

SOCIAL CARE - FITNESS TO PRACTISE POLICY

OPEN TRAINING COLLEGE

1.0 Introduction

In light of the requirements of CORU (Health and Social Care Professional Council) this policy document provides clearly articulated formal policies and procedures on fitness to practise for social care students.

The Open Training College (OTC) is committed to broadening access to education and to ensuring that learners of all backgrounds, identities and abilities are enabled and encouraged to enter, successfully participate in and complete higher education. Some programmes offered by the College require students to complete aspects of their learning in professional settings, placing them in direct contact with professional practitioners, service users and members of the public. The College considers it essential to protect all concerned, including patients, clients, service users, customers or colleagues from harm and to maintain the trust and confidence of the general public in the College and its graduates. This policy and procedure have been developed in recognition of the College's duty of care to the public as well as to support students in fulfilling programme requirements, and to prepare them for future professional practice. The College's Student Code of Conduct outlines the expectations of the College regarding student conduct and behaviour generally.

1.1 Fitness to Practise

"Fitness to Practise is concerned with those issues that affect a person's ability to practise in their profession" (CORU, 2015). It includes the skills necessary to undertake and complete a programme with professional practice, experiential learning or clinical work, safely and effectively, so the student can fulfil his/her responsibilities within the scope of practice in their chosen field within a supporting and enabling environment. Fitness to Practise also relates to the student's ability and capacity to understand the nature and context of professional placement. Students should demonstrate a commitment towards obtaining the core competencies/proficiencies for social care as outlined by CORU.

This Policy is intended to be used to respond to and manage concerns regarding a student's fitness to practise and/or professional suitability, collectively referred to herein as "**Fitness to Practise**".

This Fitness to Practise Policy (the "**Policy**") seeks to ensure that, in addition to having achieved the required academic standard, students also:

- Have the capacity to perform key skills and tasks (core competencies) so as to be able to practise in their profession;
- Are healthy of body and mind so as to be able to practise in their profession;
- Conduct and behave themselves so as not to harm, or put at risk of harm, their service users, patients, clients, customers, colleagues or the general public;
- Conduct and behave themselves in a manner which will not harm the reputation of the College, their profession or practice partners.

The grounds on which a Fitness to Practise concern may be raised include (but are not limited to):

- Conflict of interest;
- Professional misconduct;
- Poor professional performance/lack of competence;
- Substance misuse;
- Aggressive, violent or threatening behaviour;
- Persistent inappropriate attitude or behaviour;
- Failure to abide by Health & Safety regulations;
- Failure to accept and follow educational advice;
- A relevant medical disability which may affect a student's ability to practise their profession;
- A contravention of the Health and Social Care Professionals Act 2005 (as amended), the rules or byelaws;
- A Garda Vetting Disclosure;

- Abuse, bullying and/or harassment, including verbal and/or written, physical and/or sexual, including through the use of social media; including once off incidents;
- Failure to treat others with dignity and/or respect;
- Discrimination on any prohibited grounds under law;
- Dishonesty or untrustworthiness, including but not limited to, the misrepresentation of qualifications or professional experience, the forging of documents or signature, theft or making false expenses claims etc.;
- Repeat or serious assessment offences;
- The commission or suspected commission of a criminal offence;
- Anti-social behaviour which adversely affects the operation of placement/work-based settings;
- The failure to demonstrate an attitude or demeanour appropriate to the profession concerned;
- Failure to participate in learning activities;
- Inconsistent, unreliable or inappropriate behaviour in learning, study or placement/work-based learning settings;
- A failure to comply with an undertaking or to take any action specified in a consent provided to a Committee of Inquiry following a previous hearing;
- any other matter deemed relevant by OTC.

2.0 Scope of Policy

2.1 This policy and procedure apply to students participating in Social Care programmes which are also subject to the College's Garda Vetting Procedure.

2.2 Students will be provided with a copy of this policy and they will be subject to this Policy throughout the duration of their studies whether registered as full time or part-time students, whatever their registration status with the College, irrespective of the mode or place of study. The College reserves the right to amend the range of programmes to which this Policy applies as deemed necessary.

2.3 Where in this policy and procedure reference is made to any named College office-holder; such reference is to be read as including reference to his/her appointed nominee.

2.4 Matters dealt with under this policy and procedure will be dealt with according to the individual circumstances. Whilst the College anticipates that such cases will be exceptional, it reserves the right at any level of this Policy to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety.

2.5 A procedure under this Policy may be initiated at any level, without any requirement for an earlier level to have been commenced or exhausted.

2.6 The processes under all levels of this Policy will be undertaken in a transparent manner.

2.7 Unless the Academic Council decides otherwise, any decision being appealed to the Academic Council will retain full force and effect during the currency of any appeal.

2.1 Legislation/College Policies

This policy will operate parallel to relevant legislation and College policies and procedures [**incl. Procedures & Protocols for Practice Placement and the Garda Vetting Procedure**].

Where there is more than one College procedure (and/or policies) applicable to any one matter, the Head of Quality & Academic Affairs in consultation with Programme Director/ Fitness to Practise (FTP) team shall decide which of the College's procedures (and/or policies) should have priority or be the most appropriate in the circumstances, and may direct the continuation of some procedure(s) (and/or policies) and the suspension of others pending the outcome of the former.

Where a student has been found in breach of a Code of Conduct, the Programme Director will notify the Head of Quality & Academic Affairs as to whether a Fitness to Practise issue has arisen and whether invoking the Policy is appropriate in this particular instance. In appropriate cases, the College has the right to suspend and/or withdraw and/or terminate a student's registration on a programme and/or placement.

The main pieces of legislation which underpin this policy are:

- Equal Status Acts 2000-2018
- General Data Protection Regulation, 2018

- Data Protection Acts, 1988-2018
- Health and Social Care Professionals Act 2005
- Social Care Workers Registration Board Code of Professional Conduct and Ethics Bye-Law, 2019 (S.I. No. 52 of 2019)
- Child Care Act 1991, as amended
- Code of Professional Conduct and Ethics for Social Care Workers 2019;
- Standards of Proficiency for Social Care Workers 2017;
- Protection for Persons Reporting Child Abuse Act 1998, as amended;
- Employment Equality Act 1998, as amended;
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, as amended;
- National Vetting Bureau (Children and Vulnerable Adults) Act 2012, as amended;
- Protected Disclosures Act 2014, as amended;
- Freedom of Information Act 2014;
- Children First Act 2015, as amended;
- Assisted Decision Making (Capacity) Act 2015, as amended.

3.0 Purpose

The Purpose of this Policy is to:

- Provide a supportive and enabling environment for students to move towards practice

- Support students and staff in the qualities and competences/proficiencies required for professional practice and to support and guide students who experience issues that may affect their ability to practise
- Provide a suitable framework for the effective management of Fitness to Practise issues that may arise, either prior to or during a student's programme of study
- Protect the students, service users, placement providers, the College, profession and the public

4.0 Grounds for Fitness to Practise Referral

While issues that can impair Fitness to Practise are wide ranging, cases are deemed to fall into the following categories:

- (i) Garda vetting cases: Matters disclosed via Garda Vetting may be considered a Fitness to Practise issue and will generally be dealt with in accordance with the provisions of the College's Procedure regarding student applicants with Criminal Convictions and the College's Garda Vetting Procedure.
- (ii) Disciplinary offences: Disciplinary offences are generally dealt with through the disciplinary procedure set out in the College's Complaints Policy and may also give rise to Fitness to Practise concerns.
- (iii) Fitness to Practise concerns regarding a student's health¹.
- (iv) Other Fitness to Practise cases not covered by the above.

The grounds on which a Fitness to Practise concern may be raised include (but are not limited to):

- Conflict of interest;
- Professional misconduct;

¹ Defined by the Health and Social Care Professionals Act 2005, Section 52, part C which refers to '*impairment of the registrant's ability to practise the designated profession concerned because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs,*'

- Poor professional performance/lack of competence;
- Substance misuse;
- Aggressive, violent or threatening behaviour;
- Persistent inappropriate attitude or behaviour;
- Failure to abide by Health & Safety regulations;
- Failure to accept and follow educational advice;
- A relevant medical disability which may affect a student's ability to practise their profession;
- A contravention of the Health and Social Care Professionals Act 2005 (as amended), the rules or byelaws;
- A Garda Vetting Disclosure;
- Abuse, bullying and/or harassment, including verbal and/or written, physical and/or sexual, including through the use of social media; including once off incidents;
- Failure to treat others with dignity and/or respect;
- Discrimination on any prohibited grounds under law;
- Dishonesty or untrustworthiness, including but not limited to, the misrepresentation of qualifications or professional experience, the forging of documents or signature, theft or making false expenses claims etc.;
- Repeat or serious assessment offences;
- The commission or suspected commission of a criminal offence;
- Anti-social behaviour which adversely affects the operation of placement/work-based settings;
- The failure to demonstrate an attitude or demeanour appropriate to the profession concerned;
- Failure to participate in learning activities;
- Inconsistent, unreliable or inappropriate behaviour in learning, study or placement/work-based learning settings;
- A failure to comply with an undertaking or to take any action specified in a consent provided to a Committee of Inquiry following a previous hearing;

- any other matter deemed relevant by OTC.

This Policy and procedure will be invoked where the matter of concern has not been resolved through the use of existing supports such as coaching by academic staff, including advice from the College's Student Support Policy and Guide.

4.1 Health

Where a concern arises in relation to a student who is known to have a health issue², and where the health issue is relevant to the concern that has arisen, then in the first instance consideration shall be given to the level and types of support put in place for that student in conjunction with the College's Student Support Policy and Guide.

Good health in the context of Fitness to Practise means that an individual's health status is such that she/he is well enough to undertake safe and effective practice under supervision. Good health does not necessarily mean the absence of any disability/specific learning difficulty or health condition. Many people with health conditions, disabilities or specific learning difficulties are able to practise with or without adjustments to support their practice, and are legally supported in this by the Equal Status Acts, 2000-2018.

