



Academic Quality Framework

Fitness to Practise Policy

Approved by Academic Council

22nd June 2023

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1. Introduction

As part of their University Programme, students are required to undertake placements and training that may involve interaction with Service Users. It is vital that students are deemed fit to Practise while on placement since it is of over-riding importance to protect Service Users from harm and to maintain the trust and confidence of the general public in the University's quality assurance and enhancement of programmes referred to in Appendix H.

- 1.1 To describe an individual as 'Fit to Practise' (FTP) in the context of programmes referred to in Appendix H, is to say that they possess the attributes, skills and knowledge considered necessary to allow that individual to Practise independently, effectively, and safely.

In addition to achieving the required academic standard to progress successfully through and complete a programme of study individuals will also:

- Have the capacity to perform key skills and tasks (competencies/proficiencies) as set out specifically in the student's programme handbook;
- Be healthy of body and mind so as to be able to Practise their profession;
- Conduct and behave themselves so as not to affect adversely Service Users or to put them or themselves at risk;
- Conduct and behave themselves in a manner likely not to harm the reputation of the University.

2. Students Subject to this Policy

- 2.1 All students registered on any of the programmes listed in Appendix H are subject to this policy. This list of programmes is reviewed annually, and programmes are included following approval by Academic Council.

- 2.2 Schools are required to notify Academic Council annually of amendments to the list of programmes that will fall under the scope of this policy (Appendix H).
- 2.3 Students subject to this policy shall be required to abide by the relevant professional standards and codes of conduct for their Programme and/or profession.
- 2.4 Students will be introduced formally to these standards and relevant codes as early as practicable in their academic programme and will be supported to develop appropriate insight and associated responsibilities with regard to professional practice throughout their studies.

3. Principles Underlying Fitness to Practise

- 3.1 In matters relating to a student's Fitness to Practise, the University is guided by relevant existing legislation as may be amended from time to time and, where applicable, to the codes of conduct, ethics and Practise of relevant regulatory bodies (as listed in appendix H). This policy is subject to the provisions of the Equal Status Act 2000-2018.
- 3.2 Professional Practise involves more than the possession of factual or conceptual knowledge about a subject or area of Practise. It also involves practical, procedural and applied knowledge, essential to complete profession-specific tasks (i.e. core competencies and/or standards of proficiency). These competencies are specific to the profession and the programme of study. Where applicable, the Professional/Regulatory Body defines these competencies. The list of competencies and the required performance level needed to demonstrate competence must be clearly outlined by each programme, published in the respective student handbooks, and endorsed by Academic Council.

The list of key competencies/proficiencies and how these competencies and proficiencies are assessed is to be made available to students in relevant student handbooks, and any other University publications, both physical and electronic for such programmes as listed in appendix H.

- 3.3 Good health, in the context of Fitness to Practise, means that an individual's health status is such that they are well enough to undertake safe and effective Practise. Good health does not necessarily mean the absence of any disability/specific learning difficulty or health condition. However, health issues may render an individual incapable of safe and effective Practise. Health issues, including those that are untreated and/or unacknowledged may pose a risk to safe professional Practise. Therefore, students have a responsibility to maintain their physical and mental health and to comply with all aspects of this policy.
- 3.4 Nonetheless, many people with health conditions or disabilities or specific learning difficulties can Practise with or without adjustments to support their practice and are legally supported in this by the Equal Status Act 2000 – 2018.
- 3.5 To ensure that, where possible, the University can make reasonable accommodation to support students with health and/or disability concerns, as well as ensuring protection for Service Users, the University shall require all students subject to this Policy to make a declaration as to any concerns the student may have as to their own health and Fitness to Practise that arises from a health concern as part of the registration process and annually at registration thereafter. In the event that a student's health status changes, and/or a disability or a level of disability emerges during the course of an academic year, a declaration of this change must be made to the University Disability Support Services on the appropriate form who will advise Head of School responsible for the programme on which they are registered.

3.6 In relation to the conduct of an individual, certain acts of misconduct and behaviour have the potential to directly harm Service Users, and to the reputation of the University and of the professions. A pattern of behaviour/misconduct, a series or sequence of events, or a single act of serious misconduct or misbehaviour may be considered to impair a student's Fitness to Practise and so be subject to assessment under this Policy. The standards of behaviour and conduct expected of students are as detailed in TU Dublin Student Policies and Regulations, in general; and, by particular specific programme requirements, as aligned to those set by the statutory regulator, where relevant.

3.7 The University shall require students to declare if they have any criminal conviction (or trial pending, or other relevant current sanction), at first registration, and that if a criminal conviction is incurred by them during the course of an academic year (see Appendix G), it must be declared to the University so that the University may make a determination on the disclosure.

Failure to do so may be sufficient grounds to cause concern as to their Fitness to Practise. TU Dublin may also give consideration to information disclosed to it through the TU Dublin Student Garda Vetting procedures in the event that it relates to a student's Fitness to Practise.

