

| POLICY / PROCEDURE TITLE          |             | DATE OF APPROVAL |
|-----------------------------------|-------------|------------------|
| NCG HE Fitness to Practice Policy |             | October 2024     |
| APPROVED BY                       | VERSION NO. | VALID UNTIL      |
| HE Academic Board                 | 3           | October 2027     |

|  |  |  |  |
|--|--|--|--|
| <b>OWNER</b>                                       | Assistant Director of HE Quality and Standards   |  |  |
| <b>GROUP EXECUTIVE LEAD</b>                        | Academic Registrar   |  |  |
| <b>DOCUMENT TYPE</b>                               | Policy <input checked="" type="checkbox"/>   | Group Procedure <input type="checkbox"/> | Local Procedure <input type="checkbox"/> |
| <b>PURPOSE</b>                                     | The purpose of this policy is to set out how NCG will normally respond to instances where concerns are raised regarding the fitness to practise of a student undertaking a Higher Education (HE) programme/award that is accredited by a Professional, Statutory and Regulatory Body (PSRB). The policy details the type(s) of action NCG may take to deal with the concern and to support the student.  |  |  |
| <b>APPLICABLE TO</b>                               | This policy applies to all staff teaching on and all students undertaking PSRB-accredited Higher Education (HE) programmes/awards with NCG, the institution and collaborative partners.  |  |  |
| <b>EQUALITY ANALYSIS COMPLETED [POLICIES ONLY]</b> | Yes <input checked="" type="checkbox"/>  | No <input type="checkbox"/>              | N/A <input type="checkbox"/>             |
|  | (If EA not applicable, please explain)   |  |  |
| <b>KEY THINGS TO KNOW ABOUT THIS POLICY</b>        | <ol style="list-style-type: none"> <li>1. This policy applies exclusively to programmes of study accredited by a Professional, Statutory and Regulatory Body (PSRB).</li> <li>2. This policy provides an overview of the kind(s) of concerns that may potentially be understood to impact upon a student's fitness to practice.</li> <li>3. This policy details the successive levels of intervention NCG may follow to deal with fitness to practise concerns and to support students.</li> </ol> |  |  |
| <b>EXPECTED OUTCOME</b>                            | Readers are expected to understand the organisational position on the management of fitness to practise concerns in the context of PSRB-accredited Higher Education (HE) programmes/awards, to know their responsibilities in relation to the policy and comply with the terms of the policy.  |  |  |

| MISCELLANEOUS           |  |
|-------------------------|--|
| <b>LINKED DOCUMENTS</b> | <ul style="list-style-type: none"> <li>• NCG Fitness to Study Policy</li> <li>• NCG Student Positive Behaviour Policy</li> </ul> |

|                 |   |
|-----------------|---|
|                 | <ul style="list-style-type: none"><li>• Academic Regulations</li></ul>  |
| <b>KEYWORDS</b> | <ul style="list-style-type: none"><li>• Fitness to Practise</li><li>• Professional, Statutory and Regulatory Body (PSRB).</li><li>• Professional Codes of Conduct</li></ul> |

## Equality Impact Assessment

| EQUALITY IMPACT ASSESSMENT  |   |                                     |   |
|---|---|-------------------------------------|---|
|   | Yes   | No                                  | Explanatory Note if required  |
| EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in Section 2?                                      | <input checked="" type="checkbox"/>   | <input type="checkbox"/>            | The answer to this must be YES  |
| EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?   | <input type="checkbox"/>  | <input checked="" type="checkbox"/> |   |
| Age   | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| Disability / Difficulty   | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| Gender Reassignment   | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| Marriage and Civil Partnership  | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| Race  | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| Religion or Belief  | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| Sex   | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| Sexual Orientation  | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| EIA3 - Does the proposed policy/processes contain any language/terms/references/ phrasing that could cause offence to any specific groups of people or individuals? | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| EIA4 - Does the policy/process discriminate or victimise any groups or individuals?   | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?   | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this must be NO   |
| EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?  | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | The answer to this could be yes or no as positive action is lawful. However, an explanation must be provided for clarity. |
| EIA 6 - How do you know that the above is correct?  | The policy author has consulted with peers and appropriate groups of people in the Group. |                                     |   |