Individuals may be rendered incapable of safe and effective practice as a result of a health matter, either on a temporary or (rarely) a permanent basis. To ensure that, where possible, the College can make reasonable accommodation to support students with a health and/or disability issue, as well as ensuring protection for patients/clients/service users, a student on a programme of study subject to this Policy is required to declare, at first registration, any disability or health condition that, in his/her opinion, may impact on his/her ability to undertake safe and effective practice.

4.2 Disclosure

It is important to emphasise that 'Fitness to Practise' is not a guarantee of the opportunity to practise.

It is also not the same as fitness to work' (CORU 2009). In line with IASCE (2011) *Social Care Placement Policies* a Social Care student 'is not automatically entitled to undertake placement' by

² Defined by the Health and Social Care Professionals Act 2005, Section 52, part C which refers to '*impairment of the registrant's ability to practise the designated profession concerned because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs,*'

virtue of commencing the programme. All students will be required to complete a Garda Vetting Application Form. Applicants will be provided with the relevant forms and documentation for Garda vetting upon registration. Students must also attend and pass all previous modules in order to undertake placement. This is to ensure that students have the necessary knowledge and understanding with respect to ensuring a safe learning environment for themselves and their service users.

By registering annually for their programme, students are in effect declaring that they believe their health status is such as to allow them to undertake safe and effective practice. In the event that a student's health status changes or a disability or a level of disability emerges that causes concern as to their capacity for safe and effective practice, whether declared by the student or noticed/reported by others, they may be subject to assessment of their Fitness to Practise under this Policy.

In order to avail of reasonable accommodation, all students with disabilities or relevant health conditions or educational issues, are required to disclose their disability (supported by appropriate expert evidence) in the first instance to the Admissions Office and to undertake a subsequent meeting with the relevant Programme Director. There is also an onus on students to bring any issues of concern relating to their Fitness to Practise to the attention of academic staff involved in their programme.

Students must also sign a Declaration of Understanding and Acceptance to evidence that they are aware of and accept the policies and terms of placement.

Furthermore, any perceived Conflict of Interest must be disclosed in advance of accepting a placement setting.

4.3 Raising a Concern or Making a Complaint

All concerns or complaints (from students, staff, placement agencies, service users and members of the public) in regard to Fitness to Practise issues should be made in writing to the relevant Programme Director. The Procedure will then be implemented in accordance with the provisions contained in this document.

5.0 Confidentiality and Third Parties

All matters raised under this Policy will be handled sensitively and with due consideration to confidentiality, however, it will not be possible or appropriate to maintain confidentiality in all circumstances.

Where possible, all information regarding Fitness to Practise concerns or allegations of misconduct or misbehaviour should be shared on a “need to know” basis to protect the privacy, dignity and welfare of the student concerned and regard should be had to the provisions of the Data Protection Acts, 1988-2018, when confidential information is to be shared.

While every effort is made to respect confidentiality, it may not be possible or appropriate to maintain confidentiality in all circumstances. Students should be aware that in the course of dealing with Fitness to Practise concerns, the College may consider it appropriate to discuss and/or refer matters and/or its outcomes to the Child & Family Agency, An Garda Síochána and/or third parties such as Professional, Statutory or Regulatory Bodies or placement providers. For example, it may be necessary to report a matter to An Garda Síochána under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 as it is an offence to withhold information on certain offences against children and vulnerable persons from An Garda Síochána. The College may discuss and/or refer matters on occasion without notification to the student. Where the Child & Family Agency and/or a third party carries out any investigation or process, the College may suspend or delay taking action under this Policy although it is not obliged to do so. The College will not be bound by the outcome of any Child & Family Agency or third-party investigation or other process, the College may in its discretion take the outcome of the investigation or process into consideration in determining any outcome to be imposed under this Policy.

6.0 Disclosure of Criminal Convictions/Conduct which may also be a Criminal Offence

The procedure in this Policy will be used in respect of students on Relevant Programmes who have relevant criminal convictions/prosecutions pending, i.e. those convictions/prosecutions pending which give rise to a Fitness to Practise concern. Students on Relevant Programmes are required to disclose criminal convictions and prosecutions pending. Where a student fails to disclose criminal convictions/prosecutions pending on registration and/or while registered as a student with the College, the College may suspend/withdraw and/or terminate the student’s registration.

If a student's conduct may be in breach of the criminal law, the College may at its discretion refer the matter to An Garda Síochána. The College may do so on occasion without notification to the student. In addition, the College may at its discretion suspend or delay taking action under this Policy pending the outcome of any An Garda Síochána inquiry and/or criminal investigation/prosecution.

The College may take action in respect of a student under this Policy notwithstanding his/her conviction or acquittal in criminal proceedings. The College is not bound by the outcome of any criminal prosecution although the College may in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy.

7.0 Garda Vetting

The entry requirements for certain programmes necessitate applicants to undergo Garda vetting in accordance with the College's Procedure on Garda Vetting. This procedure will be used in respect of students whose Garda vetting disclosures give rise to a Fitness to Practise concern.

8.0 References

When providing a reference in a professional context, for example, in connection with potential employment in a profession or admission onto a professional programme of study at another institution, for a student who has been subject to the Formal Stage (Part One and Part Two) of the Procedure, the College will refer to the Fitness to Practise concerns, the associated circumstances and the outcome at the Formal Stage, including referring to any appeal where applicable/appropriate. Students will be actively encouraged to contact the employing organisation and discuss full details of the case with the prospective employer.

The College will not normally refer to Fitness to Practise concerns to which a student was subject under the Informal Stage which did not progress any further under this Policy when providing references requested in a professional context but reserves the right to do so when it considers it appropriate. Staff may discuss these procedures for this purpose.

The College will not normally refer to issues arising in Fitness to Practise proceedings under the Formal Stage Part One or the Formal Stage Part Two when providing references for students in nonprofessional contexts but reserves the right to do so when it considers it appropriate.

9.0 Implementing the Policy

Arrangements in each Department must be consistent with this Policy. It is the duty of all staff to be familiar with this Policy.

10.0 Power to Suspend

The Office of the Head of Quality & Academic Affairs in consultation with Programme Director/ FTP team may temporarily suspend a student from his/her placement, work-based learning setting, related learning activities and/or programme of study and/or temporarily exclude a student from College premises where the Office of the Head of Quality & Academic Affairs reasonably believes that a student in respect of whom a Fitness to Practise concern has been raised poses a risk to:

- his/her own health, safety and/or wellbeing and/or that of others;
- the professional activities of a placement provider or other professional organisation or to a practice situation;
- the property of the College and/or others, and/or;
- the reputation of the College or a placement provider or other professional organisation and/or its functioning and/or its activities;

and immediate action in the form of a temporary suspension and/or exclusion is reasonably required to remove or reduce the risk. This may include, but is not limited to, Fitness to Practise concerns relating to a criminal conviction, a serious health concern, a serious once off incident etc.

This is a neutral step which is taken without prejudice and shall not be taken as an indication as to whether or not the grounds for concern are upheld and the suspension will be communicated to the student in writing (by e-mail).

In the case of concerns regarding the student's health, safety and/or wellbeing, the temporary suspension will remain in place until such time as an appropriately qualified person, nominated by the College, certifies the student fit to proceed with his/her programme of study.

If a decision is made to impose a temporary suspension/exclusion, consideration will be given to whether arrangements can reasonably be put in place for the student in order to minimise the impact on his/her studies. However, if a student cannot satisfactorily complete his/her placement

as a result of a Fitness to Practise concern or other reason, they will be deemed to have failed that element of their programme.

The temporary suspension/exclusion will be kept under review by the Programme Director.

A student who is subject to a temporary suspension/exclusion may appeal that decision provided the appeal is in writing and made within 10 working days of the written notification of the decision to the student. The Appeal can be made to the Academic Council. Any decision being appealed will retain full force and effect during the currency of the appeal.

11.0 Fitness to Practise – Roles

In order to implement the provisions of this Policy in an appropriate manner, specific roles are assigned.

11.1 The Office of the Head of Quality & Academic Affairs

The Office of the Head of Quality & Academic Affairs will have overall responsibility for the management of this Policy. The Office of the Head of Quality & Academic Affairs has overall responsibility for decisions related to Fitness to Practise concerns and the appropriate procedure to be utilised.

11.2 Programme Director

A serious concern regarding a student's Fitness to Practise should be raised with the Programme Director where a student has been unable to resolve the concern within the existing supports or actions. The Programme Director will work with the appropriate staff to address Fitness to Practise concerns and complaints made and endeavour to have them resolved swiftly at an appropriate level.

11.3 Fitness to Practise Committee

Where there is a continuing on-going concern or where there are concerns that immediate consideration and determination of a student's Fitness to Practise is warranted the Programme Director and/or the Office of the Head of Quality & Academic Affairs may decide to refer the Fitness to Practise concern to a Fitness to Practise Committee. The Fitness to Practise Committee will be convened by the Office of the Head of Quality & Academic Affairs and the Course Director as and when required.

The Fitness to Practise Committee shall consist of:

- An external person with legal expertise or expertise in the student's chosen practice area
- The Programme Director of the relevant programme (Chair)
- Head of Quality & Academic Affairs
- A staff member of the College from a discipline other than the Department concerned
- Professional Practice Co-ordinator
- An additional member may be co-opted on an ad hoc basis from an institution with a similar FtP policy in place

The Chair of the Fitness to Practise Committee will be the relevant Programme Director and will be responsible for overseeing the process and will work closely with the Office of the Head of Quality & Academic Affairs to ensure that the procedure is run smoothly and effectively.

The Practice Co-ordinator, who is a voting member of the Fitness to Practise Committee, will be responsible for recording the minutes of the FtP Committee meeting.

11.4 The Academic Council – Appeal sub-committee

A sub-committee of the Academic Council (AC) of the College shall determine appeals from students in relation to decisions of the Fitness to Practise Committee.

This Appeal Committee shall exclude any AC members who have sat on the relevant Fitness to Practise Committee and any Student Representatives on the AC.

Decisions of the Appeal Committee are by way of a majority vote. In the event of a tie, the Chair has the casting vote. The quorum for this committee is 5 members.

An additional, non-voting member may be co-opted on an ad hoc basis from an institution with a similar FtP policy in place.

The decision of the Appeal Committee is final and binding, the authority of which is accepted by students in their acceptance, in writing, of the policies and procedures and regulations of the College on commencement of their programme.