3.8 Operation of this Policy shall be consistent with the requirements of TU Dublin's Policy on the Protection of Children and Vulnerable Adults (including Garda Vetting Disclosures). It should be noted that the TU Dublin Protection of Children and Vulnerable Adults Policy defines a child as someone under 18 years of age (excluding a person who is or has been married) and regard should be made to the provisions of that policy when dealing with persons under this Fitness to Practise Policy.

4. Establishment of a University Fitness to Practise Panel

- 4.1 The Academic Registrar shall establish a University Fitness to Practise Panel of trained individuals from across the University. Once a Fitness to Practise matter has been referred by a School to the Registrar, a University Fitness to Practise Board will be appointed which shall comprise of three members drawn from the FTP panel, independent of the School from which the referral was made.
- 4.2 The membership criteria, quorum and voting procedures for a Fitness to Practise Board are set out in Appendix A.

5. Identification of Fitness to Practise Concerns

- 5.1 Fitness to Practise concerns may be brought to the attention of the School or University in a number of ways, including but not limited to, those listed below. Where such concerns arise, it is first explored at School level and, where a satisfactory outcome is not possible at this level, the matter is referred to the TU Dublin Academic Registrar who will appoint a Fitness to Practise Board, the members of which shall be taken from the Fitness to Practise Panel. (See Sections 8 and 9 below)

Self-Declared Concerns

- 5.2 All students must complete a Fitness to Practise Disclosure Form (Appendix G) annually at registration and complete the Student Garda Vetting process, where appropriate. Subsequent to this, students should report any changes in writing to their status that may impact their Fitness to Practise to their Head of School.
- 5.3 The University shall require all students subject to this Policy to make a declaration as to any concerns the student may have as to their own Fitness to Practise that arises from a health and/or a behavioural/criminal matter as per sections 3.3 and 3.5 above. These shall be investigated and managed as follows:

If the self-declared concern(s) relate(s) to a Health matter, the student will be required to provide a list of their health concerns and their impact on their daily life to the Head of School or their nominee. The details will be reviewed by the Head of School and, where deemed necessary, by a TU Dublin Student Health Doctor. The Head of School, with the advice of the TU Dublin Student Health Doctor where that has been sought, will recommend one of the following:

- a. That no further Fitness to Practise action is necessary. The concern can be addressed through reasonable informal and/or local supports that are within the capacity of the School to facilitate
- b. The Head of School refers the matter to the School-based Fitness to Practise Team following the procedures in Section 8.3 below.

5.4 If the self-declared concern relates to a criminal conviction (or prosecution pending), the matter will be notified to the University's Admissions Officer who will ensure that the concern is considered under the University's Student Garda Vetting procedures for students, the outcome of which will be sent to the Head of School. If the Head of School is of the opinion that there is *prima facie* evidence that the student's Fitness to Practise may be impaired, the Head of School may refer the matter to the University's Academic Registrar.

Concern Raised by a TU Dublin Staff Member, Placement/Practise Education Supervisor

5.5 A potential Fitness to Practise concern may be raised, to a Head of School, by any member of the Programme Team, TU Dublin Staff member or placement/practise education supervisor. The nature of the concern should be communicated to the Head of School using the template in Appendix B.

6. Levels of Response of Fitness to Practise Procedures

- 6.1 The Head of the School in which the student is registered will consider reports and concerns relating to a student's Fitness to Practise. The Head of School may deem it necessary to obtain appropriate guidance/expert advice on the matter. The Head of School will determine, if the University Fitness to Practise Policy, the University Fitness to Continue to Study Policy, or the University Student Disciplinary Policy will apply.
- 6.2 The Head of the School in which the student is registered may consider that a concern can be addressed through informal means, local supports, and other informal actions. In the event that these interventions do not resolve the specific issue(s) the Head of School may invoke the School-level response to Fitness to Practise (Section 8 below).
- 6.3 During all meetings that may take place at all stages of response to concerns related to Fitness to Practise, students have the right to be accompanied by an additional person (e.g. TU Dublin Students' Union representative, TU Dublin staff member, friend, etc.) in a supportive capacity. The student must notify the School-based Fitness to Practise Team or Fitness to Practise Board about any persons attending with them at least 3 days prior to any scheduled meeting. In the event that the student is under 18, a parent or guardian may be required to attend.

Emergency Situations

- 6.4 The safety of others is paramount. Occasionally, the behaviour or actions of a student can put themselves or others in proximate danger. It is important that appropriate, timely actions are taken in response. In situations of immediate danger, these actions may need to be taken before there is time to invoke the Fitness to Practise Policy. The fact that the University may invoke these actions shall not prejudice its right to subsequently invoke the Fitness to Practise Policy.

- 6.5 The behaviour and actions of a student may be a cause of concern for the safety of the student and/or the safety of others, prompting consideration of the need to exclude the student from the University and/or placement temporarily, pending further investigation and/or management of the situation under this Policy.
- 6.6 If the Head of School is satisfied that the matter is a Fitness to Practise issue and that the circumstances are such that it is in the University's or the student's wider interest, the Head of School will contact the Academic Registrar to request that the student be placed on temporary suspension pending the completion of the Fitness to Practise procedures under this Policy.

