

# **Fitness to Practice Procedure**

**Director of Student Services Oct 2022**

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# Fitness to Practice Procedure

## 1. Understanding Fitness to Practice

- 1.1. The British University in Egypt aims to ensure that all students benefit fully from their University experience in terms of academic learning, as well as both personal and professional development. Fitness to Practice is concerned with ensuring students have the skills, knowledge and character to carry out their profession safely and effectively. A student's Fitness to Practice maybe called into question when their professional behaviour falls below expected levels and/or where their health raises a serious or persistent concern.
- 1.2. This procedure is designed to support students facing challenges while ensuring that professional standards are maintained. The University has a responsibility to ensure that students studying towards a qualification are fit to practice in their chosen profession. If there are concerns that a student may not be fit to practice, wherever possible, action will be taken to identify the issues involved and to identify support available to the student which may help them to overcome those difficulties.

## 2. Who is covered by this procedure?

- 2.1. This procedure applies to:
  - a) current students registered and/or enrolled with the University;
  - b) a student on suspension
- 2.2. This policy is the consolidated Fitness to Practice procedure for the entire University, where respective professional standards apply to individual Faculties, over and above what is covered in this policy, they will take precedent and be applied as required.

## 3. Who is responsible for this procedure?

- 3.1. The Office of the Provost has overall responsibility for the procedure to ensure that its provisions continue to meet required standards and reflect best practice.
- 3.2. The Director of Student Services will review this procedure from time to time, usually every two years, to ensure that its provisions continue to meet required standards and reflect best practice.

## 4. When Fitness to Practice is used

- 4.1. Fitness to Practice concerns will generally fall into three main categories:
  - a) Concerns about conduct
  - b) Concerns about competence
  - c) Concerns about capability.

- 4.2. Concerns about conduct include, but are not limited to;
- a) Unprofessional behaviour, including breach of confidentiality, unlawful, discrimination, misuse of the internet or social media and networking sites.
  - b) Aggressive, violent, or threatening behaviour, whether verbally, virtual or physical, including bullying and harassment
  - c) Inappropriate behaviour, including persistent poor timekeeping or lack of commitment to academic work, failure to observe or comply with University Regulations or placement provider instruction, failure to demonstrate an attitude or demeanor appropriate for individuals working in the profession concerned, failure to follow health and safety requirements
  - d) Poor or non-attendance, at taught or mandatory elements of a programme either within the University (or Faculty) or in practice, without permission
  - e) Dishonesty, including fraudulent behaviour, falsification of records, qualifications or signatures; serious incidents of Academic Misconduct, any form of unfair practice; failure to declare a criminal conviction
  - f) Criminal convictions, warnings, reprimands and cautions, in particular where this related to violent or serious offences. It is the student's responsibility to inform the University of any criminal charge or conviction at the earliest possible opportunity.
  - g) Any drug or alcohol misuse, including dealing, possessing or misusing therapeutic or illicit drugs.
- 4.3. Concerns about competence will usually relate to the inability of a student to demonstrate the competency necessary to safely conduct relevant activities while on placement such that this lack of competence constitutes a risk to the health, safety and/or wellbeing of the student, placement staff, service users or others. It is recognised that the purpose of placements is to support the training and development of students on their programmes and, as such, this procedure should not be used where a more appropriate course of action would be to conclude, via normal academic standards, that the student has not successfully completed the placement.
- 4.4. Concerns about capability generally relate to physical or mental health conditions that would mean that, notwithstanding any Reasonable Adjustments that can be made, the student:
- a) Cannot safely conduct relevant activities; and/or
  - b) Represents a risk to the health, safety or wellbeing of the student, placement staff, service users or others; and/or
  - c) Cannot reasonably be expected to attain the competency standards of the relevant programme
- 4.5. If there is a concern that the student's immediate health and safety is at risk then staff should contact emergency services in the first instance. Once that has happened, staff should seek to contact either the Director of Student Services, Director of Estates and Facilities or the Head of Clinics as soon as reasonably possible.

