cyber-bullying, harassment and unprofessional conduct.

The above list is not exhaustive.

- 2.4. Norland College procedures are based on standards set by statutory regulatory bodies and upon the principles of natural justice. Where concerns are raised regarding a student's fitness to practise, the student will be informed of the concerns and the actions of the College and/or awarding university. Students will have access to the evidence [except where such evidence may be in contravention of the Data Protection Act 1998], and will be able to respond formally to those concerns.
- 2.5. Staff involved in investigating concerns about fitness to practise or as members of Fitness to Practise Panels are independent for this purpose.
- 2.6. Students have the right to be accompanied by a friend, colleague or representative at all stages of the procedure.
- 2.7. Norland College reserves the right to amend the Fitness to Practise policy in the light of prevailing circumstances such as government legislation, changes to professional body requirements or operational experience.

3. Procedure to be followed when concerns about Fitness to Practise are raised:

- 3.1. Norland staff and/or work based placement staff should formally report in writing any concerns related to a student's fitness to practise to the Curriculum Leader or Placement Co-ordinator who in turn will inform the Vice Principal (or nominee).
 - 3.2. The Vice Principal (or nominee) will determine if any immediate action needs to be taken. This may include:
 - Assessing if there are any immediate risks to children, staff, students, clients or visitors.
 - Occupational Health Referral.
 - Referring the student to appropriate support services
 - Suspension of attendance at placement
 - Appointment of an Investigating Officer to formally investigate the allegations and to report to the Vice Principal (or nominee).
 - Referring the matter for consideration under Norland's Disciplinary Procedures.
 - Referring the matter for consideration by the Fitness to Practise Panel.
 - Recommend to the Principal that the student is suspended from Norland until the issues are investigated and addressed/outcome determined.
 - 3.3. The above list is not exhaustive and a combination of the above list of actions may be deemed appropriate in specific individual circumstances. For example appropriate action may include an Occupational Health Referral followed by consideration of the Fitness to Practise Panel.
 - 3.4. Judgement as to whether a Fitness to Practise Panel should be convened will rest with Norland College with each case being considered in the light of the prevailing circumstances.
 - 3.5. All action taken must be formally recorded in the student's file (with a rationale for the decision) and written notification of any recommendation sent to the student.
- Exceptional circumstances – misconduct within the practice/placement area:
- 3.6. An appropriate member of staff may, in exceptional circumstances, suspend a student immediately from work based placement settings. Such action must be notified to the Vice Principal (or nominee) at the earliest opportunity and no later than 24 hours after the event.
 - 3.7. Exceptional circumstances may include acts of violence or serious aggression by the student or where the student's behaviour gives cause for concern with regard to the safety of others or

themselves, theft or damage to property whilst on placement. However this list is not exhaustive.

- 3.8. The Vice Principal (or nominee) may, if applicable, recommend that the student should also be suspended from academic study pending Fitness to Practise consideration.
- 3.9. Students should be advised that suspension from the placement and/or the college is not at this stage a disciplinary sanction but is a measure invoked where it is considered essential to do so to allow time for an appropriate investigation.

4. Operation of the Panel

- 4.1. The Vice Principal (or nominee) will convene a Faculty Fitness to Practise Panel to consider evidence related to professional/behavioural problems, health matters, criminal offences or other issues that give rise to concerns regarding a student's fitness to practise.
- 4.2. The Fitness to Practise panel will comprise:
- Vice Principal - Chair
 - One member of the Senior Leadership Team
 - One member of the academic teaching team
 - Two members of staff from an un-related department
- The Fitness to Practise panel will be quorate when there are at least 3 members present, including at least one member of SLT and one member of staff from an unrelated department.
- 4.3. In determining a schedule for the meeting of the Fitness to Practise Panel, the Vice Principal (or nominee) should give consideration to other relevant factors, for example the student's overall assessment programmes.
- 4.4. The student should be given a reasonable period in which to seek advice and prepare their response. In normal circumstances, this will be 10 working days.
- 4.5. The Chair of the Fitness to Practise Panel will:
- Nominate a member of staff to be the presenting officer to the Panel (normally the Investigating Officer).
 - Notify the student of the allegation/issue that is subject to consideration by the Panel.
 - Invite the student to make representation to the Panel either orally or in writing if they wish.
 - Advise the student that they have the opportunity to invite witnesses to attend the Hearing to substantiate their representation.
 - The student will be advised that they have the right to be accompanied by a friend, colleague or representative at all stages of the procedure; however the students must make their own arrangements in this matter.
 - Provide a copy of the papers for consideration by the Fitness to Practise Panel to the student (except as outlined in 4.8 below).
 - Notify all parties of the names and roles of the attendees, including if applicable the names of any witnesses that may be interviewed by the Panel
- 4.6. The Panel will consider the evidence with regard to:
- Safeguarding vulnerable groups.
 - Child protection and safety.
 - Public protection and safety.
 - Professional codes of conduct.
 - Access to the relevant profession.
 - The student's progression on the programme.
 - Potential risk to the College, staff and students and any other relevant individuals.
- 4.7. The Panel may consider evidence from a range of sources including occupational health referrals.
- 4.8. Evidence to be considered by the Panel will be made available to the student except where such evidence may be in contravention of the Data Protection Act [1998].

