



## **Fitness to Practise Policy**

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## **1. Context**

This Fitness to Practise Policy is adopted pursuant to the provisions of the Consolidated Statutes of Trinity College Dublin and of the University of Dublin 2010 (the 2010 Statutes), Chapter on Student Conduct and Capacity, Schedule 5 Fitness to Practise. Schedule 5 deals in detail with the procedures to be followed by Fitness to Practise Committees. Section 5(1) of that Schedule further provides that the Senior Lecturer and the Dean of Graduate Studies “shall draft, from time to time revise, and implement a Policy to give further effect to the provisions of this Schedule”. Council will maintain oversight of fitness to practise matters, and Schedule 5 may be revised by Board only with the consent of Council.

The full text of Schedule 5 is set out in Appendix 1 to this Policy, and all references in this Policy to Schedule 5 are to that Schedule. This Policy and that Schedule are, so far as possible, to be read together as one document. As a consequence, words in this Policy have the same meaning as the same words in the Statutes and Schedules. However, because this Policy is made pursuant to powers provided in the Statutes and Schedules, in cases of conflict or inconsistency between the Policy on the one hand, and the Statutes and Schedules on the other, the latter shall prevail.

## **2. Purpose**

The purpose of this policy is to give further effect to Schedule 5 of the Chapter on Student Conduct and Capacity by providing a framework within which to effectively manage fitness to practise issues which may arise during a student’s programme of study. It sets out how the University may respond to instances where a concern is raised regarding a student’s fitness to practise and the type of action that may be taken to manage the matter.

In so doing, its primary objective is to ensure the protection of the public (including patients) and confidence in the professions for which students are being educated and trained through their programmes of study. Developing and maintaining high standards through education, training and professional competence plays a key role in protecting the public. Dealing effectively with fitness to practise concerns is necessary primarily in the interests of the public whose well-being may be compromised by the unprofessionalism of the individual involved.

The policy also aims to:

- protect the interests of Trinity staff, work-based placement staff and students;
- maintain the quality of graduates being produced and to protect the integrity of programmes as a whole that have fitness to practise requirements;
- support students who may experience issues that may affect their ability to practise.



### **3. Scope**

This policy applies to matters relating to undergraduate and postgraduate students' fitness to practise trades or professions during their programmes of study. In particular, it applies to matters relating to students' fitness to practise in clinical or other placements which are an essential component of their programmes of study.<sup>1</sup>

Fitness to practise matters should normally be dealt with under Schedule 5 of the Chapter on Student Conduct and Capacity.

This policy does not normally apply to matters that fall within the remit of Garda/police vetting or College disciplinary procedures or matters of student mental health. An alleged disciplinary offence<sup>2</sup> is normally dealt with under Schedule 2<sup>3</sup>. A matter of student mental health is normally dealt with under Schedule 3<sup>4</sup>.

Pursuant to Schedule 5(2)(3), anyone who has concerns regarding a student's fitness to practise may raise such concerns with the Junior Dean or the Head of the relevant Discipline, or the Head of the relevant School, who shall decide whether such concerns should be dealt with as a fitness to practise matter.

### **4. Principles**

- 4.1 The interests of students need to be balanced with the need to ensure public (patient) protection and confidence in the professions that have fitness to practise requirements.
- 4.2 The protection of the public interest is a primary concern when considering fitness to practise matters.
- 4.3 Students on programmes with fitness to practise requirements have a particular responsibility to be professional, and the University has a responsibility to tackle any instances of unprofessionalism accordingly.
- 4.4 This policy should be interpreted in a manner that welcomes diversity, respects the dignity of all persons involved and, where feasible, promotes equal opportunities for students to develop their full potential.
- 4.5 A fair, clear, consistent and timely approach will be taken in dealing with student fitness to practise matters.
- 4.6 The procedures under all levels of this policy will be undertaken in a transparent manner.
- 4.7 Any person or body taking decisions will seek to act in the best interests of the public, and also in the interests of any and every student concerned, as well as every other member of the University Community, and work-based placement staff.

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<sup>1</sup> Schedule 5(1)(1)

<sup>2</sup> See section 5 of this policy for a definition of disciplinary offences

<sup>3</sup> The 2010 Consolidated Statutes, Chapter on Student Conduct and Capacity, Schedule 2 on Discipline

<sup>4</sup> The 2010 Consolidated Statutes, Chapter on Student Conduct and Capacity, Schedule 3 on Mental Health



- 4.8 Pursuant to section 1 of Schedule 5, it is in the best interests of students with personal issues which give rise to concerns relating to their fitness to practise that they be treated with sensitivity and understanding, and it is only in exceptional cases that the circumstances or consequences of such issues are so serious that this policy applies.
- 4.9 Every effort will be made to resolve any minor concerns raised about a student's fitness to practise through informal and/or formal support and advice. See Sections 6.2 and 6.3.
- 4.10 In the case of students who are excluded from a programme, the University will facilitate a student in applying to another programme of study under the Admission and Transfer policy where this is appropriate and feasible.

