

# BPP University – University Policies and Procedures

## Fitness to Practise



<b>Scope</b>	Staff/Students/External Agencies
<b>Approved Date</b>	July 2025
<b>Approving Authority</b>	Education and Standards Committee
<b>Date Effective</b>	September 2025 (v.2.0)
<b>Review Date</b>	July 2028
<b>Document Owner</b>	Proctor's Office
<b>Purpose</b>	Outlines the University's Policy and Procedure in relation to the management of Fitness to Practise issues.

### *Regulatory Mapping*

<b>BPP University General Academic Regulations</b>
Section C: Registration, Engagement, Progress, and Conduct

**BPP University**  
**University Policies and Procedures**  
**Fitness to Practise**

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## **1. Introduction**

- 1.1. The University has a duty to ensure that students on professional courses are fit to practice in that profession, or will be when they complete the course.
- 1.2. This includes a duty;  
  
*to protect present or future patients, clients, service users and members of the public; to safeguard public confidence in the profession; to comply with the requirements of professional/regulatory bodies; and to ensure that students are not awarded a qualification that permits them to practice a profession if they are not fit to do so.*
- 1.3. When the University has concerns about a student who is already a registered member of a profession, it has a responsibility to respond to this and to raise those concerns with the relevant professional body, the Disclosure and Barring Service, and/or the student's employer.

## **2. Terminology**

- 2.1. Fitness to practise is the ability to meet professional standards; it is about character, professional competence and health. According to the Health and Care Professionals Council (HCPC 2019) someone is fit to practice if they have

*“the skills, knowledge, character and health to practice their profession safely and effectively”.*

### **3. Scope**

- 3.1. This policy applies to students studying on courses which lead to a professional qualification where there are statutory, professional or regulatory body requirements relating to health, behaviour or attitudes. The policy applies to enrolled students, and not to applicants, where other procedures apply, although issues about applications may be considered under these regulations for students who are enrolled.

### **4. Our Commitment**

- 4.1. The University is committed to ensuring that students are fit to practice in the relevant profession and that they meet the professional standards of that professional, statutory or regulatory body. The University also ensures that students are made aware of any concerns about their fitness to practise and that any decisions about a student's fitness to practise are arrived at through a fair and transparent process. The University is committed to ensuring that it is mindful of the obligation to safeguard the public interest, i.e. protection of patients, children and service users, maintenance of public confidence in professions and upholding proper standards of conduct and behaviour.

### **5. Fitness to Practise**

- 5.1. Issues considered under these regulations include those relating to students' health, behaviour and professional competence and/or attitude which may affect their fitness to practise in the relevant profession. These concerns may arise inside or outside the University and may be brought to the attention of the University by any person or organisation. There may be particular processes within schools for reporting issues from placement providers but the University may consider under these regulations any issue which merits attention.
- 5.2. Examples of issues that may lead to fitness to practise concerns include, but are not limited to, the following:
  - i) academic misconduct (for example plagiarism, cheating in examinations, forging records);

- ii) other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse);
- iii) health and safety breaches;
- iv) failure to disclose convictions or other information that the student is required to disclose;
- v) inaccurate or falsified placement documentation;
- vi) unsafe practice, incompetence or requiring too much supervision;
- vii) unprofessional behaviour, including:
  - a) lack of respect, aggressive or poor attitude, laziness;
  - b) indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
  - c) failure to self-reflect, lack of insight;
  - d) failure to engage with investigations into unprofessional behaviour;
  - e) poor self-management, lack of personal accountability;
  - f) dishonesty;
  - g) breaking patient confidentiality
- viii) behaviour away from the student's studies, including:
  - a) a formal police caution or criminal conviction
  - b) disruptive behaviour in the community;
  - c) inappropriate use of social media;
- ix) safeguarding concerns;
  - a) poor mental or physical health or serious physical impairment that interferes with the student's ability to practice safely;
  - b) failure to seek help or engage with appropriate services in relation to health issues;
  - c) poor communication or language skills.

5.3. Good health usually means that a student is capable of safe and effective practice without supervision. It does not mean the absence of any disability or health condition.