- 4.6. The University will not normally accept anonymous fitness to practice concerns except where there are exceptional extenuating circumstances. The decision to proceed with fitness to practice issues received anonymously is entirely at the discretion of the University.

## **5. Fitness to Practice Initiation**

- 5.1. This Procedure provides the following stages for consideration of concerns raised about a student's fitness to practice:
- a) No action to be taken. This will normally be the case where a matter reported under this Procedure does not constitute a concern under fitness to practice. A matter may, however, be referred to another University procedure where appropriate;
  - b) Stage One - Informal resolution stage;
  - c) Stage Two – Fitness to Practice Panel
- 5.2. When there is a concern over a student's fitness to practice, any member of the University should inform the relevant Dean (or nominee), Senior Assistant Registrar or the Director of Student Services in the first instance. Concerns may relate to issues that have arisen both on and off campus and during or out of term time, that come to the attention of the University.

## **6. Stage One – Informal Resolution**

- 6.1. In cases where the Dean (or nominee), Senior Assistant Registrar or Director of Student Services determines the concerns to be of a minor nature, the student will, usually within 5 working days, be invited to attend a meeting with the Dean (or nominee), Senior Assistant Registrar or Director of Student Services, to discuss the allegations.
- 6.2. The member of staff leading the meeting should take a record of the meeting and any actions agreed. Possible courses of action at the informal stage include (but are not limited to):
- a) Informal advice;
  - b) Provision of further guidance to the student e.g., one-to-one Persona Tutor Meetings, directed reading or online material;
  - c) Requirement for the student to complete further work to demonstrate their engagement with, and understanding of, the appropriate professional code of conduct and standards. This may take the form of a reflective piece of work (written, practical or oral), action planning or other such work. Clear timescales and guidance should be set, and information should be given about where the student should access guidance and support, and who would be responsible for signing off the work as complete and satisfactory

## 7. Fitness to Practice Panel

- 7.1. In the case of more serious concerns, or if further concerns arise after previous concerns were dealt with informally, the Dean (or nominee), Senior Assistant Registrar or Director of Student Services may consider a Fitness to Practice panel.
- 7.2. Following consultation with the Dean (or nominee), the Director of Student Services may convene a Fitness to Practice Panel. The purpose of the Panel will be to:
  - a) Collect evidence, call for documents, identify and summon witnesses and conduct such other enquiries as it sees fit.
  - b) Outline concerns to the student
  - c) Allow the student to explain to situation from their perspective and offer any mitigation
  - d) Agree support and required professional standards of behaviour, as necessary
  - e) Ensure that the student understands the possible implications and outcomes of the Panel, or if concerns persist.
- 7.3. Students will be informed of the Panel meeting usually no less than five working days before the Panel is due to meet. If the student agrees the Panel maybe held at shorter notice.
- 7.4. Students should inform the University as soon as possible if they cannot, for good reason, attend the Panel. If a student does not attend, and does not offer good reason for doing so, the Panel will go ahead and a decision will be reached on the basis of the evidence available. What constitutes good reason is entirely at the discretion of the University.
- 7.5. Students are expected to prepare for the Panel in a professional manner which includes observing deadlines as would be expected in professional practice. Any departure from these timescales is at the absolute discretion of the Chair of the Panel following consideration of any relevant circumstances and the importance of a fair, timely and impartial hearing.
- 7.6. Participants are normally required to attend the Panel in person. If it is impracticable to do this, participants may attend virtually. The Panel may also accept written witness statements although these are not recommended on their own, as the Panel may wish to question the evidence presented.
- 7.7. The composition of the Panel will normally be Director of Student Services (or nominee), a Faculty Representative (normally the Dean (or nominee), Vice Dean Teaching and Learning or Senior Assistant Registrar), and the Associate Pro Vice-Chancellor for Students (or nominee) as Chair.
- 7.8. Administrative staff may also join to keep a record of the meeting; covering the main areas discussed and the associated outcomes, but not a verbatim account, this will usually be sent to the student within 10 working days from the date of the meeting.