- 4.9. Notes of the case presented to the Panel and the decisions of the Panel will be taken and made available upon request to the individual concerned. Verbatim minutes will not be recorded.
- 4.10. The Panel will reach a decision and make recommendations based upon all the available evidence.
- 4.11. Where necessary, the Chair may decide to suspend the deliberations of the Panel and reconvene pending further information.
- 4.12. The Panel will determine based on the civil standard of proof whether the student's fitness to practise is impaired or not and will determine the most appropriate recommendations.
- 4.13. Recommendations available to the Panel can include:
- The student receives no formal warning or sanction.
 - Referring the matter to other College Procedures such as Student Disciplinary Procedure / Agency Allegation of Misconduct if there is evidence of misconduct but the student's fitness to practise is not impaired.
 - Formal monitoring of the student's progress for a specified period of time, with or without specified support and/or conditions/undertakings.
 - Warning/caution on file for a specified period.
 - Suspension of study for a specified period.
 - Exclusion from the programme of study/College for a specified period.
 - Expulsion from the programme of study/College.
- 4.14. The Chair of the Panel will inform the student in writing of the outcome and the recommendations of the Panel. The student will be advised about the applicable appeals process. Where appropriate and if applicable the matter will be referred to the Disclosure and Barring Service.
- 4.15. Where the Panel recommend suspension of studies, exclusion/expulsion from the programme and/or the College this decision will be referred to the Principal (or nominee) for consideration. Only the Principal can authorise such action.
- 4.16. In cases where the Panel recommend suspension of studies, exclusion and expulsion from the programme and/or the College the Chair of the Panel will forward a formal letter addressed to the Principal outlining the recommendation of the Panel and the rationale of the decision, including the relevant documents.
- 4.17. The decision of the Principal (or nominee) will be notified to the Panel and to the student. The student will be advised about the appropriate appeals procedure.

5. Appeals against the decision of the Fitness to Practise Panel

- 5.1. Appeal against exclusion/expulsion:
- Where the recommendation of the Panel is that the student should be suspended or excluded for a defined period of time or expelled from the programme and/or the College, the student has a right of appeal to the Board of Directors, once this recommendation has been confirmed by the Principal (or nominee).
 - The request for such an appeal must be made in writing, providing full supporting evidence and grounds for appeal, to the Chair of the Directors within 10 working days of receipt of the decision.
- 5.2. Appeal against other decisions of the panel:
- The student has the right to appeal against the decision of the Fitness to Practise Panel if they believe and can demonstrate that:
 - The process has not been conducted correctly, in accordance with the procedures.
 - There has been a material administrative error.
 - The decision of the Panel is unreasonable.
 - Evidence that was available at the time of the original hearing that was not considered by the Panel.
 - Appeals should be made in writing, with full supporting evidence, to the Chair of the Directors within 10 working days of the receipt of the letter notifying the student of the Fitness to Practise Panel decision.

- 5.3. Students should be made aware that this is not a re-opening of the investigation and that they must provide reasonable evidence to substantiate their appeal.
- 5.4. Students should be made aware that disagreement with the decision of the Panel is not in itself sufficient reason to appeal.
- 5.5. The Fitness to Practise Appeals Panel will convene to consider whether the documentation of the case suggests that the decision of the original Fitness to Practise Panel was reasonable and the procedure was followed correctly.
- 5.6. The Fitness to Practise Appeals Panel may:
 - Amend the decision of the original Fitness to Practise Panel.
 - Uphold the decision of the original Fitness to Practise Panel.
 - Refer the case back for reconsideration.
 - Defer the decision pending further information and advice
 - Reject the Appeal.
- 5.7. The decision and any recommendations of the Fitness to Practise Appeals Panel will be notified to the student and to the original Fitness to Practise Panel.

Fitness to Practise Hearing Protocol

1. The Chair will open the hearing and summarise the roles of all parties present, specify that staff for the purpose of the hearing are independent and clarify the purpose of the investigatory Hearing.
2. The Chair will inform the student of their right to be accompanied by a friend, colleague or representative should they arrive unaccompanied. This person may be present at the hearing but is not permitted to contribute to the hearing.
3. The Chair shall confirm to the parties the substance of the issue(s) of Fitness to Practise.
4. The Chair will ask the investigating officer to outline the details and the supporting evidence of the case to all present and to introduce any witnesses.
5. The Panel may ask questions of the investigating officer and witnesses at any time.
6. Through the Chair, the student may ask questions of the presenting officer and witnesses.
7. The Chair will ask the student to respond to the issues of Fitness to Practise, referring to any evidence provided and to introduce any witnesses.
8. The Panel may ask questions of the student and witnesses at any time.
9. Through the Chair, the presenting staff member may ask questions of the student.
10. After hearing following no further questions from the Panel, the Chair will ask the presenting staff to summarise their case.
11. The Chair will ask the student to summarise their case.
12. The Chair will then adjourn the hearing the student and presenting office will leave for the Panel to consider the evidence. They may at this stage choose to seek additional evidence or information from other parties. Should this be the case, all parties will be informed as to the nature of the enquiry.
13. Panel members will advise the Chair of their opinion of the case. Following this discussion, the Chair will act as final arbiter in the matter.
14. The Chair will announce their decision, either by inviting all parties to return or in writing. The outcome of the hearing and the reason for the decision will be confirmed in writing within five (5) working days of the decision.
15. The student will be notified of the appropriate appeals procedure.