## **1. General Policy Statement**

- 1.1. This policy and procedure applies to students admitted to, registering for and undertaking higher education (HE) programmes of study that are accredited by a Professional, Statutory and Regulatory Body (PSRB) and which lead to professional registration and/or a license to practise in a professional context.
- 1.2. This policy and procedure sets out how NCG will normally respond to instances where a concern is raised regarding a student's fitness to practise and the type of action that NCG may take to deal with the concern and to support the student.
- 1.3. NCG has a responsibility to ensure that students admitted to, registering for and undertaking programmes of study leading to professional qualifications are professionally suitable to do so.
- 1.4. Throughout the period from admission to graduation, NCG, the institution and collaborative partners, has a duty to protect the public by ensuring that each student is fit to practise at the level at which the student is studying. Assessment of the student's fitness to practise and the student's compliance with professional codes of conduct is an integral part of a professional programme. NCG has a duty to protect the public by ensuring that students enrolled on professional programmes are fit for practice throughout their studies (including during practice-based placements) and remain fit to practise at the point of registration on completion of their programme.
- 1.5. Training and practising as a professional requires a sensitive, reliable and responsible approach. All students are required to demonstrate these qualities in their general attitude and behaviour towards other students, NCG staff and in the practice area. Students are required to learn, accept and demonstrate the standards of responsibility and accountability increasingly demanded of practitioners in a range of services areas.

## **2. Identifying Fitness to Practise Concerns**

- 2.1. A student's fitness to practise may be considered under this policy and procedure when their behaviour, health and/or professional conduct gives rise to cause for concern in their capability to uphold the standards required by the

professional body. This policy and procedure applies to students throughout their period of registration with NCG, both on and off campus, and at all times. Examples of where fitness to practise concerns may arise include (but are not limited to) instances where a student has or is suspected of having:

- 2.1.1. failed to comply with one or more elements, or the spirit of, applicable rules/codes of professional, statutory or regulatory bodies;
- 2.1.2. engaged in behaviour which may undermine trust in the profession or bring the profession into disrepute;
- 2.1.3. engaged in behaviour which fails to demonstrate good character or appropriate standards of professionalism;
- 2.1.4. presented a risk to the proper operation of the profession, including within a professional placement or work-based setting;
- 2.1.5. failed to comply with programme attendance requirements specified by professional, statutory or regulatory bodies;
- 2.1.6. breached standards of acceptable conduct (whether professional or otherwise) set by professional, statutory or regulatory bodies, including in connection with (but not limited to):
  - bullying, harassment or discrimination, whether verbal or written (including online), physical, sexual or emotional;
  - aggressive, violent or threatening behaviour (including physical, verbal or written);
  - academic misconduct;
  - the commission, or suspected commission, of a criminal offence;
  - drug, alcohol or substance misuse;
  - a failure to demonstrate appropriate professional attitude and/or behaviour;
  - lack of commitment in their studies and practice, poor time management, infrequent attendance, poor communication, failure to accept or follow advice, failure to follow health and safety requirements, inconsistent and unreliable behaviour or failure to follow applicable rules and regulations;

- theft, dishonesty, falsification or fraud (including dishonesty outside of the professional role, falsifying signatures/documentation/qualifications, misrepresentation, and financial fraud);
- unprofessional digital identity;
- failure to treat others with dignity or respect or to observe appropriate boundaries in behaviour;
- breach of confidentiality.

2.1.7. health, mental health, emotional or inter-personal problems that have the potential to impact upon the fulfilment of professional practice responsibilities, including, for example, where a student:

- fails to acknowledge or manage a condition;
- fails to seek appropriate medical treatment or other support;
- shows lack of insight into the impact of their condition on study or practice;
- declines to interrupt or withdraw from the programme despite having an illness which renders them unfit to practise, either temporarily or permanently;
- fails to follow medical advice or care plans in relation to maintaining fitness to practise;
- fails to report health concerns;
- fails to recognise limits and abilities or displays lack of insight into health concerns.