## 8. Companion At Meetings

- 8.1. A student may be accompanied to the Panel by any member of the University including a representative from The Student Hub team, a member of the Students Union or a fellow student. Companions may take notes, make representations and ask questions on a student's behalf, but are not entitled to answer questions on a student's behalf.
- 8.2. Students may be asked to choose a different companion if, for example their chosen companion may cause a conflict of interest or if their presence may prejudice the meeting. This decision is entirely at the discretion of the University.

## 9. Legal Representation

- 9.1. The Fitness to Practice process is not a legal procedure but is instead a formal mechanism by which consideration can be given to student's welfare alongside the usual running of the University. The purpose of the Fitness to Practice Procedure is ensure the University's a responsibility that students studying towards a qualification are fit to practice in their chosen profession and assist the University in reaching a decision in that regard based on the available evidence. Legal representation is not, therefore, permitted at meetings taking place at any stage under this procedure.

## 10. Decision of the Panel

- 10.1. Following consideration of the case, the Panel's decision shall be one or more of the following courses of action starting with the least severe and moving to the next outcome only if satisfied that the previous outcome is not sufficient:
- a) Dismiss the case
  - b) Refer the case back to the Faculty for local resolution, to include conditions as necessary
  - c) Issue a warning; if there is evidence of misconduct but not that student's fitness to practice is impaired to a point requiring sanction
  - d) Sanction the student:
    - i) Recommend the student to suspend, in consultation with their parents, not usually for a period of more than 12 months, and to include any conditions to return.
    - ii) Terminate the Student from their programme of study in line Supreme Council of Universities (SCU) Regulations
- 10.2. Further information on suspension of studies can be found under section 2 of the University Undergraduate Academic Regulations available at the Academic Services page <https://www.bue.edu.eg/depofacademicservices/>
- 10.3. The decision to Terminate a student from their programme of study will require approval from the Office of the President and Vice Chancellor.

## 11. Reasonable Adjustments

- 11.1. In most instances, students declaring a disability, mental health challenge or long-term health condition are supported through Reasonable Adjustments. A Reasonable Adjustment seeks to ensure that all students are able to demonstrate the full extent of their academic and professional abilities, irrespective of a disability, mental health challenge or long-term health condition
- 11.2. The implementation of Reasonable Adjustments aims to allow students to access Higher Education, and professional qualification, without disadvantage but still within a framework of academic standards. Fitness to Practice will only normally be considered alongside Reasonable Adjustments in relation to 4.4 and concerns about capability.
- 11.3. Further information on Reasonable Adjustments can be found in the Reasonable Adjustments procedure. If a student is unsure which procedure they should use they should contact The Student Hub for further information and guidance so they can discuss the support options available to them.

## **12. Confidentiality**

- 12.1. Any information relating to a student's Fitness to Practice is treated confidentially. Where information needs to be shared with members of the University community (e.g. staff in your Faculty Office, Academic Services, Accommodation, Library services) in order to facilitate support for the student, this will be done, wherever possible, on a 'need-to-know' basis.

## **13. Use of data from Fitness to Practice**

- 13.1. The University may collect data on Fitness to Practice and use the data for:
  - a) internal reporting, evaluation, learning and training; and
  - b) external discussion with regulators in the Higher Education sector.
- 13.2. The data used by the University for the purposes set out in Section 13.1 a) and b) will be anonymized wherever possible. Personal Data will not be shared with any other third parties unless the University has a legal obligation or is otherwise permitted to do so.

## **14. Support for students with this Procedure**

- 14.1. Students are encouraged to engage with support services and take up any appropriate support available to them. For more information or any questions, students should contact their Faculty Student Office or The Student Hub (thestudenthub@bue.edu.eg)