12.0 Procedure

Guiding principles:

12.0.1 The level at which the procedure is initiated will depend on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his/her behaviour and its implications, and the response of the student to any steps taken by the College to manage the situation.

12.0.2 If the student does not engage with the procedure provided for herein the College has the right to continue with the procedure.

12.0.3 Should a student be unwilling or unable to participate at any level of this Policy and procedure or to attend a meeting/assessment, the College may nonetheless follow this Policy and procedure where it is reasonable to do so. The College may, where it is reasonable to do so, deal with issues on the basis of written reports and/or statements in the absence of the student. In addition, the College may consider any request from a student to proceed with a meeting in his/her absence on the basis of written reports and/or a written statement from the student.

12.0.4 Any person or body taking decisions pursuant to this Policy and procedure shall seek to act in the best interests, both of any and every student concerned and of every other member of the College community.

12.0.5 The staff member(s) dealing with the concern under this Policy will keep records of all relevant documentation supplied to him/her in accordance with the Data Protection Acts.

12.0.6 The standard of proof applied at every stage of this Policy and procedure is the balance of probabilities.

12.0.7 Where there is a Fitness to Practise concern regarding a student's health, the student may be referred to a relevant healthcare professional. The student is obliged under this Policy and procedure to attend such medical consultation as required. A process under this Policy and procedure can proceed notwithstanding the failure of the student to attend the nominated healthcare professional.

12.1 Informal stage

It is anticipated that in most instances, Fitness to Practise concerns can be addressed and resolved informally and the College will make every effort to do so. For minor concerns, the Practice Educator may discuss the issue(s) directly with the student and/or the Practice Co-ordinator to

agree steps to remedy the situation. Notwithstanding that this is an informal step, a written record must be maintained with regard to the concern and the action taken to resolve the matter at local level.

The Practice Co-ordinator and/or Practice Educator may decide, following discussions with the Student that:

- a. There is no case to answer
- b. No further action be taken
- c. Support arrangements and/or reasonable accommodation be put in place for the student, following any necessary assessment
- d. The matter be referred to the Programme Director who may decide to deal with the matter via the Formal Stage or under another College process e.g. Student Disciplinary Procedure etc.

Step	Informal stage – Summary of procedure
1	For minor concerns, the Practice Educator may discuss the issue(s) directly with the student and/or the Practice Co-ordinator to agree steps to remedy the situation.
2	A written record must be maintained with regard to the concern and the action taken to resolve the matter at local level.
3	If the record is made by the Practice Educator, it must be shared with the Practice Co-ordinator and the Student within 5 working days. If the record is made by the Practice Co-ordinator, it must be shared with the Practice Educator and the Student within 5 working days of receiving the record.
4	The Student has the right to reply in writing (by e-mail or letter) within 5 working days.
5	The Practice Co-ordinator and/or Practice Educator may decide, following discussions with the Student that: a. There is no case to answer; no further action be taken

Step	Informal stage – Summary of procedure
	<p>b. Support arrangements and/or reasonable accommodation be put in place for the Student, following any necessary assessment</p> <p>c. The matter be referred to the Programme Director who may decide to deal with the matter via the Formal Stage or under another College process e.g. Student Disciplinary Procedure etc.</p>
6	The decision will be communicated within 5 working days and the Student has the right to reply in writing (by e-mail or letter) within 5 working days.
7	Records will be retained and disposed of in accordance with the College’s current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com

12.2 Formal Stage

12.2.1 General Points

The Formal Stage will be used to address concerns:

- Where any issues are considered too serious to be dealt with under the Informal Stage
- Where the student is not happy with the decision made in the Informal Stage and notifies the Programme Director within 5 working days of receiving the decision that s/he is invoking the Formal Stage
- Where the student elects for the concern to be dealt with under the Formal Stage
- Where the student has failed to comply with the outcome of the Informal Stage

Where a student, staff member, Practice Educator or member of the public has a concern regarding a student’s Fitness to Practise they must put their complaint/concern in writing using **Fitness to Practise – Note of Concern Form – FTP1** (Appendix 1), and submit this to the relevant Programme Director in order to start implementation of the Fitness to Practise Procedure. Concerns or complaints must be clearly outlined and available supporting evidence included.

Students who have issues of concern/allegations made regarding their Fitness to Practise have the right to be accompanied by an appropriate person, for example a fellow student or class representative, in a supportive capacity in the Formal Stage of the procedure. Both parties must be informed of those attending in advance of the meeting. The person making the complaint/raising the concern (the complainant) should be made aware that:

- (i) Full details of the complaint will be put to the Respondent (the person about whom the concern/complaint is being made)
- (ii) In the event of the matter being referred to the Fitness to Practise Committee, the Complainant and Respondent may call witnesses and may enter witness statements
- (iii) Witnesses cannot be compelled to attend under this procedure

12.2.2 Formal Stage Part 1

On receipt of a Fitness to Practise concern, the relevant Programme Director will:

- (i) Carry out a preliminary review of the issue and the available evidence;
- (ii) Examine any supporting evidence/documentation from the person raising the concern;
- (iii) Inform the Respondent, in writing, of the concern(s);
- (iv) Explain the Policy and provide the Respondent with a copy of the Policy;
- (v) Request the Respondent to make a submission in regard to the issue, including any medical or other evidence they would like taken into consideration;
- (vi) Arrange a meeting to discuss the matter with the Respondent. The Programme Director may invite other staff members to attend the meeting and may consult with and seek information from other persons, such as subject matter experts, as required, in order to deal with the matter and to provide support to the Respondent. The Programme Director will normally be accompanied at all meetings with the Respondent and a contemporaneous record of the meeting shall be taken.

The Programme Director may decide that:

- a. There is no case to answer

- b. No further action is to be taken
- c. Support arrangements and/or reasonable accommodation to be put in place for the Respondent, following any necessary assessment
- d. An action plan be drawn up setting out how the matter will be managed by the College, including the outlining of any requirements which are placed on the Respondent
- e. The matter be referred for consideration under another College process e.g. Student Disciplinary Procedure etc.
- f. The matter be referred to the Fitness to Practise Committee (Formal Stage Part 2)

The decision of the Programme Director will be communicated to the Respondent in writing within 15 working days of the meeting between the Respondent and the Programme Director. Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay. A copy of the decision and any associated documentation will be retained on the Respondent's College file.

Step	Formal Stage – Part 1 – Summary of procedure
1	Completion of Fitness to Practise – Note of Concern Form – FTP1
2	<p>On receipt of a Fitness to Practise concern, the relevant Programme Director will:</p> <ul style="list-style-type: none"> (vii) Carry out a preliminary review of the issue and the available evidence (viii) Examine any supporting evidence/documentation from the person raising the concern
3	<p>The Programme Director will Inform the Respondent (Student), in writing (by e-mail or letter - within 5 working days of completing step 2 above), of the concern(s).</p> <p>In writing to the Respondent (Student) the Programme Director will:</p> <ul style="list-style-type: none"> - Explain the Fitness to Practise Policy and its procedures - Provide the Respondent with a copy of the Policy

Step	Formal Stage – Part 1 – Summary of procedure
	<ul style="list-style-type: none"> - Request the Respondent to make a submission in regard to the issue, including any medical or other evidence they would like taken into consideration
4	The Respondent (Student) must reply in writing (by e-mail or letter) within 5 working days.
5	<p>Within a further 5 working days, the Programme Director will arrange a meeting to discuss the matter with the Respondent.</p> <p>The Programme Director will also inform the Respondent that:</p> <p>Students who have issues of concern/allegations made regarding their Fitness to Practise have the right to be accompanied by an appropriate person, for example a fellow student or class representative, in a supportive capacity in the Formal Stage(s) of the procedure.</p> <p>The Programme Director will also inform the Respondent that:</p> <ul style="list-style-type: none"> - In the event of the matter being referred to the Fitness to Practise Committee (Formal Stage – Part 2), the Complainant and Respondent may call witnesses and may enter witness statements - Witnesses cannot be compelled to attend under this procedure
6	<p>The Programme Director will also inform the person making the complaint/raising the concern (the Complainant) that:</p> <ul style="list-style-type: none"> - Full details of the complaint will be put to the Respondent (the person about whom the concern/complaint is being made) - In the event of the matter being referred to the Fitness to Practise Committee (Formal Stage – Part 2), the Complainant and Respondent may call witnesses and may enter witness statements - Witnesses cannot be compelled to attend under this procedure
7	The Programme Director may invite other staff members to attend the meeting and may consult with and seek information from other persons, such as subject matter experts as required in order to deal with the matter and to provide support to the Respondent.
8	Both parties must be informed of those attending in advance of the meeting.

Step	Formal Stage – Part 1 – Summary of procedure
	<p>The Programme Director will normally be accompanied at all meetings with the Respondent; the Practice Co-ordinator will also attend the meeting.</p>
9	<p>A contemporaneous record of the meeting shall be taken by the Practice Co-ordinator.</p>
10	<p>The Programme Director may decide that:</p> <ol style="list-style-type: none"> a. There is no case to answer; no further action be taken b. Support arrangements and/or reasonable accommodation to be put in place for the Respondent, following any necessary assessment c. An action plan be drawn up setting out how the matter will be managed by the College, including the outlining of any requirements which are placed on the Respondent d. The matter be referred for consideration under another College process e.g. Student Disciplinary Procedure etc. e. The matter be referred to the Fitness to Practise Committee (Formal Stage - Part 2)
11	<p>The decision of the Programme Director will be communicated to the Respondent in writing (by email or letter) within 15 working days of the meeting between the Respondent and the Programme Director. Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing (by email or letter) of the revised timescale for receiving a response and the reason(s) for the delay.</p>
12	<p>The Student has the right to reply in writing (by e-mail or letter) within 5 working days.</p>
13	<p>A copy of the decision and any associated documentation will be retained on the Respondent's College file.</p> <p>Records will be retained and disposed of in accordance with the College's current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com</p>

12.2.3 Fitness to Practise Committee Formal Stage Part 2

The Formal Stage Part 2 will be used to address concerns:

- Where the Respondent disagrees with the decision made by the Programme Director in the Formal Stage Part 1 and notifies the Programme Director within 5 working days of receiving the decision that s/he is invoking the Formal Stage 2 Part 2;
- Where the Respondent has failed to comply with the outcome of the Formal Stage Part 1;
- Where the Fitness to Practise concern is considered too serious to be dealt with under the Formal Stage Part 1.