Where it appears, in the opinion of the Academic Registrar that there are such grounds for concerns, then they, having sought such advice as they deem appropriate, shall be entitled to suspend a student on the basis that suspension is temporary and necessary to protect the Service Users, the student, the University or its community, having regard to the factors set out in Appendix E (Temporary Suspension)

7. Referral to Healthcare Professional

- 7.1 At any stage of a Fitness to Practise process, a student may be asked to provide documentation from their health care professionals in relation to their health status. In addition, students may be referred to a relevant healthcare professional including, but not limited to, Occupational Physician, Psychiatrist or Psychologist. Such referrals will be made by the relevant Head of School, if the matter rests with at School level; or by the Academic Registrar if the matter is to be the subject of a University Fitness to Practise Board.

The student shall be obliged under this policy to attend such medical consultations and examinations as required and shall cooperate with the healthcare professional concerned. Failure to attend or failure, in the opinion of the healthcare professional, to cooperate with the process may be deemed to be a failure to cooperate with the University's policies and procedures.

- 7.2 Relevant reports from healthcare professionals under and for the purposes of this Policy shall be made available to the Head of School and School-based Fitness to Practise Team/or the relevant Chair of the University Fitness to Practise Board for consideration (as appropriate).
- 7.3 As the relevant report is a data processing activity, such information should be included in the School's Office or Office of the Academic Registrar Data Inventory (as appropriate).

8. Fitness to Practise Procedures – School Level Response

- 8.1 The response at School level is expressly intended to be the initial stage to support the student, the potential subject of Fitness to Practise, by providing, where possible, for the development of an agreed intervention plan. The plan will identify, and where possible, arrange for the provision of reasonable support(s) to assist the student resolve the issues of concern. The agreed intervention plan establishes the means of monitoring and follow-up of the student's progress in addressing or resolving the concerns related to their Fitness to Practise.

- 8.2 The School Level Response Procedure is as follows:
- (i) A Note of Concern (Appendix B) is received or a Fitness to Practise issue has been identified via student self-declaration (Appendix G);
 - (ii) Head of School appoints an Investigator who will present a report to the School-based Fitness to Practise Team having regard to the procedures detailed in Appendix C and Appendix D of this Policy.
 - (iii) The School notifies the student in writing of the nature of the concerns enclosing a copy of this Policy and advising the student of the procedure that will be followed.
- 8.3 The School-based Fitness to Practise Team will undertake a review having regard to the procedural guidelines (Appendix C & Appendix D of this Policy). The nature of the review will vary according to whether the concerns relate to:

Health Matter: If the concerns relate to a health matter, the student will be required to update their Health Disclosure Form and may be required to provide documentation confirming that there is no significant health impediment to their ability to complete all aspects of the programme successfully. The returned completed Health Disclosure Form and documentation will be reviewed by the team appointed by the Head of School and will be retained for the duration of the programme. The following recommendations are possible at school level:

- a. That no further action is necessary
- b. The matter can be resolved through low level supports
- c. The matter should be referred to the TU Dublin Academic Registrar, who shall determine the matter based on the civil standard of proof (i.e. the balance of probabilities).

Conduct Matter: If the concerns noted relate to conduct and/or behaviour (either from a note of concern, student self-declaration or TU Dublin student Garda Vetting process) the team appointed by the Head of School will review all documentation pertaining to the student and will recommend one of the following outcomes:

- a. That no further action is necessary
- b. The matter can be resolved through low level supports
- c. The matter should be referred to the TU Dublin Academic Registrar, who shall determine the matter based on the civil standard of proof (i.e. the balance of probabilities)

8.4 The Head of School will communicate the outcome of the School-based Fitness to Practise Team review to the student and, where appropriate, will outline the nature of any local supports that will be put in place together with a time-frame for review.

9. TU Dublin Fitness to Practise Referral to the Academic Registrar

9.1 Where a Fitness to Practise issue cannot be resolved at School Level, the Head of School will refer the matter to the TU Dublin Academic Registrar who will appoint a University Fitness to Practise Board, the composition of which will be drawn from the Fitness to Practise Panel of TU Staff who are trained to hear Fitness to Practise matters.

9.2 The Constitution of the TU Dublin University Fitness to Practise Board, its responsibilities and reporting procedures are detailed in Appendix A.

9.3 Where the subject of Fitness to Practise concerns a Health Matter:

The TU Dublin University Fitness to Practise Board will review received documentation and make a determination as to what additional material is required to make a decision such as, seeking any additional medical practitioner reports.

The Board will deliberate on the original and any additional Summaries/ Reports received and determine one of the following outcomes:

- a. That no further action is necessary
- b. The matter can be resolved through accommodations which are reasonable and within the capacity of the School, University, and/or Practise placement provider
- c. The student cannot proceed with their Practise placement at this time

9.4 Conduct Concerns: If the concern relates to a conduct or criminal conviction/legal proceedings the TU Dublin Fitness to Practise Board will review received documentation and make a determination as to what additional material, such as, seeking additional reports, is required to make a decision such as, seeking additional reports.