### **3. Guiding Principles for the Fitness to Practise Policy**

- 3.1. The fitness to practise policy and procedure seeks to balance the rights of the student with the potential risk to the health, safety and wellbeing of the public, members of staff and/or other students.
- 3.2. Decisions will be made objectively, impartially, and on the basis of relevant evidence.
- 3.3. The standard of proof applied at every stage of this process is the balance of probabilities.

- 3.4. Advice, guidance and evidence regarding a student's fitness to practise will, where appropriate, be sought from appropriate practitioners, including health professionals and other external experts.
- 3.5. Any requirements or conditions imposed on the student by a panel should be intended to evidence that conditions have been met, and that a student is able to operate within the relevant professional code of conduct, or equivalent, thus ensuring professional suitability.
- 3.6. In implementing this policy and procedure, NCG will remain mindful of its duty of care and of its obligations to students under the Equality Act 2010 including in appropriate cases to make reasonable adjustments for disabled students. It will also remain mindful of the often confidential and sensitive nature of fitness to practise matters and of its obligations under the Data Protection Act 2018.
- 3.7. Students should be aware that, when dealing with fitness to practise concerns, NCG may consider it appropriate to discuss and/or refer matters and/or their outcomes to third parties such as professional, statutory and regulatory bodies or placement providers and agencies such as the police, social services and the Disclosure and Barring Service. It may, in certain circumstances, be necessary for NCG to do so without advance notification to the student. NCG will continue to communicate with the student throughout the process. Where a third party or agency carries out any investigation or other process, NCG may suspend or delay taking action under this policy and procedure. NCG will not be bound by the outcome of any third party or agency investigation or other process.
- 3.8. Implementation of this policy and procedure will, in most instances, be preceded by NCG's Student Positive Behaviour policy or Fitness to Study policy and procedure (or equivalent within NCG's partner providers), with the outcome raising concerns about the student's fitness to practise. A trigger of concern for a student's fitness to practise could also come directly from a placement provider, client, etc. If a student's conduct may constitute a breach of criminal law, NCG may, at its discretion, refer the matter to the police and/or suspend or delay taking action under this policy and procedure pending the outcome of any police inquiry and/or criminal investigation/prosecution.

- 3.9. NCG may take action under this policy and procedure notwithstanding a student's conviction or acquittal in criminal proceedings (NCG is not bound by the outcome of any criminal prosecution although may, at its discretion, take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this policy and procedure).
- 3.10. If students remain dissatisfied with the decision reached in relation to a fitness to practise case, they may, after following the internal NCG appeals process (detailed in paragraph 15, below) and in circumstances identified in the Higher Education and Research Act 2017, refer the matter to the Office of the Independent Adjudicator for Higher Education in England and Wales (OIA). Information relating to the OIA is available at [www.oiahe.org.uk](http://www.oiahe.org.uk).

#### **4. Responsibilities of NCG**

- 4.1. As part of student induction, staff will normally familiarise the students with this policy and procedure and make reference to this at regular intervals during their programme, including professional requirements and information that must be disclosed. This will enable the student to make informed decisions.
- 4.2. NCG has a responsibility to make applicants aware of any disclosed instances referred to in paragraph 2.1.7 of this document that will prevent a student from studying their programme or becoming an accredited practitioner post-graduation.
- 4.3. The onus is on NCG to prove the allegation made against the student (burden of proof). Once NCG has produced evidence to prove the allegation, if the student disputes the allegation, the student will need to provide evidence to rebut it.

#### **5. Responsibilities of Applicants and Students**

- 5.1. At the beginning of their programme of study, students are expected to take responsibility for reading, understanding and adhering to the relevant professional code of conduct. They are subsequently expected to undertake to work within the spirit of the code and meet professional standards for the duration of their studies.