Prior to any matter being determined at Formal Stage Part 2, the College may undertake any such investigations as it considers reasonable and appropriate in the circumstances. A member of staff will be appointed by the Programme Director to act as Investigating Officer and the College may put in place terms of reference for any such investigation. The Respondent will be informed that an investigation is being carried out and of the identity of the Investigating Officer.

The Investigating Officer will determine the process to be followed for the investigation and may speak with the Respondent and with other students, staff and where relevant third parties (such as placement providers or health professionals) and call for information. Any investigation will be carried out in a transparent and fair manner. The Investigating Officer will

- Inform the Respondent that concerns regarding his/her Fitness to Practise have been raised and full details of the nature of these concerns will be outlined
- Provide the Respondent with a copy of the Policy
- Provide documentation to the Respondent in support of the concern, if any
- Indicate that s/he will be given an opportunity to respond
- Inform him/her that he may be accompanied in accordance with this Procedure
- Advise of any appropriate internal and external supports available to the student

The Investigating Officer will provide a report to the Fitness to Practise Committee which will determine whether the Respondent's Fitness to Practise is impaired, or may become impaired.

In advance of the Fitness to Practise meeting with the Respondent, the Chairperson of the Fitness to Practise Committee will write to the student to:

- Inform him/her that concerns regarding his/her Fitness to Practise have been raised and full details of the nature of these concerns will be outlined
- Provide a copy of the Policy
- Provide documentation in support of the concern, if any
- Provide a copy of any Investigating Officer's report
- Indicate that s/he will be given an opportunity to respond
- Invite him/her to attend a meeting with the Fitness to Practise Committee
- Give him/her notice of the date, time and place of the meeting with the Fitness to Practise Committee
- Inform him/her that he may be accompanied in accordance with this Procedure
- Advise of any appropriate internal and external supports available to the student

The Fitness to Practise Committee will consider all of the evidence provided to it and may obtain any expert advice that it deems necessary. Arising from its consideration of the evidence, the Fitness to Practise Committee may decide that the Respondent requires one or more of the following:

- Undergo examination/assessment by a doctor or specialist nominated by the Fitness to Practise Committee, at the College's expense, in respect of suspected drug or alcohol addiction/misuse. A Respondent who does not comply with this requirement and/or whose tests confirm drug or alcohol addiction/misuse may be required by the Fitness to Practise Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the College) to be fit to proceed.

- Undergo a relevant examination or assessment by a doctor or relevant specialist nominated by the Fitness to Practise Committee at the College's expense for the purpose of obtaining an opinion as to the Respondent's medical Fitness to Practise. A Respondent who does not comply with this requirement and/or is deemed unfit for practice, may be required by the Fitness to Practise Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the College) to be fit for practice.

The Fitness to Practise Committee will determine whether the Respondent's Fitness to Practise is impaired, or may become impaired, and whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following:

- Decide that there is no case to answer
- Decide that no further action is to be taken
- Support arrangements and/or reasonable accommodation to be put in place for the student
- An action plan be drawn up setting out how the matter will be managed by the College including the outlining of any requirements which are placed on the Respondent
- The matter be referred for consideration under another College policy e.g. Student Disciplinary Procedure etc.
- Continue in the relevant programme subject to review
- Caution the Respondent in relation to the matter which will be noted on the Respondent's records and that the matter will be taken into account by the College in response to requests for references
- Withdraw the student from placement

- Suspend the Respondent until such time as s/he is certified by an appropriately qualified person
(nominated by the College) as fit to proceed with his/her course of studies
- Require the Respondent to repeat parts of the programme.
- The Respondent be transferred to an alternative programme of study
- Withdrawal of the Respondent from placement
- Dismiss or strike out from the Respondent's record any allegations based on vexatious, false or malicious claims
- Terminate/Expel the Respondent from his/her course
- Such other action as is appropriate in the circumstances.

The decision of the Fitness to Practise Committee should be communicated to the Respondent concerned in writing within 15 working days.

Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay.

A copy of the decision and any associated documentation will be retained on the Respondent's College file.

Step	Formal Stage – Part 2 – Summary of procedure
1	<p>The Formal Stage Part 2 will be used to address concerns:</p> <ul style="list-style-type: none"> • Where the Respondent disagrees with the decision made by the Programme Director in the Formal Stage Part 1 and notifies the Programme Director within 5 working days of receiving the decision that s/he is invoking the Formal Stage - Part 2; • Where the Respondent has failed to comply with the outcome of the Formal Stage Part 1; • Where the Fitness to Practise concern is considered too serious to be dealt with under the Informal Stage or Formal Stage Part 1.
2	<p>Prior to any matter being determined at Formal Stage Part 2, the College may undertake any such investigations as it considers reasonable and appropriate in the circumstances.</p>
3	<p>An Investigating Officer will be appointed by the Programme Director; this may be a member of staff, an external expert or the Programme Director and the College may put in place terms of reference for any such investigation.</p>
4	<p>The Respondent will be informed that an investigation is being carried out and of the identity of the Investigating Officer.</p> <p>The Respondent will also be given a copy of the Terms of Reference for the investigation.</p>
5	<p>The Investigating Officer will determine the process to be followed for the investigation and may speak with the Respondent and with other students, staff and where relevant third parties (such as placement providers or health professionals) and call for information.</p> <p>Any investigation will be carried out in a transparent and fair manner.</p>
6	<p>The Investigating Officer will:</p> <ul style="list-style-type: none"> • Inform the Respondent that concerns regarding his/her Fitness to Practise have been raised and full details of the nature of these concerns will be outlined • Provide the Respondent with a copy of the Policy • Provide documentation to the Respondent in support of the concern, if any

Step	Formal Stage – Part 2 – Summary of procedure
	<ul style="list-style-type: none"> • Indicate that s/he will be given an opportunity to respond • Inform him/her that s/he may be accompanied in accordance with this Procedure • Advise of any appropriate internal and external supports available to the student
7	<p>The Investigating Officer will provide a report to the Fitness to Practise Committee which will determine whether the Respondent's Fitness to Practise is compromised or may become compromised.</p>
8	<p>In advance of the Fitness to Practise meeting with the Respondent, the Chairperson of the Fitness to Practise Committee (Programme Director) will write to the student to:</p> <ul style="list-style-type: none"> • Inform him/her that concerns regarding his/her Fitness to Practise have been raised and full details of the nature of these concerns will be outlined • Provide a copy of the Policy • Provide documentation in support of the concern, if any • Provide a copy of any Investigating Officer's report • Indicate that s/he will be given an opportunity to respond • Invite him/her to attend a meeting with the Fitness to Practise Committee • Give him/her notice of the date, time and place of the meeting with the Fitness to Practise Committee • Inform him/her that s/he may be accompanied in accordance with this Procedure • Advise of any appropriate internal and external supports available to the student
9	<p>The Student has the right to reply in writing (by e-mail or letter) within 5 working days.</p>
10	<p>The Programme Director may invite other staff members to attend the Fitness to Practise Committee meeting and may consult with and seek information from other persons, such as subject matter experts as required in order to deal with the matter and to provide support to the Respondent.</p>
11	<p>Both parties (Fitness to Practise Committee and Respondent) must be informed of those attending in advance of the meeting.</p>

Step	Formal Stage – Part 2 – Summary of procedure
12	A contemporaneous record of the Committee meeting shall be taken by the Practice Co-ordinator.
13	<p>The Fitness to Practise Committee will consider all of the evidence provided to it and may obtain any expert advice that it deems necessary. Arising from its consideration of the evidence, the Fitness to Practise Committee may decide that the Respondent requires one or more of the following:</p> <ul style="list-style-type: none"> • Undergo examination/assessment by a doctor or specialist nominated by the Fitness to Practise Committee, in respect of suspected drug or alcohol addiction/misuse. A Respondent who does not comply with this requirement and/or whose tests confirm drug or alcohol addiction/misuse may be required by the Fitness to Practise Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the College) to be fit to proceed. • Undergo a relevant examination or assessment by a doctor or relevant specialist nominated by the Fitness to Practise Committee, for the purpose of obtaining an opinion as to the Respondent’s medical Fitness to Practise. A Respondent who does not comply with this requirement and/or is deemed unfit for practice, may be required by the Fitness to Practise Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the College) to be fit for practice.
14	<p>The Fitness to Practise Committee will determine whether the Respondent’s Fitness to Practise is compromised, or may become compromised, and whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following:</p> <ul style="list-style-type: none"> • Decide that there is no case to answer; no further is action to be taken • Support arrangements and/or reasonable accommodation to be put in place for the student • An action plan be drawn up setting out how the matter will be managed by the College including the outlining of any requirements which are placed on the Respondent

Step	Formal Stage – Part 2 – Summary of procedure
	<ul style="list-style-type: none"> • The matter be referred for consideration under another College policy e.g. Student Disciplinary Procedure etc. • Continue in the relevant programme subject to review • Caution the Respondent in relation to the matter which will be noted on the Respondent’s records and that the matter will be taken into account by the College in response to requests for references • Withdraw the student from placement • Suspend the Respondent until such time as s/he is certified by an appropriately qualified person (nominated by the College) as fit to proceed with his/her course of studies • Require the Respondent to repeat parts of the programme. • The Respondent be transferred to an alternative programme of study • Dismiss or strike out from the Respondent’s record any allegations based on vexatious, false or malicious claims • Terminate/Expel the Respondent from his/her course • Such other action as is appropriate in the circumstances.
15	<p>The decision of the Fitness to Practise Committee should be communicated to the Respondent concerned in writing (By email or letter) within 15 working days.</p> <p>Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay.</p>
16	<p>The Respondent must also be informed in the communication, at 15 above, of their right to respond and right to reply.</p>
17	<p>The Respondent (Student) has the right to reply in writing (by e-mail or letter) within 5 working days.</p>
18	<p>A copy of the decision and any associated documentation will be retained on the Respondent’s College file.</p>

Step	Formal Stage – Part 2 – Summary of procedure
	Records will be retained and disposed of in accordance with the College’s current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com

12.2.4 Reversion to a less formal stage of the Procedure

In the event that, upon investigation, it transpires that a matter which commenced at the Formal Stage 2 would be more appropriately dealt with at an earlier stage, the College may agree with the student that the process will revert to an earlier stage in the process.