9.5 The Board will deliberate on the original and any additional reports received and determine one of the following outcomes:

- a. That no further action is necessary
- b. The matter can be resolved through accommodations which are reasonable and within the capacity of the School, University, and/or Practise placement provider
- c. The student cannot proceed with their Practise placement at this time.

9.6 The Registrar will notify the student and Head of School of the outcome of the University Fitness to Practise Board along with any recommended actions.

- 9.7 Where the outcome of the Board's deliberations is option a or b then the Head of School will act upon this accordingly.
- 9.8 Where the outcome of the University Fitness to Practise Board deliberations is option C then the Academic Registrar can act upon this accordingly.

10. Appeals

- 10.1 A student can exercise their right to appeal any of the above recommendations. The Appeals procedure is contained in Appendix F (Appeals).

11. Establishment of University Fitness to Practise Board

- 11.1 The Academic Registrar shall establish a University Fitness to Practise Board to consider Fitness to Practise matters referred to it by appropriate School;
- 11.2 The membership criteria, quorum and voting procedures for a University Fitness to Practise Board are set out in Appendix A.

12. Review of this Policy

- 12.1 The Academic Registrar shall present to Academic Council each academic year a written report on the work of the Panel.
- 12.2 The TU Dublin Fitness to Practise Policy shall be reviewed at least once every two years and any recommendations of this review will be brought forward by the University Academic Registrar and considered for approval by the Academic Council.

Appendix A

Constitution of the TU Dublin University Fitness to Practise Board

Composition of University Fitness to Practise Board

The TU Dublin University Fitness to Practise Board consists of a Chair appointed by the Academic Registrar and two other members drawn from the Panel of staff trained to sit on Fitness to Practise panels. Secretarial support will be provided by TU Dublin Academic Affairs.

Members of the TU Dublin Fitness to Practise Panel shall be appointed for a minimum of three years from which a University Fitness to Practise Board will be drawn. Members can be reappointed pursuant to their agreement.

Their role shall be:

To sit as a Board to review evidence and make findings from Fitness to Practise hearings that originally escalated from a School-based Fitness to Practise investigation. Confirmation of the findings will then be made by the Academic Registrar.

In investigating and adjudicating on a Fitness to Practise matter the Board shall follow the procedures contained in Appendix D. Members of the Board are prohibited from serving on a TU Dublin Fitness to Practise Board convened to hear a case that they have previously considered, either through membership of a Fitness to Practise Board or as a member of a School-based Fitness to Practise Team convened to investigate the matter. Decisions are reached by a simple majority, and the Chair will have the casting vote.

Appendix B

Note of Concern Template (To be submitted to the Head of School)

Note of Concern

The Head of School shall inform the student, in writing, of the nature of the Fitness to Practise concern, the nature of the allegation, and of the implementation of a School-based investigation. The School shall also provide the student with a copy of this policy.

The student and all relevant parties shall be given the opportunity to provide information, reports and evidence to substantiate their version of the issues of concern/allegation/incident.

Important notes for the use of this form:

1. Individuals completing this form are reminded that the information may be subject to a Freedom of Information Request or Data Subject Access Request.
2. This form is available from the TU Dublin Academic Affairs website and once complete, should be returned to the designated contact in Academic Affairs.
3. The completed form will be retained until the conclusion of the academic year in which the case is closed. The form will then be deleted on expiry of this retention period.

Student Name: _____ Student Number: _____

Programme: _____ Year: _____

Name and position of person raising concern: _____

Brief outline of concern:

Observations:

Date: _____ Signature: _____

Appendix C

Guidance for Schools Implementing the Review of a Fitness to Practise matter at School Level

Procedures to be followed

Schools that provide programmes where students are subject to this Fitness to Practise Policy should ensure that there is a clear divide between:

- Those responsible for providing support for the student;
- Those responsible for carrying out the investigation into the Fitness to Practise issue; and,
- Those responsible for hearing and adjudicating the case in a Fitness to Practise hearing.

The Head of School will appoint an Investigator who will prepare a report for the School-based Fitness to Practise Team to consider the matter. The team will be chaired by the Head of School, or their nominee, and will consist of up to 3 staff members. This team will assess evidence presented by a Fitness to Practise investigator. The team will meet with the student who is the subject of the Fitness to Practise concern.

Full disclosure relating to issues of concern/allegation(s) and associated evidence shall be made to the parties involved.

The investigation process shall be fair and transparent. This entails affording all parties the opportunity to give their evidence, normally in an interview, and to be informed as to the other parties being interviewed as part of the investigation.

The investigation shall be conducted in a timely manner. Issues of concern and allegation(s) shall be investigated and brought to a conclusion with the minimum of delay.

If the School-based Fitness to Practise Team deems the issue(s) of concern/allegation(s) to be sufficiently serious they may recommend to the Head of School the temporary suspension of the student from the programme of study, (either Practise only, or both theory and Practise) in consultation with the Head of School. The Head of School shall report this decision to the Academic Registrar. A decision to temporarily suspend a student shall be made by the Academic Registrar having regard to Appendix E (*Temporary Suspension*) who shall inform the student in writing of the decision.