- 5.2. Students must advise NCG immediately if there are any changes to their DBS status (for example, if they become subject to an allegation/investigation during the programme, if they receive/accept a caution or conviction, etc.) or if any other matters arise which have the potential to impact on their fitness to practise.
- 5.3. A failure to inform NCG of any changes or matters referred to in paragraph 5.2 of the current document may require investigation under this policy and procedure.
- 5.4. Students must advise NCG if there are any changes to their health which impact, or have the potential to impact, their ability to provide safe and effective practice. Failure to inform the College may require investigation under this policy and procedure.

## **6. Support and Advice to Students**

- 6.1. Wherever possible, students should have opportunities to seek support for any matter before it becomes a fitness to practise concern. This should include support by relevant academic staff and appropriate support from services within NCG, or their equivalent within NCG's partner providers.
- 6.2. When a fitness to practise concern is identified, the curriculum area should:
  - 6.2.1. identify an academic member of staff, normally the personal tutor, to offer support to the student during the fitness to practise process;
  - 6.2.2. provide pastoral support to the student, as appropriate;
  - 6.2.3. advise the student about the range of services available from institutional student support services which may include occupational health services, confidential counselling, disability services and the Students' Union (where applicable);
  - 6.2.4. encourage the student to discuss any problems in a supportive and confidential environment;
  - 6.2.5. offer support and remediation, where appropriate, to the student;
  - 6.2.6. conduct an assessment of the risk to patients, clients, learners, the public, other students and staff.

- 6.3. Students are strongly advised and encouraged to seek advice from institutional student support services and the Students' Union (where applicable).
- 6.4. Students will be entitled at any stage under this policy and procedure to be accompanied and/or represented by one friend, relative, or representative of the Students' Union (where applicable). This is in addition to any health professional or support worker who may usually accompany the student. Fitness to Practise procedures do not require the student to need legal expertise to understand what is happening. Any student requests for legal representation will be considered on a case-by-case basis by NCG.

## **7. Temporary Suspension or Exclusion**

- 7.1. Where a member of staff reasonably believes that a student covered by this policy and procedure poses a risk in relation to one or more of the areas identified below, and that temporary suspension and/or exclusion is reasonably required to remove or reduce that risk, they may make a recommendation to the Head of Curriculum (or equivalent) that the student be temporarily suspended and/or excluded. This includes where the student poses a risk to:
  - their 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;
  - NCG property and/or the property of others;
  - the reputation of NCG or a placement provider or other professional organisation, and/or its proper functioning and/or its activities.
- 7.2. Having considered the recommendation, the Head of Curriculum (or equivalent) may:
  - suspend the student from their placement or work-based learning setting and/or related learning activities for a specified period of time;
  - suspend the student from their programme for a specified period of time;
  - exclude the student from NCG premises for a specified period of time.

- 7.3. Any such decisions made by the Head of Curriculum (or equivalent) constitute a neutral act and are not a determination regarding any fitness to practise concerns raised.
- 7.4. The student will be notified in writing of the decision of the Head of Curriculum (or equivalent), the reasons for this, details of any practical steps which may be taken to mitigate the impact of the decision on the student's studies and details regarding any additional steps which may be taken (for example, further action under this policy and procedure).
- 7.5. The Head of Curriculum (or equivalent) will review at regular intervals whether it is reasonable for the student's suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time.

## **8. Stages of the Procedure**

- 8.1. Members of staff who consider that a student's fitness to practise is impacted should inform the Head of Curriculum (or equivalent) of their concerns at the earliest possible opportunity.
- 8.2. The Head of Curriculum (or equivalent) will consider the concerns and determine whether steps should be taken under this policy and procedure and, if so, at which stage of the procedure the concerns should be considered.
- 8.3. There are two stages for dealing with concerns regarding a student's fitness to practise under this procedure:
  - Informal stage – the informal stage will normally be used in relation to minor or emerging concerns regarding a student's fitness to practise.
  - Formal stage – the formal stage will normally be used in relation to recurrent concerns and/or concerns of a more serious nature regarding a student's fitness to practise.
- 8.4. The stage at which the procedure is implemented will depend on factors such as the nature of the fitness to practise concerns, the seriousness of any risk posed and the student's response to any steps taken so far by NCG to manage the situation.
- 8.5. Should a student without good cause be unwilling or unable to participate at any stage of this procedure or attend a meeting, NCG may nonetheless follow

the procedure in their absence. Students who fail to attend an informal stage meeting, without good cause, may be progressed to the formal stage of this procedure