In this case, the student will also be given a copy of the investigation report which deems that the matter could be dealt with at a lower level. Such a reversion will only occur where both the Student and the College agree to this process.

12.3 Appeals

The Respondent may appeal the decision of the Fitness to Practise Committee by writing to the College’s Academic Council Appeal Sub-committee within 5 working days from the date of the communication of the Fitness to Practise Committee’s decision notification.

The Respondent may appeal the Formal Stage Part 2 outcome to the Academic Council Appeal Sub-committee on the grounds that:

- The College failed to follow the process set out in the Policy and this had a material effect on the decision.
- The decision at the Formal Stage Part 2 was inconsistent or disproportionate to the evidence provided.
- The evidence produced at the Formal Stage Part 2 meeting with the Fitness to Practise Committee was factually incorrect or the student has new and material information or evidence which was not previously available and would have a material effect on the decision.

The Respondent must specify the ground(s) on which the appeal is made.

The Academic Council Appeal Sub-committee will normally review the Respondent's appeal within 15 working days of the receipt of the appeal and may make one of the following decisions:

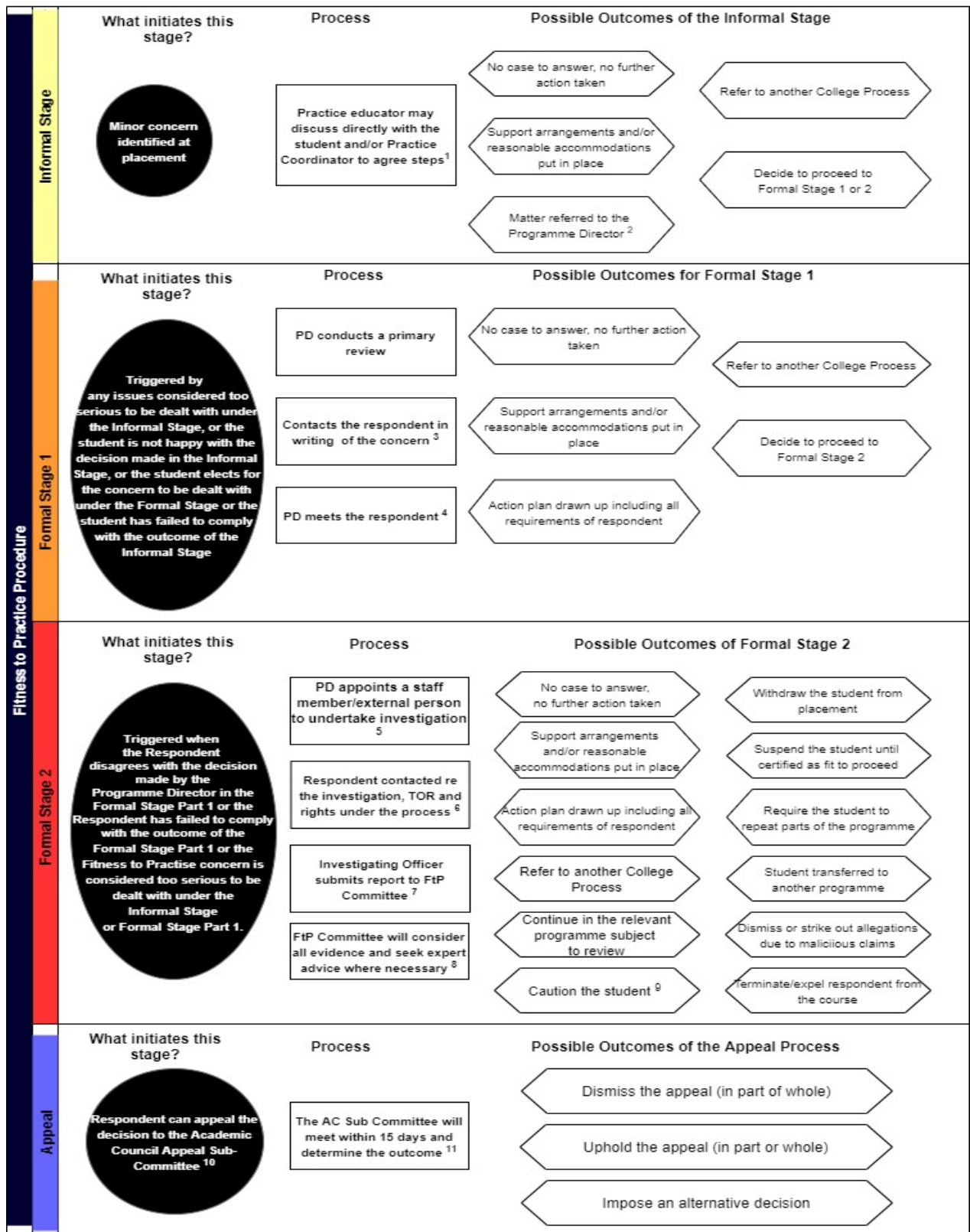
- Dismiss the appeal (in whole or in part)
- Uphold the appeal (in whole or in part)
- Impose an alternative decision.

The Academic Council Appeal Sub-committee will communicate its decision to the Respondent normally within 15 working days of the determination of the appeal. The decision of the Academic Council is final and may not be appealed.

Step	Appeals – Summary of procedure
1	<p>The Respondent may appeal the decision of the Fitness to Practise Committee by writing to the College's Academic Council Appeal Sub-committee, addressed to the Head of Quality & Academic Affairs, within 5 working days from the date of the communication of the Fitness to Practise Committee's decision notification.</p>
2	<p>The Respondent may appeal the Formal Stage Part 2 outcome to the Academic Council Appeal Sub-committee on the grounds that:</p> <ul style="list-style-type: none"> • The College failed to follow the process set out in the Policy and this had a material effect on the decision. • The decision at the Formal Stage Part 2 was inconsistent or disproportionate to the evidence provided. • The evidence produced at the Formal Stage Part 2 meeting with the Fitness to Practise Committee was factually incorrect or the student has new and material information or evidence which was not previously available and would have a material effect on the decision. <p>The Respondent must specify the ground(s) on which the appeal is made.</p>
3	<p>The Academic Council Appeal Sub-committee will normally meet to review the Respondent's appeal within 15 working days of the receipt of the appeal and may make one of the following decisions:</p> <ul style="list-style-type: none"> • Dismiss the appeal (in whole or in part);

Step	Appeals – Summary of procedure
	<ul style="list-style-type: none"> • Uphold the appeal (in whole or in part); • Impose an alternative decision.
4	<p>A contemporaneous record of the Committee meeting shall be taken by the Head of Quality & Academic Affairs (HQAA), who is not a member of this sub-committee, having participated in earlier stages of this procedure.</p>
5	<p>The Academic Council Appeal Sub-committee, through the HQAA, will communicate its decision to the Respondent normally within 15 working days of the determination of the appeal.</p>
6	<p>The Respondent (Student) has the right to reply in writing (by e-mail or letter) within 5 working days.</p>
7	<p>In the normal course of events, the decision of the Academic Council is final and may not be appealed.</p> <p>However, if a student feels that they have been unfairly treated or are not satisfied with the decision/outcome, it is open to them to contact the Office of the Ombudsman.</p> <p>Contact details are as follows:</p> <p>Office of the Ombudsman 18 Lower Leeson Street Dublin 2 Tel: Lo-call 1890 22 30 30 Tel: 01 639 5600 Fax: 01 639 5674 Email: ombudsman@ombudsman.gov.ie www.ombudsman.ie</p>
8	<p>A copy of the decision of the Academic Council Appeal Sub-committee and any associated documentation will be retained on the Respondent's College file.</p> <p>Records will be retained and disposed of in accordance with the College's current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com</p>

Summary Diagram of Processes and Outcomes:



13.0 Return to Study

It is recommended that students returning after a leave of absence contact their academic department in advance of their return date to discuss the implications of returning to the College including any conditions of re-engagement and to ensure that appropriate support is in place.

The College reserves the right to require a student returning to study to provide a letter of certification from an independent physician or psychiatrist or other medical professional who is or has been treating the student, confirming that the student is fit to practice/study. The College also reserves the right to require a student returning to study to undergo a medical examination or assessment (including a psychiatric assessment) by a doctor or relevant specialist nominated by the College at the College's expense.

14.0 Review of Fitness to Practise Policy

The policy shall be reviewed annually and may be reviewed earlier, if required.

The decisions of Fitness to Practise Committee shall be copied to the Office of Head of Quality & Academic Affairs. Proposed amendments to the Policy will be brought to the Academic Council for approval.

15.0 Recourse to the Ombudsman

If a student feels that they have been unfairly treated or are not satisfied with the decision/outcome, it is open to them to contact the Office of the Ombudsman.

Contact details are as follows: www.ombudsman.ie

Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2

Tel: Lo-call 1890 22 30 30

Tel: 01 639 5600

Fax: 01 639 5674

Email: ombudsman@ombudsman.gov.ie

16.0 Training

Members of staff and particularly members of Fitness to Practise Committees will be provided with relevant training on Fitness to Practise. This will include training on the GDPR (General Data Protection Regulation, 2018) and the Data Protection Acts, 1988-2018.