All actions undertaken by the School-based Fitness to Practise Team must be communicated to the student and a record of deliberations shall be kept of proceedings. This record is required to support the School-based Fitness to Practise Team, so that it can:

- Maintain consistency and fairness throughout the investigation of issues of concern or other allegation(s) regarding a student's Fitness to Practise;
- Produce a summary report with a recommendation to the Head of School, who, if the matter is of sufficient gravity, refers both the matter and the report to the Academic Registrar;

The appointed School-based Fitness to Practise Team shall ensure that their investigation follows the principle outlined in this appendix and in Appendix D.

Their investigation should lead to one of the following outcomes.

- That no further action is necessary.
- The matter can be resolved through low level supports.
- The matter should be referred to the TU Academic Registrar, who shall determine the matter based on the civil standard of proof (i.e. the balance of probabilities)

The Head of School will communicate the outcome of the School-based review to the student and, where appropriate, will outline the nature of any local supports that will be put in place together with a time-frame for review.

Where the outcome of the school-based investigation determines that the matter can be resolved through reasonable, locally arranged accommodations, such as placement/Practise education supervisors and the placement setting, these will be detailed and communicated to the student and with other relevant parties. Such accommodations will be discussed with the student and the student will be required to complete the declaration below. It should be noted that, when using external supervisors, the University should put in place a data sharing agreement with the placement setting.

Confirmation of agreed actions and accommodations to support Fitness to Practise

This form is to be completed by Head of School (or nominee) in collaboration with the student.

Important notes for the use of this form:

1. Individuals completing this form are reminded that the information may be subject to a Freedom of Information request or Data Subject Access Request.
2. This form is available from the TU Dublin Academic Affairs website. A copy should be provided to the student and a copy retained in the School for the duration that the student is engaged in the programme of study, after which time the form will be destroyed confidentially.
3. Completed forms will always be securely transferred using the HEAnet FileSender Application (<https://filesender.heanet.ie/1.7/>)

Student Name: _____

Student Number: _____

Programme & Year: _____

Academic Year: _____

Nature of the Fitness to Practise Concern (Brief description)

Accommodations, local arrangements to manage the Fitness to Practise matter:

Student Declaration

Initial below

I understand the nature of the concern(s) raised by the University, as has been explained to me and outlined in this document, and the possible impact and consequences that such concern(s) may have upon my own Fitness to Practise.

I have agreed to work towards the action points outlined above, which have been developed to support me.

I understand that if I am unable or unwilling to carry out the action plan, the University will need to consider taking appropriate or remedial actions, or referral to a healthcare professional as my situation will require.

I understand and consent to information surrounding my Fitness to Practise being shared with other relevant services within the University as necessary.

A copy of this action plan will therefore be submitted to the Head of School and other staff as deemed appropriate by the Head of School

I am aware that this Note of Concern will be retained by the Head of School. I understand that this case will be reviewed in

(insert x days/weeks/months time)

Signed

Student

Date

Signed

Head of School

Date

All information provided regarding issues of concern/allegation(s) which question a student's Fitness to Practise shall remain confidential for use within the process and is subject to the requirements of the data protection laws. Only persons directly involved with the matter will be given access to confidential information in accordance with the University's Data Protection Notice for Students. The University's Data Protection Policies and Procedures details of which can be found on the University's website: <https://www.tudublin.ie/explore/gdpr/>

Appendix D

Guidance for the investigation of Fitness to Practise Matters at both School Level and by the TU Dublin University Fitness to Practise Board

Materials to be Considered when Investigating Fitness to Practise Matters

When assessing the Fitness to Practise of a student of the University, a Fitness to Practise Investigator shall be appointed from a panel of trained investigators by the Registrar, may consider any of the following sources of information. The Investigator will attend any meeting in order to present the case.

General information

The following general information may be considered at any Fitness to Practise Investigation:

- Medical information or psychological reports provided by the student and/or subsequent health examination(s);
- Other information provided by the student, the University or other professional organisation(s)/institution(s);
- Criminal findings;
- Internal disciplinary records;
- Relevant Codes of Conduct and Ethics, and Professional Standards as issued by the regulating body (as listed in Appendix H).

Health

When assessing a student's health, the following may be taken into consideration:

- The nature and seriousness of any condition(s), and how it might impact on the student's ability to engage in safe and effective Practise;
- How such condition(s) are managed by the student;
- Any reasonable accommodations to the programme of study (i.e. teaching, learning and assessment) which can be made for the student;
- The risk to the student themselves, the public, colleagues, and the University;
- Any supporting information about the student's condition and its impact on future Practise;
- The report and/or opinion of a relevant healthcare professional selected by TU Dublin, e.g. Occupational Physician, Psychiatrist, and/or Psychologist;

Conduct

When assessing a student's conduct and/or behaviour, the following may be taken into consideration:

- Expected conduct in the context of professional Codes of Conduct as published by the appropriate statutory regulator;
- Pattern of previous behaviour, or any series or sequence of acts of behaviour, misbehaviour, inaction or omission;

- The protection of children, vulnerable groups and the public;
- The student's demonstrable attainment of relevant professional competencies and/or proficiencies.
- Any potential risk to the University, staff or students, or other individuals.
- The attainment of the standards required in the relevant competencies and/or proficiencies by the student;
- Potential harm to the reputation of the University.