- 5.4. If a student has a disability and/or learning difficulty, they are encouraged to disclose this to the Learning Support team and to inform their tutor. The Learning Support team will work with students to ensure that they have the reasonable adjustments that they are entitled to throughout their programme of study. Reasonable adjustments for work-placements should be discussed with the placement provider in liaison with the Learning Support team.
- 5.5. It is important that regulations and safeguards in place with respect to freedom of speech and/or academic freedom should be paid due regard. An exercise of freedom of speech and/or academic freedom in line with the conditions set out in GARs Part G, Section 2, and the University's Policy and Procedure on Academic Freedom and Freedom of Speech, would not normally attract a concern of Fitness to Practise. Where a concern regarding the exercise of freedom of speech and/or academic freedom arises in relation to Fitness to Practise, the University's Policy and Procedure on Academic Freedom and Freedom of Speech shall be consulted in the first instance to determine if the concern in relation to Academic Freedom and Freedom of Speech is founded. Should the concern have foundation, following the procedures expressed in the University Policy and Procedure on Academic Freedom and Freedom of Speech, a referral will then be made to the procedures in this policy to proceed the concern as a Fitness to Practise matter. It is to be emphasised it would be very rare for a lawful expression of freedom of speech and/or academic freedom concern to result in action under Fitness to Practise, and so only when that expression is in breach of the terms set out in the University's regulations and policies and procedures in relation to Academic Freedom and Freedom of Speech, will the concern be progressed under this policy.
- 5.6. Where issues may be considered under another University regulation or policy in addition to the Fitness to Practise Policy, e.g. Academic Progress Policy, Academic Practice Procedures, the Student Conduct Policy or Support to Study Policy; the University will use the most appropriate procedure taking into account fairness to the student, the scope and purpose of the regulations and the University's responsibility to professional, statutory and regulatory bodies. It may be appropriate for the outcome of any proceedings under one set of regulations to be taken into consideration under another set of regulations.
- 5.7. Decisions made under these regulations will not be changed by Boards of Examiners.

- 5.8. The impact of any concerns about a student's fitness to practise will be decided in the context of the particular professional standards of the relevant professional, statutory or regulatory body applying to the specific programme of study.
- 5.9. The University is responsible for making students aware of the relevant professional standards. Students are responsible for familiarising themselves with the relevant professional standards and meeting the requirements.
- 5.10. Students are required to self-report on matters relating to their health, behaviour or attitude e.g. if a student is the subject of criminal justice processes or employee/student disciplinary processes, or if they have a disability and/or learning difficulty.
- 5.11. Any requirements may be profession specific and students will be made aware of these in course specific documentation. If a student fails to self-report as required, this may lead to action under these regulations.
- 5.12. The University may start proceedings under these regulations up to six months after you have ceased to be a student of the University. If you withdraw from the programme after the proceedings have started, we may continue the proceedings.

## **6. General Principles**

- 6.1. Fitness to Practise is distinct from the Support to Study Policy.
- 6.2. A disciplinary matter might lead to fitness to practise proceedings if the behaviour that led to disciplinary action calls into question the student's fitness to practise.
- 6.3. Those investigating or making decisions at any stage of the proceedings set out in these regulations will do so impartially.
- 6.4. Any issues raised under these regulations will be dealt with promptly, sympathetically and with respect for privacy and confidentiality. Information will only be disclosed to other parties as is necessary for the investigation of a case, or for safeguarding reasons, or as required by law, or as is required by the relevant professional, statutory or regulatory body.
- 6.5. Action under these regulations will be initiated promptly following the receipt of allegations or the emergence of relevant issues of concern. Such action will be completed as quickly as possible balancing the need for a thorough investigation and a fair process with the desirability of a prompt outcome. Students will be informed of progress in general and, in particular, of any delays.

- 6.6. Where the placement provider informs us that they are no longer prepared to accept a student for training because of concerns about fitness to practise, the University will confirm to the student that they should no longer attend the placement. A decision will be made whether investigation is required under these regulations. If appropriate, the University may seek to place a student back with the placement provider or seek to find an alternative placement. Delays to attendance on placement may occur pending investigation and conclusion of fitness to practise cases. This means the length of time taken to complete an award could increase leading to a number of implications including fees, funding and visa status.
- 6.7. Where concerns raised with the University which, if substantiated, could mean there is a potential risk to the wellbeing of other students and staff, or the clients or staff of a placement provider, or to the student's own wellbeing, the student may be excluded from University generally pending investigation under these regulations. Exclusion may also be considered if it was deemed that a thorough investigation of the case would be difficult to conduct if the student was continuing on the programme without any restriction or limitation.
- 6.8. When a concern is raised, the Dean of the School will decide whether or not to instigate a fitness to practise investigation.
- 6.9. At all stages of this procedure, the student may be accompanied by a friend or colleague unconnected with the case.
- 6.10. Where a concern with respect to Fitness to Practise is raised by the Trust that the student is on placement with, and where they have instigated their own investigation process, the University will pause its Fitness to Practise process at that point until the outcome of that investigation has concluded. In general terms, the University shall seek to mirror action taken by the trust in its own Fitness to Practise process, but also reserves the right to arrive at its own judgement with respect to a student's Fitness to Practise. Where a trust has investigated a student's fitness to practise, the outcomes of that investigation and any evidence gathered will be included and considered within the University's own deliberations on the matter.