GLOSSARY

<p>Conflict of Interest</p>	<p>A situation, attitude or set of circumstances which have the potential to compromise or bias the professional judgement or objectivity of the student on placement in relation to the placement setting/agency and/or the service users of that agency's service.</p>
<p>Compromised</p>	<p>That it is not possible for the student to perform her/his duties on placement to an appropriate level for any reason, including all for any reason related to "the grounds on which a Fitness to Practise concern may be raised" (listed in this policy) and/or as a result of the student's performance being "impaired" (defined below).</p>
<p>Internal College Team</p>	<p>The Programme Director, the Practice Co-ordinator and designated members of the Social Care programme team.</p>
<p>Investigating Officer</p>	<p>Prior to any matter being determined at Formal Stage Part 2, the College may undertake any such investigations as it considers reasonable and appropriate in the circumstances. A member of staff will be appointed by the Programme Director to act as Investigating Officer and the College may put in place terms of reference for any such investigation. The Respondent will be informed that an investigation is being carried out and of the identity of the Investigating Officer.</p> <p>This may be a member of staff, an external expert or the Programme Director.</p>
<p>Impaired</p>	<p><i>Defined by the Health and Social Care Professionals Act 2005, Section 52, part C which refers to 'impairment of the registrant's ability to practise the designated profession concerned because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.'</i></p>

Malicious Intent	Malicious intent means the person acting wilfully or intentionally to cause harm, without legal justification.
Nominee	<p>Where in this policy and procedure reference is made to any named College office-holder, such reference is to be read as including reference to his/her appointed nominee.</p> <p>The nominee will then carry out the designated role on behalf of the named office-holder.</p>
Professional misconduct	<p>A violation of the rules or boundaries set by the governing body of a profession. In this instance, the code of conduct set out by the:</p> <p>Social Care Workers Registration Board Code of Professional Conduct and Ethics Bye-Law, 2019</p> <p>(S.I. No. 52 of 2019).</p>
Serious Assessment Offences	<p>Includes but is not limited to:</p> <ul style="list-style-type: none"> -Offences at Level 2 and above of the College’s Plagiarism policy; -Cheating; -Use of professional essay mill services.

Policy Title:		Fitness to Practise Policy
OTC Policy No.		1902
Version		3.0
Date approved: June 2021	Date policy will take effect: Sept. 2021	Date of Next Review: 1 year later or earlier if required
Approving Authority:		Academic Council
Document Owner/Contact:		Programme Director/HQAA
Supporting documents, procedures & forms of this policy:		<p>Procedures & Protocols for Practice Placement</p> <p>Garda Vetting Procedure</p> <p>The College's Student Code of Conduct</p> <p>IASCE (2011) <i>Social Care Placement Policies</i></p> <p>Declaration of Understanding and Acceptance (Signed by Student)</p>
Audience:		Public – accessible to anyone
Reference(s)		<p>Equal Status Acts 2000-2018</p> <p>General Data Protection Regulation, 2018</p> <p>Data Protection Acts, 1988-2018</p> <p>Health and Social Care Professionals Act 2005</p> <p>Social Care Workers Registration Board Code of Professional Conduct and Ethics Bye-Law, 2019 (S.I. No. 52 of 2019)</p> <p>Child Care Act 1991, as amended</p> <p>Standards of Proficiency for Social Care Workers 2017</p> <p>Protection for Persons Reporting Child Abuse Act 1998, as amended</p> <p>Employment Equality Act 1998, as amended</p> <p>Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, as amended</p>

	<p>National Vetting Bureau (Children and Vulnerable Adults) Act 2012, as amended</p> <p>Protected Disclosures Act 2014, as amended</p> <p>Freedom of Information Act 2014</p> <p>Children First Act 2015, as amended</p> <p>Assisted Decision Making (Capacity) Act 2015, as amended.</p>
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Appendix 1: Note of Concern Form

Fitness to Practise Note of Concern Form - FTP1

Student Name:	
Student Number (if known)	
Programme:	
Address:	
Contact Number (if known):	
Email:	
Concern Raised by:	Name: Signature:
Relationship to student (role/context):	

Factual description of the concern – Please give specific examples and provide any available supporting evidence

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For Programme Director Use: Comments/Observations

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Student's Factual Response to Reported Concern

--

Agreed Action Plan points

--

Where a leave of absence/withdrawal is being considered, the student should check with the Fees Administration for possible financial implications.

Review Date:

--

Declaration by Student:

I understand the nature of the concerns raised by the College in regard to my Fitness to Practise. I understand the impact that these concerns may have upon others. I have agreed to work to implement the Action Plan set out above which has been drawn up to support me overcome the concerns raised. If I do not implement the Action Plan, the College will consider taking other appropriate action as appropriate/required.

Signed:

Date:

Witnessed:

Programme Director:

Appendix 2: Procedure for Garda Vetting

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
1	<p>Student Notification of Garda Vetting Requirements & Process.</p> <p>a. It will be stated in the admissions information and in all literature pertaining to the course that the candidates must meet the requisite criteria of the Garda/Police Vetting Process.</p>	<p>Admissions Office</p> <p><i>Admissions letter</i></p>
2	<p>b. All registration letters to incoming students who have work placements (<i>in a setting where they may be in direct contact with children, young people and vulnerable adults</i>) as part of their programme will outline the Garda Vetting process and state that the students' registration is conditional to the successful completion of the Garda Vetting procedures.</p> <p>It will also be stated that if during the course of the admissions process for a programme, or by any other means including disclosure by the applicant/student, it transpires that the applicant/student has a criminal conviction which gives rise to a reasonable concern that the applicant/student may represent a risk to others, and, in particular, to a child or vulnerable adult, full details of the conviction will be sought both from the applicant/student and also by means of the Garda/Police Vetting procedure.</p>	<p>Admissions Office</p> <p><i>Admissions letter</i></p>
3	<p>Students who are going on practice placement in year 2 and year 3 of the Social Care programme (B.A. Social Care), will initially undergo Garda vetting on application to register for year 1.</p>	<p>Practice Co-ordinator</p> <p>Student</p>
4	<p>Additional notifications regarding the Garda Vetting process will be made and include:</p> <ul style="list-style-type: none"> Students who are under 18 must also get a Parent/ Guardian to complete the Consent Form 	<p>Student</p> <p>Parent/Guardian</p>

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
	<ul style="list-style-type: none"> • Students who have lived outside Ireland/Northern from the age of 16 for a sustained period (6 months) complete a Police Vetting process for this period and provide evidence of this to the Practice Co-ordinator. <p>Students will be advised to contact the Embassy of the respective country and follow the Police Vetting process accordingly.</p> <ul style="list-style-type: none"> • The use of a Sworn Affidavit may be accepted for those students in exceptional circumstance who are unable to provide police vetting for their previous countries of residence. The decision to accept the use of this process will be made by the Fitness to Practise (FtP) Committee. <p>College Fitness to Practise (FtP) Committee:</p> <ul style="list-style-type: none"> - Programme Director (Chairperson) - Head of Quality & Academic Affairs - College Staff Member from non- Social Care Programme - External Expert - Practice Co-ordinator <p>Appeals in the first instance are through the FtP Committee and may be further appealed to the College's Academic Council Appeal Sub-committee.</p>	
5	<p>In relation to Placement students, this vetting process will be repeated in the students' 2nd and 3rd year of study, if required under the Garda vetting policy/procedures of the host placement site/organisation.</p>	<p>Placement Site Policy / Procedures</p> <p>Practice Co-ordinator</p> <p>Student</p>

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
6	Where a form is incomplete the student will be contacted by the Practice Co-ordinator in order to complete it correctly. The completed Garda Vetting copies will be checked and passed on to the Authorised Signatory (Programme Director).	Student Practice Co-ordinator Authorised Signatory (Programme Director)
7	Completion of Authorised Signatory of form: Once the Authorised Signatory is satisfied that all sections of the form are duly completed the form is signed. Then, in line with the requirements of the GCVU, a batch summary form is completed and shared with the IASCM (Irish Association of Social Care Management) the forms are forwarded to the GCVU.	Authorised Signatory (Programme Director) IASCM GCVU
8	Completion of Garda Central Vetting Unit (GCVU) section of the form: The GCVU responds to the vetting request by ticking and signing one of the following three sections of the form: i. According to Garda records there are no previous convictions recorded against the above-named applicant: ii. OR the attached convictions appear on Garda Records: ii. AND/OR the attached prosecutions are pending.	GCVU
9	Garda Vetting disclosure forms and any attached documentation will be returned in confidence to the College, and retained by the Authorised Signatory.	Authorised Signatory (Practice Co-ordinator) GCVU
10	Confirmation of Garda Central Vetting Unit response by Authorised Signatory. The forms are classified by the Authorised Signatory as: A. No disclosures; B. Non conviction / Minor traffic related disclosure; C. Minor/Serious/Very Serious Offence.	Authorised Signatory (Programme Director)

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
	The Authorised Signatory informs either the Programme Director or FtP Committee as appropriate.	
11	<p>Before proceeding to the considerations at Step 12, the Garda Vetting Panel (GVP) will meet to consider the appropriateness of progressing individual cases which have arisen to the Fitness to Practise Committee procedure.</p> <p>Regardless of decisions made by the Panel, all issues which have arisen from the Garda Vetting process, with regard to individual students, must be notified to the placement site where it is proposed to place the particular student in question.</p> <p>The Garda Vetting Panel consists of:</p> <ul style="list-style-type: none"> - Programme Director; - Practice Co-ordinator; - External Placement Expert. <p>The External Placement Expert who is appointed to the panel will be from a Higher Education Institution (HEI) and have at least three years' relevant experience in the areas of Placement and Fitness to Practise policies. This may be in the area of Social Care or another discipline area where Fitness to Practise, Professional Registration and Placement are important constituents of educational programmes.</p> <p>The GVP will assess individual cases, taking into account but not being limited to, the following considerations:</p> <ul style="list-style-type: none"> -Disclosure/Non-disclosure -Type of offence -Amount of time which has elapsed since the offence -Additional evidence provided by the student in relation to the offence 	Garda Vetting Panel: Programme Director, Practice Co-ordinator, External Placement Expert

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
	<p>The GVP may make either of the following two decisions:</p> <ul style="list-style-type: none"> -the student may proceed to placement without being subject to a Fitness to Practise Committee hearing; and with the placement site being informed of the circumstances which have arisen; -the case to be forwarded to a full Fitness to Practise hearing. <p>A written record of the GVP meeting and outcomes/decisions will be made by the Practice Co-ordinator.</p> <p>In reaching decisions the GVP will also be cognisant of the “Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016” and “Criminal Justice (Rehabilitative Periods) Bill 2018” (Bill 141 of 2018) which is being progressed through the Oireachtas in 2020.</p>	
12	<p>The following are the actions which shall take place depending on the classification of the offence (including at Step 11 above):</p> <p>a. No disclosures</p> <p>In the case where a student has no disclosures, they will be automatically approved for continuation on their programme of study and to proceed with the placement process where applicable.</p> <p>b. Non convictions / Minor traffic related disclosures</p> <p>In the case of Non- Convictions / Minor traffic related disclosures, a decision will be made by the Authorised Signatory and the Practice Co-ordinator on whether the disclosure warrants consideration by the FtP Committee.</p>	<p>Authorised Signatory</p> <p>Practice Co-ordinator</p> <p>FtP Committee</p> <p>Student</p>