Interviewing parties relating to the issues of concern

In advance of convening a School-based Fitness to Practise Team to review a fitness to practise concern, an Investigator, appointed from a panel of trained Investigators, shall undertake an appropriate investigation as set out in this Appendix.

As part of the investigation process the Investigator shall meet with the student and other relevant parties, including relevant witnesses.

Within an interview the following procedure should be followed:

- a. The Investigator shall ensure that the student:
 - Has been notified of this Policy;
 - Is aware of the procedure being followed;
 - Is aware and understands the professional standards and/or codes of conduct expected of them on their programme of study;

- Is aware that full disclosure of any issues of concern/allegation(s) or evidence will be made to the relevant parties to the issues of concern/allegation(s), including the interview summaries;
 - Understands that the interview is designed to establish events and not to make judgements and that the Investigator will refer the matter back to the School- based Fitness to Practise Team for a decision in accordance with this Policy;
 - Understands the powers granted to the School and/or University Fitness to Practise Board.
- b. Notes must be taken during an interview as they will form the basis of the report.

The Report shall:

- Clearly set out the events/circumstances in chronological order, including a timeline of events relevant to the case;
- Cross-reference relevant documents that support the account of the issues of concern/allegation(s);
- Be accessible to others with no prior knowledge of the case so that they would be able to form an understanding of the circumstances and the issues of concern/allegation(s) and the relevance of the evidence in determining the student's Fitness to Practise.

The Format of the Report will contain the following elements:

- Introduction: This should detail the substance of the issue(s) of concern with reference to the relevant Codes of Conduct and/or specific professional competencies.

Report of Investigation Process: This should summarise the scope of the investigation, including:

- Who was interviewed and why.
- Cross references to other relevant documentation in a clear and logical fashion
- A chronological timeline of events and subsequent investigation.
- Details of the issues of concern/allegation(s) as noted in the introduction.

Other interviews shall be conducted upon the principles above in terms of ensuring the interviewee are clear regarding the procedures to be followed.

Following the interview, all interviewees will be provided with a copy of the report within one month of the interview (where conducted), for review of factual accuracy. Only one such opportunity will be permitted and any amendments must be communicated to the Investigator within one week of receipt. If after the amendments, an interviewee is not in agreement with the contents of the report, the notes will stand and the investigation will proceed. The interviewee may challenge the accuracy of the summary at oral hearing or make a written submission to the Board once the hearing has commenced.

Once the investigation is completed, the Investigator shall submit a report of the School-based Fitness to Practise Team and to the student.

General conduct of the investigation either by the School or University

The School Operation Lead or Secretariat of Academic Affairs (as appropriate) shall make the necessary arrangements to convene the relevant School-based Fitness to Practise Team/University Fitness to Practise Board, whichever level of investigation has been determined as appropriate by the Head of School in the first instance.

In determining a schedule for the meeting, due consideration will be given to all relevant factors including for example the student's overall programme of assessment, balanced against the need to expedite the procedure. A transcript of proceedings will be made available to the parties.

The student shall be given a reasonable period in which to seek advice and prepare their response. This shall normally be no more than 15 working days each whether the investigation is considered at School or University level. The time running consecutively.

The School Operation Lead or Secretariat of Academic Affairs (as appropriate), shall notify all parties of the names and roles of the attendees, including if applicable the names of any witnesses that may be interviewed by the School-based Fitness to Practise Team/University Fitness to Practise Board.

The School Operation Lead or Secretariat of Academic Affairs (as appropriate), shall attend all meetings called to consider the specific matter of concern.

The School-based Fitness to Practise Team or University Fitness to Practise Board may consider testimony and evidence from a range of sources including relevant TU Dublin student support services and reports from external healthcare professionals selected by TU Dublin (e.g. Consultant in Occupational Health, Psychiatrist or Psychologists) or others as deemed appropriate.

Evidence considered by the School-based Fitness to Practise Team or University Fitness to Practise Board shall be made available to the student, except where such evidence may be in contravention of Data Protection legislation.

The School-based Fitness to Practise Team or University Fitness to Practise Board shall determine, based on the civil standard of proof (i.e. the balance of probabilities), whether the student's Fitness to Practise is impaired or not and shall determine the most appropriate recommended outcomes.

Decisions, outcomes and recommendations made by the School-based Fitness to Practise Team or University Fitness to Practise Board shall be based upon all available evidence.

Where the School-based Fitness to Practise Team/University Fitness to Practise Board recommends suspension from study, this recommendation will be referred to the Academic Registrar for action as appropriate. The referral shall include the rationale for the decision and the School-based Fitness to Practise Team/University Fitness to Practise Board report.

In the absence of a unanimous decision by the School-based Fitness to Practise Team or University Fitness to Practise Board the decision of the majority shall prevail. The Chair, who shall be appointed by the Head of School/University Registrar (as appropriate) shall have the casting vote in the event of a tied vote.