## **9. Preliminary Investigations into Fitness to Practise Concerns**

- 9.1. Prior to any matter being determined at a meeting under the informal or formal stages of this policy and procedure, NCG may undertake any such investigations as it considers reasonable and appropriate in the circumstances.
- 9.2. A member of staff will be appointed to conduct an investigation and will determine the process to be followed for the investigation and may speak with the student concerned and with other students, staff and, where relevant, third parties (such as placement providers or health professionals) and call for information.
- 9.3. Any investigation will be carried out in a transparent and fair manner. The purpose of any investigation may be (for example) to determine the appropriate manner in which to deal with the matter or the stage at which a matter should be dealt with, or to prepare a report to be presented at the relevant meeting. As part of this process, the student may be asked to provide specific information including, for example, relating to any health/medical condition. The member of staff may also consider it appropriate to seek input and evidence from relevant professionals, including health professionals and/or other external experts.
- 9.4. The student will normally be informed that an investigation is being carried out and of the identity of the member of staff appointed to conduct the investigation.

## **10. Fitness to Practise: Informal Stage**

- 10.1. Minor or emerging concerns regarding a student's fitness to practise will normally be considered under the informal stage.
- 10.2. The student will be notified of the nature of the concern(s) regarding their fitness to practise and will be invited to attend a meeting under the informal stage to discuss these concerns as well as any support needs the student may

have. This meeting will be normally attended by the Head of Curriculum (or equivalent) and any other members of staff deemed appropriate. Depending on the nature of the concern(s), information may be sought from other individuals in order to deal with the matter and to ensure any support needs are met.

- 10.3. The student will be provided with a copy of this policy and procedure and advised of their right to be accompanied during the meeting and where they might wish to seek advice.
- 10.4. During the meeting, the student will be provided with an opportunity to respond to the concern(s), ask questions and raise any points they consider to be relevant.
- 10.5. The Head of Curriculum (or equivalent) will normally determine whether or not the student's fitness to practise has been impaired and the appropriate outcome at the informal stage. The potential outcomes of the meeting include (but are not limited to) one or more of the following:
  - that no further action is taken under the fitness to practise policy and procedure, i.e. the student is deemed fit to practise;
  - that a learning contract or action plan is drawn up and agreed with the student;
  - that the matter is to be considered further at a formal stage hearing under the formal stage of this procedure;
  - that the matter is considered further under another NCG policy/procedure.
- 10.6. The outcome of this meeting will be communicated to the student in a timely manner.
- 10.7. Appropriate written records will be kept within curriculum areas to capture relevant details of the fitness to practise concern and the outcome determined at the informal stage.

## **11. Fitness to Practise: Formal Stage**

- 11.1. Recurrent concerns and/or concerns of a more serious nature regarding a student's fitness to practise will normally be considered under the formal stage.