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
	<p>If the disclosure does not warrant consideration by the FtP Committee:</p> <ul style="list-style-type: none"> • Students will be automatically approved to proceed with the placement process. • The information is provided to the placement site by the Practice Co-ordinator. The Practice Co-ordinator will inform the student in writing and all records relating to the vetting will be held by the Authorised Signatory. <p>c. Minor Offence</p> <p>With regard to minor offences, i.e. offences which, within the absolute discretion of the College, are not considered to pose any risk to children, young people or vulnerable adults, the College response is different depending on whether or not the student openly disclosed the offence, and will be measured against the Risk Assessment Guidelines (See current QuAd – Quality Assurance Document).</p> <p>i. If the offence has not been disclosed, the Practice Co-ordinator / Programme Director will meet with the student and record the information from this meeting.</p> <p>ii. They will bring the information provided from this meeting to the FtP Committee for consideration.</p> <p>If the offence has been disclosed, the case will be automatically considered by the FtP Committee. The Practice Co-ordinator / Programme Director will inform the student that they may be requested to attend a meeting of the FtP Committee to discuss the circumstances of the offence:</p>	

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
	<ul style="list-style-type: none"> • If a satisfactory explanation is received by the FtP Committee, the information will be provided to the placement site by the Practice Co-ordinator. The Practice Co-ordinator will also inform the student of the outcome. • If a satisfactory explanation is not received, the offence will be deemed to be a serious offence and be dealt with as outlined in section (d.) below <p>d. Serious Offence</p> <p>With regard to serious offences, i.e. offences, the nature of which could potentially indicate a risk to children, young people or vulnerable adults, the College response will be different depending on whether or not the student openly disclosed the offence, and will be measured against the Risk Assessment Guidelines (See current QuAD – Quality Assurance Document).</p> <p>i. If the offence has not been disclosed, the Practice Co-ordinator / Programme Director will meet with the student. Other than in very exceptional circumstance, the student will be advised that their offence is being treated as a very serious offence and the procedure outlined in section (e.) below will be followed.</p> <p>ii. If the offence has been disclosed, the Practice Co-ordinator / Programme Director will inform the student that they must attend a meeting of the Fitness to Practise Committee to discuss the circumstances of the offence:</p> <p>- If there has been evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the student since the event took place, then the student will be advised to provide <u>written proof</u> to verify the rehabilitation.</p>	

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
	<p>Written proof/evidence: This will normally include 3 written references, of which at least one must be from a current or previous employer and one must be given by a person in one of the occupations listed on the Passport Online site and who is accepted as proof of identity in such circumstances. For the latter, the witness can be a:</p> <ul style="list-style-type: none"> • Member of the Garda Síochána. • School principal/vice principal / Teacher, School Secretary, Pre-school manager, Montessori teacher • Member of clergy • Medical doctor • Lawyer • Bank manager/assistant bank manager or Credit Union Manager or Assistant Manager • Elected public representative • Notary public/ commissioner for oaths • Peace commissioner • Accountant • Dentist • Vet • Nurse • Physiotherapist • Speech Therapist • Lecturer • Pharmacist • Chartered Engineer <p>- On receipt of this written evidence the student will be allowed to continue in the programme.</p> <p>- All placement students must be made aware that any potential placement sites, whether or not they request the information, will be advised of the offence.</p> <p>- If there is no evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the student, the student will be advised that their offence is being treated as</p>	

Step	Action (s)	Related Documentation / College QA Structure / Person(s) Responsible
	<p>a very serious offence and the procedure outlined in section (e.) below will be followed.</p> <p>e. Very Serious Offence</p> <p>With regard to very serious offences, i.e. offences, the nature of which could potentially indicate a serious risk to children, young people and vulnerable adults, the student will be required to meet with the Fitness to Practise Committee. The Authorised Signatory will request the student to meet with the Fitness to Practise Committee.</p> <p>Following the meeting the student will be advised in writing by the Programme Director of the Committee's decision. The student may, within two weeks of the date of the letter, make an appeal to the Academic Council to have their case reviewed.</p>	
13	<p>For students with disclosures who have been approved to attend placement by the College, the Practice Co-ordinator will inform the Placement Site/ Practice Educator of the disclosure. If the site requires specific details regarding the disclosure, the Practice Co-ordinator will advise that they must liaise directly with the student to obtain this information.</p>	<p>Practice Co-ordinator Placement Site/ Practice Educator Student</p>
14	<p>College requires students whose circumstances change following initial Garda vetting to inform the Practice Co-ordinator/Programme Director of any relevant changes thereafter.</p> <p>Any pending prosecutions or actual prosecutions which take place must be reported to the College. It is the Student's responsibility to ensure that records relating to their fitness to practise are accurate and up-to-date.</p>	<p>Student <i>Disclosure</i></p>

Note: Without satisfactory Garda clearance, students may be unable to complete the work placement module or other specific modules where Garda vetting is required and consequently be unable to complete their course or receive an award.

Appendix 3: Summary of Fitness to Practise Committee – Terms of Reference (ToR)

Fitness to Practise (FtP) Committee Members:
Programme Director (Chairperson)
Head of Quality & Academic Affairs
College Staff Member from non- Social Care Programme
External Expert
Practice Co-ordinator

Terms of Reference (ToR):

1. To oversee the Garda Vetting process in relation to Students going on or on practice placement.
2. To hear appeals in the first instance relating to Garda vetting.
3. To oversee all other relevant aspects of the functioning of the “Fitness to Practise” policy and to ensure its full and proper implementation.
4. To hear appeals in the first instance relating to issues arising from the “Fitness to Practise” policy and procedures.
5. To refer subsequent appeals to the Academic Council.
6. To provide guidance to the Programme Board of the Social Care degree programme which is evidence-based with regard to professional knowledge, relevant to current practice and the philosophy and core values associated with the profession.

Appendix 4: Procedure Checklist

	Informal stage	Check - ✓
1	For minor concerns, the Practice Educator may discuss the issue(s) directly with the student and/or the Practice Co-ordinator to agree steps to remedy the situation.	
2	A written record must be maintained with regard to the concern and the action taken to resolve the matter at local level.	
3	If the record is made by the Practice Educator, it must be shared with the Practice Co-ordinator and the Student within 5 working days. If the record is made by the Practice Co-ordinator, it must be shared with the Practice Educator and the Student within 5 working days of receiving the record.	
4	The Student has the right to reply in writing (by e-mail or letter) within 5 working days.	
5	The Practice Co-ordinator and/or Practice Educator may decide, following discussions with the Student that: <ul style="list-style-type: none"> a. There is no case to answer; no further action be taken b. Support arrangements and/or reasonable accommodation be put in place for the Student, following any necessary assessment c. The matter be referred to the Programme Director who may decide to deal with the matter via the Formal Stage or under another College process e.g. Student Disciplinary Procedure etc. 	
6	The decision will be communicated within 5 working days and the Student has the right to reply in writing (by e-mail or letter) within 5 working days.	

7	Records will be retained and disposed of in accordance with the College's current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com	
Formal Stage - General Points		
	<p>The Formal Stage will be used to address concerns:</p> <ul style="list-style-type: none"> • Where any issues are considered too serious to be dealt with under the Informal Stage • Where the student is not happy with the decision made in the Informal Stage and notifies the Programme Director (in writing, by email or letter) within 5 working days of receiving the decision that s/he is invoking the Formal Stage • Where the student elects for the concern to be dealt with under the Formal Stage • Where the student has failed to comply with the outcome of the Informal Stage 	
	Where a student, staff member, Practice Educator or member of the public has a concern regarding a student's Fitness to Practise they must put their complaint/concern in writing using the Fitness to Practise – Note of Concern Form – FTP1 (Appendix 1, in Practice Placement Handbook), and submit this to the relevant Programme Director in order to start implementation of the Formal Fitness to Practise Procedure. Concerns or complaints must be clearly outlined and available supporting evidence included.	
Formal Stage – Part 1		
1	Completion of Fitness to Practise – Note of Concern Form – FTP1	

2	<p>On receipt of a Fitness to Practise concern, the relevant Programme Director will:</p> <p>(i) Carry out a preliminary review of the issue and the available evidence</p> <p>(ii) Examine any supporting evidence/documentation from the person raising the concern</p>	
3	<p>The Programme Director will Inform the Respondent (Student), in writing (by e-mail or letter - within 5 working days of completing step 2 above), of the concern(s).</p> <p>In writing to the Respondent (Student) the Programme Director will:</p> <ul style="list-style-type: none"> - Explain the Fitness to Practise Policy and its procedures - Provide the Respondent with a copy of the Policy - Request the Respondent to make a submission in regard to the issue, including any medical or other evidence they would like taken into consideration 	
4	<p>The Respondent (Student) must reply in writing (by e-mail or letter) within 5 working days.</p>	
5	<p>Within a further 5 working days, the Programme Director will arrange a meeting to discuss the matter with the Respondent.</p> <p>The Programme Director will also inform the Respondent that:</p> <p>Students who have issues of concern/allegations made regarding their Fitness to Practise have the right to be accompanied by an appropriate person, for example a fellow student or class representative, in a supportive capacity in the Formal Stage(s) of the procedure.</p>	