The Chair of the School-based Fitness to Practise Team or University Fitness to Practise Board may, when necessary, suspend the deliberations and reconvene pending further information.

The Secretariat of Academic Affairs shall ensure that relevant TU Dublin staff and offices, and third-parties, if appropriate, are notified of the decision.

Appendix E

Temporary Suspension

When the Academic Registrar is of the opinion that there appears to be grounds for concerns about a student's Fitness to Practise they, having sought such advice as they deem appropriate, shall be entitled to suspend a student under the following terms:

1. The suspension will be necessary to protect the University community, Service Users, the student and/or the general public, and that the Academic Registrar is of a view that the duty of care to these constituents is overriding in the particular circumstances.
2. This power to suspend shall be exercised with caution and with due regard to natural justice and fair procedures.
3. The suspension may be initially communicated verbally to the student, to take effect as the Academic Registrar deems appropriate. Confirmation of the suspension in writing shall be provided within five working days. The letter will detail the grounds for the temporary suspension.

4. The Academic Registrar shall, as soon as practicable, notify the Head of the relevant School of the temporary suspension. If the matter meets a degree of seriousness according to a civil standard, i.e. on the balance of probability, then the Academic Registrar will request of the Head of School that an Investigator be appointed so that the matter can be then determined either at School level or, following a recommendation from the School-based Fitness to Practise Team to the Head of School, that the matter be referred to the Academic Registrar so that a University Fitness to Practise Board be appointed within 5 working days to determine the matter.
5. A suspension shall not be regarded as an indication as to whether or not the grounds for concern are proven.

Appendix F

Appeal of the outcome of a Fitness to Practise Investigation

Appeals Mechanism

Students may appeal the outcome of a School-based Fitness to Practise Team/University Fitness to Practise Board

Appeals of the outcome of a Fitness to Practise decision must be made in writing and on the prescribed form within ten working days of the date of the receipt of the outcome of a University Fitness to Practise Board.

A student may appeal the outcome on the following grounds:

- i. Substantive new evidence, that was not available to the University Fitness to Practise Board at the time of its meeting(s), has become available;
- ii. The University's procedures in relation to Fitness to Practise Policy have not been properly followed;

When an appeal is made in accordance with the guidelines above, the outcome of the University Fitness to Practise Board shall be held in abeyance until the appeal is heard.

This provision for deferral does not apply in relation to a temporary suspension where in the opinion of the Academic Registrar that suspension is, on balance, necessary, to protect the student themselves or the public and the duty of care owed to others is overriding in the particular circumstances.

On receipt of an Appeal, the Academic Registrar shall, as soon as practicable:

- Establish an Appeal Board to hear the appeal;
- Request that the University Fitness to Practise Board furnish to the Appeal Board an accurate summary of the evidence and any submission tendered at the hearing, previous findings of a School-based Fitness to Practise Team and any outcomes imposed on the student.
- The Chairperson of either the School-based Fitness to Practise Team or the University Fitness to Practise Board shall furnish the summary and all relevant papers to the Appeal Board within 10 days of being so requested to do so by the Academic Registrar. to the Appeal Board
- The Appeal Board will, at its absolute discretion, consider the Appeal in such a manner as it deems appropriate to the circumstances of the case, having regard to fairness and due process.
- The Appeal Board shall not be obliged to hear or accept further submissions from the student, whether written or oral.

If the Appeal Board decides to accept additional submissions, the student will be notified in writing. The notification must specify:

- The date, time and location for the making of any oral submission
- The date for the delivery of written submissions.

The date for receipt of additional submissions must not, except in exceptional circumstances, be earlier than 10 days or more than 30 days from the date of such notification. The Appeal Board shall have the power, should it see fit, to hold a fresh hearing into the matter.

The Appeal Board shall adjudicate on the appeal and make whatever decision it considers appropriate in the circumstances, on the balance of probabilities.

The Appeal Board shall have power to revoke or amend the decision of the School-based Fitness to Practise Team or University Fitness to Practise Board in full or in part, or make a new decision as it sees fit.

The decision of the Appeal Board shall be final and binding and shall be reported to the Academic Registrar who, in their capacity as Secretary to Academic Council, who will in turn notify Academic Council of the decision for noting by it.

Terms of Reference of the Appeals Board

The Academic Registrar shall establish an Appeals Board to consider any appeals arising from a decision of a School-based Fitness to Practise Team or University Fitness to Practise Board.

The Appeal Committee shall comprise of five members all of whom shall be senior members of staff, preferably from programmes listed in Appendix H of this policy. The Appeals Board will be chaired by the Academic Registrar or their nominee.

The quorum of the Appeals Board for any meeting or hearing shall be three members.

Appendix G

Annual Student Fitness to Practise Disclosure

Important note for the use of this form:

1. This form is available from TU Dublin Academic Affairs in hard and soft copy. Students of programmes subject to this policy are directed via the Registrations Service to complete the form annually at the commencement of each academic year.
2. Responsibilities in relation to personal data on MS Forms is available on the University's website on: <https://www.tudublin.ie/connect/it-services/guides/microsoft-forms/>
3. The completed form will be retained for the academic year. The form will be deleted on expiry of this retention period.