## **7. The Fitness to Practise Process**

- 7.1. Stage 1 – Preliminary Stage / Cause for concern:

- i. The first stage of the fitness to practise process is the cause for concern stage. This will consider if there is a fitness to practise issue or if there is a competency issue.
- ii. This stage is intended to be developmental and supportive. It gives the student the opportunity to improve their practice or approach.
- iii. The Dean of the School, or nominee, will arrange a meeting with the student to discuss the concerns that have been raised and listen to their response to them.
- iv. The Dean of the School, or nominee, will agree supportive improvement measures, and develop an action plan with timelines for improvement, where appropriate.
- v. The student may be asked to complete a piece of work to reflect on their practice. This should demonstrate that the student has the necessary insight into the behaviour or the issues leading to the concerns being raised.
- vi. If the improvement action plan is not adhered to, or the work requested does not demonstrate insight, the student will be referred to Stage 2 of the Fitness to Practise process.
- vii. 'Cause for concern' procedures may be bypassed if the issue leading to the fitness to practise concern is sufficiently serious. An example of this may be if the student has harmed or is at risk of harming others, or if fitness to practise concerns have arisen following criminal conviction.
- viii. If the student disputes the events or behaviour giving rise to the cause for concern, it may be appropriate to move to the formal stage of the procedure. This is to ensure that the student has a fair opportunity to present their case.

#### 7.2. Stage 2 – The Formal Stage:

- i. An investigation will be conducted where the facts of the case have not been established, or where further information is needed about the matter leading to concern about the student's fitness to practise.
- ii. To investigate a fitness to practise issue, the Dean of the School will appoint an investigator who will write to the student explaining the nature of the concern/allegation and invite them to a meeting where they can give an explanation of the relevant situation.



- iii. The investigator will provide a copy of the fitness to practise procedure prior to the meeting.
- iv. The investigator will clearly state what is being investigated and how it applies to the relevant professional standards.
- v. The investigator can decide to involve other members of staff or members of external bodies (e.g. representatives of placement providers) in the investigation and in meeting with the student as is reasonable and appropriate. The student will be kept informed of the extent and progress of the investigation.
- vi. The investigator can also, as is reasonable and appropriate, request an occupational health assessment or a check from the Disclosure and Barring Service.
- vii. Following completion of the investigation, the investigator may decide to:
  - a) take no further action under these regulations; and/or
  - b) refer issues for consideration under other regulations; and/or
  - c) allow the student to continue fully as a student on the programme but issue some advice as to future conduct and/or impose conditions which may include a requirement to attend an alternative placement. If the student is not willing to accept the advice or any of the conditions, the case will be referred to a Fitness to Practise Panel.
  - d) refer the case to a Fitness to Practise Panel.
- viii. The University understands that these processes can be very stressful and therefore aim to complete the Stage 2 investigation and come to a conclusion normally within 20 working days of informing the student of the investigation.
- ix. The investigator will produce a report based on their investigations which outlines the process followed, the information gathered and their conclusions.
- x. The student and their representative will receive copies of the information obtained during the investigation, a copy of the investigation report and information about the next step in the process. All personal information will be anonymised before being sent to the student and their representative.

### 7.3. Stage 3 - Fitness to Practise Panel:

- i. The Dean of the subject area will agree referrals to the Fitness to Practise Panel and agree the membership of the panel.

- ii. The Fitness to Practise Panel will comprise of three members from the following appointed members;
  - a) Dean of another School or a nominee (Chair);
  - b) Dean of the School or a deputy;
  - c) Senior Academic from the School;
  - d) Placement Manager;
  - e) Senior academic from another school;
  - f) Lay member (patient/carer/practice colleague)
- iii. Professional bodies may have their own requirements for Fitness to Practise Panels in which case the above membership may be varied to meet those requirements.
- iv. The student will have the right to attend the Panel hearing but they do not have to attend. If the student chooses not to attend, or do not attend after giving notice of attendance, the Chair of the Panel can decide whether or not the hearing will go ahead as planned in their absence. The student can submit a statement to present to the Panel in their absence which must be submitted at least 5 working days before the Panel hearing.
- v. The student will be given at least 10 working days' notice of the date and time of the Panel hearing. They will be informed of the fitness to practise issues which have been referred to the Panel. The University will send the student copies of the documents which the investigator will present to the Panel, and the names of any witnesses who will be called at least 10 working days before the Panel hearing.
- vi. Where a witness statement is provided the name of the witness will normally be identified. However, there may be exceptional cases when anonymous statements will be provided because there are reasonable grounds for considering that the witness will be at risk if his or her identity is revealed.
- vii. Whether or not to accept anonymous statements will be the decision of the Chair of the Panel.