	<p>The Programme Director will also inform the Respondent that:</p> <ul style="list-style-type: none"> - In the event of the matter being referred to the Fitness to Practise Committee (Formal Stage – Part 2), the Complainant and Respondent may call witnesses and may enter witness statements - Witnesses cannot be compelled to attend under this procedure 	
6	<p>The Programme Director will also inform the person making the complaint/raising the concern (the Complainant) that:</p> <ul style="list-style-type: none"> - Full details of the complaint will be put to the Respondent (the person about whom the concern/complaint is being made) - In the event of the matter being referred to the Fitness to Practise Committee (Formal Stage – Part 2), the Complainant and Respondent may call witnesses and may enter witness statements - Witnesses cannot be compelled to attend under this procedure 	
7	<p>The Programme Director may invite other staff members to attend the meeting and may consult with and seek information from other persons, such as subject matter experts as required in order to deal with the matter and to provide support to the Respondent.</p>	
8	<p>Both parties must be informed of those attending in advance of the meeting.</p> <p>The Programme Director will normally be accompanied at all meetings with the Respondent; the Practice Co-ordinator will also attend the meeting.</p>	

9	A contemporaneous record of the meeting shall be taken by the Practice Co-ordinator.	
10	<p>The Programme Director may decide that:</p> <ul style="list-style-type: none"> a. There is no case to answer; no further action be taken b. Support arrangements and/or reasonable accommodation to be put in place for the Respondent, following any necessary assessment c. An action plan be drawn up setting out how the matter will be managed by the College, including the outlining of any requirements which are placed on the Respondent d. The matter be referred for consideration under another College process e.g. Student Disciplinary Procedure etc. e. The matter be referred to the Fitness to Practise Committee (Formal Stage - Part 2) 	
11	The decision of the Programme Director will be communicated to the Respondent in writing (by email or letter) within 15 working days of the meeting between the Respondent and the Programme Director. Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing (by email or letter) of the revised timescale for receiving a response and the reason(s) for the delay.	
12	The Student has the right to reply in writing (by e-mail or letter) within 5 working days.	
13	A copy of the decision and any associated documentation will be retained on the Respondent's College file.	

	Records will be retained and disposed of in accordance with the College's current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com	
	Formal Stage – Part 2	
1	<p>The Formal Stage Part 2 will be used to address concerns:</p> <ul style="list-style-type: none"> • Where the Respondent disagrees with the decision made by the Programme Director in the Formal Stage Part 1 and notifies the Programme Director within 5 working days of receiving the decision that s/he is invoking the Formal Stage - Part 2; • Where the Respondent has failed to comply with the outcome of the Formal Stage Part 1; • Where the Fitness to Practise concern is considered too serious to be dealt with under the Informal Stage or Formal Stage Part 1. 	
2	Prior to any matter being determined at Formal Stage Part 2, the College may undertake any such investigations as it considers reasonable and appropriate in the circumstances.	
3	An Investigating Officer will be appointed by the Programme Director; this may be a member of staff, an external expert or the Programme Director and the College may put in place terms of reference for any such investigation.	
4	The Respondent will be informed that an investigation is being carried out and of the identity of the Investigating Officer.	

	The Respondent will also be given a copy of the Terms of Reference for the investigation.	
5	<p>The Investigating Officer will determine the process to be followed for the investigation and may speak with the Respondent and with other students, staff and where relevant third parties (such as placement providers or health professionals) and call for information.</p> <p>Any investigation will be carried out in a transparent and fair manner.</p>	
6	<p>The Investigating Officer will:</p> <ul style="list-style-type: none"> • Inform the Respondent that concerns regarding his/her Fitness to Practise have been raised and full details of the nature of these concerns will be outlined • Provide the Respondent with a copy of the Policy • Provide documentation to the Respondent in support of the concern, if any • Indicate that s/he will be given an opportunity to respond • Inform him/her that s/he may be accompanied in accordance with this Procedure • Advise of any appropriate internal and external supports available to the student 	
7	The Investigating Officer will provide a report to the Fitness to Practise Committee which will determine whether the Respondent's Fitness to Practise is compromised, or may become compromised.	

8	<p>In advance of the Fitness to Practise meeting with the Respondent, the Chairperson of the Fitness to Practise Committee (Programme Director) will write to the student to:</p> <ul style="list-style-type: none"> • Inform him/her that concerns regarding his/her Fitness to Practise have been raised and full details of the nature of these concerns will be outlined • Provide a copy of the Policy • Provide documentation in support of the concern, if any • Provide a copy of any Investigating Officer's report • Indicate that s/he will be given an opportunity to respond • Invite him/her to attend a meeting with the Fitness to Practise Committee • Give him/her notice of the date, time and place of the meeting with the Fitness to Practise Committee • Inform him/her that s/he may be accompanied in accordance with this Procedure • Advise of any appropriate internal and external supports available to the student 	
9	<p>The Student has the right to reply in writing (by e-mail or letter) within 5 working days.</p>	
10	<p>The Programme Director may invite other staff members to attend the Fitness to Practise Committee meeting and may consult with and seek information from other persons, such as subject matter experts as</p>	

	required in order to deal with the matter and to provide support to the Respondent.	
11	Both parties (Fitness to Practise Committee and Respondent) must be informed of those attending in advance of the meeting.	
12	A contemporaneous record of the Committee meeting shall be taken by the Practice Co-ordinator.	
13	<p>The Fitness to Practise Committee will consider all of the evidence provided to it and may obtain any expert advice that it deems necessary. Arising from its consideration of the evidence, the Fitness to Practise Committee may decide that the Respondent requires one or more of the following:</p> <ul style="list-style-type: none"> • Undergo examination/assessment by a doctor or specialist nominated by the Fitness to Practise Committee, in respect of suspected drug or alcohol addiction/misuse. A Respondent who does not comply with this requirement and/or whose tests confirm drug or alcohol addiction/misuse may be required by the Fitness to Practise Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is certified by an appropriately qualified person (nominated by the College) to be fit to proceed. • Undergo a relevant examination or assessment by a doctor or relevant specialist nominated by the Fitness to Practise Committee, for the purpose of obtaining an opinion as to the Respondent's medical Fitness to Practise. A Respondent who does not comply with this requirement and/or is deemed unfit for practice, may be required by the Fitness to Practise Committee to withdraw from his/her course and/or placement and/or to defer his/her studies until such time as s/he is 	

	<p>certified by an appropriately qualified person (nominated by the College) to be fit for practice.</p>	
14	<p>The Fitness to Practise Committee will determine whether the Respondent's Fitness to Practise is compromised, or may become compromised, and whether any action is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following:</p> <ul style="list-style-type: none"> • Decide that there is no case to answer; no further is action to be taken • Support arrangements and/or reasonable accommodation to be put in place for the student • An action plan be drawn up setting out how the matter will be managed by the College including the outlining of any requirements which are placed on the Respondent • The matter be referred for consideration under another College policy e.g. Student Disciplinary Procedure etc. • Continue in the relevant programme subject to review • Caution the Respondent in relation to the matter which will be noted on the Respondent's records and that the matter will be taken into account by the College in response to requests for references • Withdraw the student from placement <ul style="list-style-type: none"> • Suspend the Respondent until such time as s/he is certified by an appropriately qualified person (nominated by the College) as fit to proceed with his/her course of studies 	

	<ul style="list-style-type: none"> • Require the Respondent to repeat parts of the programme. • The Respondent be transferred to an alternative programme of study • Dismiss or strike out from the Respondent's record any allegations based on vexatious, false or malicious claims • Terminate/Expel the Respondent from his/her course • Such other action as is appropriate in the circumstances. 	
15	<p>The decision of the Fitness to Practise Committee should be communicated to the Respondent concerned in writing (By email or letter) within 15 working days.</p> <p>Where the decision cannot be communicated within 15 working days, the Respondent may be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay.</p>	
16	<p>The Respondent must also be informed in the communication, at 15 above, of their right to respond and right to reply.</p>	
17	<p>The Respondent (Student) has the right to reply in writing (by e-mail or letter) within 5 working days.</p>	
18	<p>A copy of the decision and any associated documentation will be retained on the Respondent's College file.</p> <p>Records will be retained and disposed of in accordance with the College's current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com</p>	

	Appeals	
1	<p>The Respondent may appeal the decision of the Fitness to Practise Committee by writing to the College’s Academic Council Appeal Sub-committee, addressed to the Head of Quality & Academic Affairs, within 5 working days from the date of the communication of the Fitness to Practise Committee’s decision notification.</p>	
2	<p>The Respondent may appeal the Formal Stage Part 2 outcome to the Academic Council Appeal Sub-committee on the grounds that:</p> <ul style="list-style-type: none"> • The College failed to follow the process set out in the Policy and this had a material effect on the decision. • The decision at the Formal Stage Part 2 was inconsistent or disproportionate to the evidence provided. • The evidence produced at the Formal Stage Part 2 meeting with the Fitness to Practise Committee was factually incorrect or the student has new and material information or evidence which was not previously available and would have a material effect on the decision. <p>The Respondent must specify the ground(s) on which the appeal is made.</p>	
3	<p>The Academic Council Appeal Sub-committee will normally meet to review the Respondent’s appeal within 15 working days of the receipt of the appeal and may make one of the following decisions:</p> <ul style="list-style-type: none"> • Dismiss the appeal (in whole or in part); • Uphold the appeal (in whole or in part); • Impose an alternative decision. 	

4	A contemporaneous record of the Committee meeting shall be taken by the Head of Quality & Academic Affairs (HQAA), who is not a member of this sub-committee, having participated in earlier stages of this procedure.	
5	The Academic Council Appeal Sub-committee, through the HQAA, will communicate its decision to the Respondent normally within 15 working days of the determination of the appeal.	
6	The Respondent (Student) has the right to reply in writing (by e-mail or letter) within 5 working days.	
7	<p>In the normal course of events, the decision of the Academic Council is final and may not be appealed. However, if a student feels that they have been unfairly treated or are not satisfied with the decision/outcome, it is open to them to contact the Office of the Ombudsman. Contact details are as follows:</p> <p>Office of the Ombudsman 18 Lower Leeson Street, Dublin 2 Tel: Lo-call 1890 22 30 30 Tel: 01 639 5600 Fax: 01 639 5674 Email: ombudsman@ombudsman.gov.ie www.ombudsman.ie</p>	
8	<p>A copy of the decision of the Academic Council Appeal Sub-committee and any associated documentation will be retained on the Respondent's College file.</p> <p>Records will be retained and disposed of in accordance with the College's current GDPR policy and procedures, as outlined in the current version of the Quality Assurance Document (QuAD); available at www.opentrainingcollege.com</p>	