- 11.2. The Head of Curriculum (or equivalent) will notify the student in writing of the nature of the concern(s) regarding their fitness to practise and explain that the concern(s) will be considered under the formal stage of this policy and procedure. The student will be invited to attend a meeting to discuss the concern(s), together with any support needs the student may have. The student will be provided with a copy of this policy and procedure.
- 11.3. The student will be given appropriate notice of the date of the meeting. The student will be provided with:
  - 11.3.1. details of the time and place of the meeting;
  - 11.3.2. full details of the nature of the concern(s), including copies of any relevant documents, statements, correspondence and student records, (except where the provision of such information would be likely to breach the Data Protection Act 2018 or other legislation);
  - 11.3.3. details of the members of the panel (see paragraph 11.6 below);
  - 11.3.4. details of any other individuals who may be asked to attend the hearing to give evidence;
  - 11.3.5. details of their right to be accompanied during the hearing;
  - 11.3.6. details of their right to submit a statement and provide relevant documentary evidence (any statements must be signed and dated);
- 11.4. All information for consideration by the panel must be received in a timely manner before the date of the panel hearing.
- 11.5. Relevant witnesses may be invited to give evidence in person, if appropriate, at the discretion of the Chair of the panel.
- 11.6. The panel will normally comprise of the Head of Curriculum (or equivalent), NCG's Assistant Director of HE Quality and Standards (or equivalent) and any other members of staff deemed appropriate. NCG's Assistant Director of HE Quality and Standards will normally chair the panel.
- 11.7. The student will normally be expected to attend the panel hearing. If the student does not attend, without good cause, the panel may proceed in the student's absence. The panel will consider any representations made by or on behalf of the student (in absentia) at the appropriate point in the meeting.

## **12. Procedure for Formal Fitness to Practise Panel**

- 12.1. The following procedure will normally apply, although the fitness to practise panel may, at its discretion, adjourn or depart from this procedure if it considers it to be in the interests of fairness or efficiency to do so:
  - 12.1.1. The Chair will invite all those present to introduce themselves and will explain the purpose of the meeting. Where a student's companion is not bound by a Professional Code/Rules, the Chair will reinforce that the content of the meeting is confidential.
  - 12.1.2. The panel will outline the fitness to practise concern(s), together with any evidence in support.
  - 12.1.3. The student or their representative will have an opportunity to respond to the concern(s) and present their case.
  - 12.1.4. The panel shall have an opportunity to call any relevant witnesses.
  - 12.1.5. The panel shall have an opportunity to question any of those witnesses, and the student.
  - 12.1.6. The panel may ask questions of either party at any stage during the hearing.
  - 12.1.7. The panel will sum up, with particular reference to the implications for the student's fitness to practise.
  - 12.1.8. The student or their representative will sum up, with reference to any mitigating factors.
  - 12.1.9. The panel may ask for specific enquiries to be undertaken, additional witnesses to be called and/or additional information to be presented. If necessary, the panel may determine that the hearing should be adjourned for these purposes.
  - 12.1.10. The panel will deliberate the issues and reach its determination in relation to the fitness to practise concerns in private. The panel will make its findings, and reach its decision, on the balance of probabilities (standard of proof). If a consensus of decision is not achieved, the Chair will have the casting vote.
  - 12.1.11. The details and outcome of the formal hearing should be recorded in formal minutes.

### **13. Potential Outcomes of a Formal Fitness to Practise Panel**

- 13.1. The purpose of the panel is to determine whether or not the student's fitness to practise is impaired and the appropriate outcome at the formal stage.
- 13.2. The panel's decision will be proportionate, taking into account the nature of the fitness to practise concern(s), the seriousness of any risk posed, the interests of students/patients/clients and the public (as relevant), and the interests of the student. The Panel will consider any mitigating and aggravating factors presented when determining the appropriate outcome.
- 13.3. The potential outcomes of the hearing include (but are not limited to) one or more of the following:
  - 13.3.1. that no further action be taken under the fitness to practise policy and procedure, i.e. the student is fit to practise;
  - 13.3.2. that the matter be considered further under another NCG policy/procedure (or their equivalent within partner provision);
  - 13.3.3. that additional support be implemented and/or reasonable adjustments be made for the student;
  - 13.3.4. that a learning contract be drawn up and agreed with the student;
  - 13.3.5. that the student's fitness to practise is not impaired to a point requiring any conditions and that the student will receive a written warning;
  - 13.3.6. that the student is permitted to continue on the programme subject to conditions which relate to additional monitoring/supervision, additional testing of fitness to practise, and/or successful engagement with a learning contract and/or treatment for a health condition;
  - 13.3.7. that a recommendation be made that the student's studies on the programme be interrupted for a specific period of time, followed by a further assessment of fitness to practise and/or conditions. The student is deemed unfit to practise until this action is completed;
  - 13.3.8. that a recommendation be made that the student's studies on the programme be discontinued on the basis that the student's behaviour, health and/or professional conduct is considered to be fundamentally incompatible with continuing on the programme. In such an instance, an



exit award or transfer to another programme may be considered for the student, if appropriate. The student will be provided with a note of credits achieved.