7.4. At least 5 working days before the Panel hearing, the student must:

- i) inform the Secretary to the Panel whether or not they will be attending the Panel hearing;
- ii) inform the Secretary to the Panel of any friend or representative who will be in attendance;

- iii) inform the Secretary to the Panel of the names of any witnesses that the student wishes to call;
  - iv) provide copies of any documents or written statements the student wishes to submit to the Panel.
- 7.5. In addition to the student, their representative and the Panel members, the following will be in attendance:
- i) the investigator who will introduce the case;
  - ii) the Secretary to the Panel who will advise the Panel on procedural issues and be responsible for making a record of the hearing;
  - iii) any witnesses called.
- 7.6. The Panel may, acting through the Chair:
- a) adjourn a hearing as it thinks fit, from a short break in the proceedings to reconvening on another date; and/or b) ask for additional enquiries to be undertaken, and/or call for additional witnesses to attend; and/or
  - b) ask questions of the investigator, the student and/or his or her representative and any witness; and/or
  - c) impose time limits on oral addresses and submissions; and/or
  - d) refuse to admit evidence for example on the grounds that it is irrelevant to the issues raised; and/or
  - e) recall witnesses to give further evidence; and/or
  - f) dismiss the case at any stage during the hearing.
- 7.7. The procedure for the Panel hearing will normally be:
- a) The allegation(s) and how it relates to the relevant professional standard of conduct will be put to the Panel by the investigator.
  - b) the investigator may call any witnesses in turn and question them.
  - c) Student or representative may question those witnesses.
  - d) Student or representative may address the Panel.
  - e) Student or representative may call witnesses in turn and question them.
  - f) Student may give evidence.

- g) Investigator may question those witnesses and question the student if they have given evidence.
- h) Investigator may make concluding remarks to the Panel.
- i) Student or representative may make concluding remarks to the Panel.
- j) Investigator, student and student's representative will withdraw and the Panel will consider its decision. Witnesses will only be present for the part of the hearing in which they give evidence. The Secretary to the Panel may not participate in the decision making of the Panel but may advise on its powers.

7.8. Panel members may ask questions at any point during the hearing.

7.9. The Panel can decide to take one or more of the following actions:

- a) defer a decision pending the receipt of further information or advice;
- b) decide there is no case to answer and no further action will be taken
- c) permit the student to continue on the programme, either unconditionally, or subject to such requirements relating to the programme as may reasonably be imposed;
- d) exclude the student from all, or particular aspects of, study on the programme for a specified period of time, not exceeding 12 months;
- e) require the student to repeat a specified part or parts of the programme;
- f) exclude the student from further study on the course - any further application for study at the University will be considered in accordance with the University's Admissions Policy;
- g) exclude the student from further study on the course and not permitted re-entry to this course or any course with professional requirements within the Faculty or University - any further application for study at the University will be considered in accordance with the University's Admissions Policy;
- h) recommendation to the Vice Chancellor for expulsion from the University - no further application for study at the University will be considered;
- i) exceptionally, recommend to the Academic Regulations and Awards Committee that an award already made is withdrawn.

7.10. The Panel shall come to conclusions about facts on the balance of probabilities.

7.11. In coming to decisions the Panel may consider as appropriate factors such as their findings of fact in relation to statutory, professional or regulatory guidance about standards and fitness to practise, extent, impact, intent, repetition,

mitigation, the training the student has already experienced, the likely impact of future training, any reasonable adjustments that have been made for a student with a disability, and any reasonable adjustments that may be made for a student with a disability in the future.

- 7.12. The intention is not to punish the student, but to act proportionately where there is a need to protect the public or preserve public confidence in the profession.
- 7.13. The University aims to complete Stage 3 of the process and come to a conclusion normally within 20 working days of referral to the Fitness to Practise Panel. The student will be informed of the outcome of the Fitness to Practise Panel in writing within 5 working days of the Panel hearing including the reasons for the Panel findings and any sanction imposed.

## **8. Right of Appeal**

- 8.1. The student has the right to appeal a decision of the Fitness to Practise Panel within the grounds and timescales set out in the University's Appeal Policy and Procedure.

## **9. Monitoring and Reporting**

- 9.1. Where appropriate the outcome of the Fitness to Practise Panel will be reported to the relevant professional, statutory or regulatory body after an appeal has been heard or after the period for making an appeal has elapsed. The student will be informed in advance of the intention to report, the scope of the report and the body or bodies to whom the report will be made.
- 9.2. An annual report based on anonymised faculty cases and any appeals will be presented to the Academic Council. The monitoring will include monitoring of students going through the procedures by ethnic origin, gender and disability in accordance with the duties to promote racial, gender, and disability equality.

## Policy Revision History

Version Number	Description	Author	Reviewed by	Date
1.0	Movement of Policy to stand-alone section for ease of referencing	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	July 2024
2.0	Inclusion of clause in relation to Freedom of Speech and Academic Freedom to ensure compliance with the Parliamentary Act and recent OfS Guidance.	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	July 2025