All students on Programmes subject to the Fitness to Practise Policy will be required to answer the following questions at initial registration and annually at registration thereafter.

Student Services will administer this process and will communicate student responses to the relevant Head of School for each programme.

| | |
|-----------------|--|
| Name: | |
| Student Number: | |
| Programme: | |
| Year: | |

Your Programme of study is one that is subject to the TU Dublin Fitness to Practise Policy. This means that, in addition to achieving the required academic standard to progress successfully through and complete relevant programme of study individuals will also:

- Have the capacity to perform key skills and tasks (competencies/proficiencies);
- Be healthy of body and mind so as to be able to practise their profession as students whilst on placement;
- Conduct and behave themselves so as not to affect adversely Service Users or put them or themselves at risk;
- Conduct and behave themselves in a manner likely not to harm the reputation of their programme or that of the University.

It is important to note that a student may have one or a number of health issues and/or conduct related issues that will not impact on their Fitness to Practise on their programme of study. Where health and/or conduct matters are present, it is the intention of TU Dublin to provide support and accommodations, where it is reasonably possible to do so and where the safety of the student and/or the public and service users is not compromised.

As a student in a programme that is subject to the TU Dublin Fitness to Practise Policy, you are required to complete this form fully.

It will be considered a breach of TU Dublin regulations to conceal any information that you are aware of in relation to your own health and/or conduct matters and may give rise to disciplinary action.

Should your health status or any matter relating to your conduct or behaviour change in the course of this academic year you are required to immediately inform your Head of School. If you answer yes in relation to questions 2 and/or 3 below your School Head of Discipline will be in touch to obtain further information.

| | |
|---|---|
| <p>1. I agree to complete the TU Dublin Student Garda Vetting Process (for year 1 students) or I confirm that I have completed the TU Dublin Student Vetting Process (for 2nd and subsequent year groups)</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>2. I confirm that I have never been convicted of an offence/nor the subject of criminal investigations that might impact on my undertaking this programme (including placement requirements) and engaging in the practise of this profession</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |

| | |
|--|---|
| <p>3. Do you have any physical, personal, emotional or medical reasons that may impact on you undertaking this programme (including placement requirements) and engaging in the practise of this profession?</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>4. I understand that this information will be shared within TU Dublin only with staff as required to Confirm my Fitness to Practise on this programme of study.</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |

Appendix H

TU Dublin Programmes which are subject to this policy

This policy applies to the following TU Dublin Programmes:

| Campus | Programme Code | Programme Title | Award | Regulating Body (Where applicable) |
|----------------|----------------|---------------------------------------|----------|------------------------------------|
| Blanchardstown | TU791 | Applied Social Studies in Social Care | BA | CORU |
| Blanchardstown | TU991 | Applied Social Studies in Social Care | BA Hons | CORU |
| City | TU761 | Ophthalmic Dispensing | BSc | CORU |
| City | TU871 | Optometry | BSc | CORU |
| City | TU872 | Public Health Nutrition | BSc Hons | NA |
| City | TU867 | Medical Science | BSc Hons | CORU |
| City | TU870 | Human Nutrition & Dietetics | BSc Hons | CORU |
| City | TU996 | Social Care | BA Hons | CORU |

| | | | | |
|----------------|-------|---|----------------|--------------|
| City | TU995 | Early Childhood Education | BA Hons | QAB |
| City | TU869 | Environmental Health | BSc Hons | NA |
| City | TU868 | Clinical Measurement Science | BSc Hons | NA |
| City | TU155 | Clinical Measurement Science | Higher Diploma | NA |
| City | TU888 | Higher Diploma in Medical Science (full time) | Higher Diploma | CORU |
| City | TU088 | Higher Diploma in Medical Science (part time) | High Diploma | CORU |
| Tallaght | TU997 | Applied Social Care | BA Hons | CORU |
| Tallaght | TU994 | Early Childhood Care & Education | BA Hons | QAB |
| Blanchardstown | TU792 | Community Development and Youth Work | BA | AIEB & NSETS |
| Blanchardstown | TU992 | Community Development and Youth Work | BA Hons | AIEB & NSETS |

| | | | | |
|------------------------------|-------|---------------------------------------|---------|-----|
| Tallaght | TU794 | Early Childhood Care and Education | BA | QAB |
| Tallaght & Blanchardstown | TU989 | Early Childhood Education and Care | BA Hons | QAB |
| Tallaght & Blanchardstown | TU790 | Early Childhood Education and Care | BA | QAB |
| Blanchardstown | TU990 | Early Childhood Education and Care | BA Hons | QAB |
| Blanchardstown | TU993 | Early Childhood Care and Education | BA Hons | QAB |
| Blanchardstown | TU793 | Early Childhood Care and Education | BA | QAB |

Please refer to the TU Dublin Academic Affairs website for current listing of all programmes subject to this policy.