- 13.4. The student will be notified of the panel's decision in writing together with the reasons for the decision. Where the panel has determined it appropriate to apply conditions, the panel will specify the applicable timescales. When setting conditions the panel should ensure they are appropriate, proportionate, workable, carefully explained to the student, and have a clear and demonstrable outcome.

#### **14. Process of Reporting Fitness to Practise Case Decisions**

- 14.1. Where appropriate, the student will be advised that the outcome of the meeting will be reported to relevant third parties in accordance with paragraphs 3.7 and 16.1 of this policy and procedure.
- 14.2. Any condition(s) recommended by the Panel will be reported to the Board of Examiners/Assessment Board.

#### **15. Appeal Process**

- 15.1. The student may appeal against the outcomes of the formal fitness to practice panel. A letter setting out the grounds for appeal should be addressed to NCG's Academic Registrar and emailed to [heregistryadmin@ncgrp.co.uk](mailto:heregistryadmin@ncgrp.co.uk), to be received within 21 days of notification of the fitness to practice panel decision, stating the ground(s) of the appeal.
- 15.2. The student will be informed of the outcome of their appeal and the reasons for this outcome in a timely manner.
- 15.3. A student who remains dissatisfied following the conclusion of the appeal process may apply to the Office of the Independent Adjudicator for Higher Education within twelve months of the issue of the 'letter of completion'. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>.

#### **16. Disclosure of Information**

- 16.1. Personal data of students will be processed by NCG in compliance with the Data Protection Act 2018. NCG has a duty to inform relevant third parties of the nature and outcome of a proven formal fitness to practise case in certain circumstances, including:
- 16.1.1. to inform the relevant professional, statutory and regulatory body if standards require notification of outcomes and specified conditions imposed;
  - 16.1.2. to inform the Disclosure and Barring Service where the statutory test regarding harm posed to children and/or vulnerable adults is met;
  - 16.1.3. to inform placement providers in relation to any placements the student may be required to undertake as part of the programme;
  - 16.1.4. to inform UK Visas and Immigration (UKVI) within the Home Office, in case of a significant change in the circumstances of an international student.
- 16.2. Unless exceptional circumstances apply, the student will be informed in the event of any such disclosures and will be reminded of their obligation to disclose any specified conditions to the professional, statutory and regulatory body, at the appropriate time.
- 16.3. NCG will also reserve the right to disclose details of proven fitness to practise cases to any third party in the event of a reference request where this is considered to be relevant. The student will normally be informed in the event of any such disclosure.

## **17. Statement on Implementation**

Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Business Round-Up.

## **18. Statement on Equality and Diversity**

NCG is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our [Equality Diversity Inclusion and Belonging Strategy](#). This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we

have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups.

## 19. Statement on Freedom of Speech

NCG is committed to upholding the principles of freedom of speech as enshrined in UK law. This policy is designed to ensure that all members of our NCG community, including students, staff, and visitors, can express their views and ideas freely and without fear of censorship or reprisal, provided that such expressions are within the law. We affirm that this policy does not, in any way, diminish or undermine the rights of individuals under existing Freedom of Speech legislation.

## 20. Statement on Consultation

This policy has been reviewed in consultation with the members of the HE Quality and Standards Committee. Prior consultation took place with HE Managers, including Partnerships teams.

| VERSION CONTROL |                                |   |                 |              |
|-----------------|--------------------------------|---|-----------------|--------------|
| Version No.     | Documentation Section/Page No. | Description of Change and Rationale   | Author/Reviewer | Date Revised |
| 3               | Passim                         | As part of a routine periodic review of policy, small and non-substantive changes have been made to the policy text in the interests of clarity, correctness, currency and concision. | Tom Cuthbertson | 03/10/2024   |
|                 |                                |   |                 |              |