## 5. Definitions

**"College Fitness to Practise Committee"**: Section 4 of Schedule 5 establishes a College Fitness to Practise Committee, described as the "College Committee" for the purposes of this policy. Decisions of the School Committee may be appealed to the College Committee.

**"Disability"** is defined for the purpose of this policy (and as defined in the Equal Status Act, 2000, Part 1(2)(1)) as:

- (a) the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,
- (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
- (c) the malfunction, malformation or disfigurement of a part of a person's body,
- (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
- (e) a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour.

**"Disciplinary offences"**: the offences normally dealt with under Schedule 2 that include (as defined in Schedule 2(1)(2)) "breaches or attempted breaches of the criminal law and of College regulations (including those set out in the Calendar), whether committed inside or outside the College, including but not limited to

- (a) Activity which brings the College into disrepute,
- (b) Misconduct in relation to examinations, libraries and the use of other College facilities, services, and accommodation
- (c) Disruption of the normal operation of activities within the College,
- (d) Harassment or misbehaviour on College property or in dealings with others,
- (e) Plagiarism, and
- (f) Research misconduct;"



**“Due enquiry”**: section 17(1) of the Introduction Chapter to the 2010 Statutes explains that due enquiry means diligent, proper and impartial investigation or consideration as the case may be, subject to the principles of natural and constitutional justice and fair procedures.

**“Fitness to practise”**: pursuant to section 1 of Schedule 5, fitness to practise includes, but is not restricted to, a student’s fitness to practise trades or professions during their programmes of study. It applies in particular to a student’s fitness to participate in clinical or other placements which are an essential component of their programmes of study.

Student fitness to practise means having the skills, knowledge, health and behaviour<sup>5</sup> necessary to undertake and complete a programme with professional practice, experiential learning or clinical work safely and effectively, fulfilling their responsibilities within their scope of practice in their chosen field in a manner that meets professional and ethical standards.

**“Professional Deficits”**: Deficits in professionalism that lead to the student falling below the required professional standards. If the deficits are minor they may be addressed informally or formally (see sections 6.2 and 6.3). If major, they would normally be referred to the School Fitness to Practise Committee (see section 6.4).

**“Professionalism”**: The competencies, behaviours and values that promote confidence and trust between the profession, the public (including patients) and the wider community. The relevant Regulatory / Registration Body outlines the competencies required to practise in the relevant field. Students should be aware that they are required to fulfil the professional expectations outlined at programme level in respect of conduct, competencies and dispositions.

**“Programmes of Study”**: Pursuant to section 1(2) of Schedule 5, references to programmes of study include participation in clinical or other placements.

**“School Fitness to Practise Committee”**: pursuant to section 2 of Schedule 5, each School in which fitness to practise matters normally arise should constitute a Fitness to Practise Committee which will be described as the “School Committee” for the purposes of this policy. Fitness to practise matters of serious concern will be referred to the School Committee.

## 6. Policy

### 6.1 School Fitness to Practise Policy

Pursuant to section 2(1) of Schedule 5, each School in which fitness to practise matters can normally arise should formulate a policy relating to such matters. Schools/Disciplines formulating fitness to practise policy requirements may address the following four questions:

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<sup>5</sup> Including good communication, good team work and good interpersonal skills



- What competency(ies) is/are being assessed in the specific course/placement?
- Is the competency requirement justifiable in relation to each specific course/placement?
- How is the competency assessed?
- In the case of a student with a disability/specific learning difficulty, has the School/Discipline actively engaged with the Disability Service, in accordance with the guidelines set out in section 6.7 below, to determine how the student's needs might be reasonably accommodated?

The policy of each School/Discipline should also refer to the statutory obligation to ensure that teaching and learning methods are accessible to students with disabilities and should give examples of how methods of teaching, learning and assessment can be made accessible to all students, while indicating that these examples are illustrative only and not comprehensive.

The School policy should be read in conjunction with the College Fitness to Practise Policy and the School policy should make reference to the College policy.

## **6.2 Informal Advice and Support for Minor Professional Deficits**

Where instances of minor professional deficits occur and the student falls below the required professional standards, these may be addressed informally by a staff member directly with the student and remedied through indicating the need for improvement and providing advice and support on the achievement of a positive outcome. The student may also raise concerns informally with a staff member if they have concerns about their own level of professionalism.

## **6.3 Formal Advice and Support for Minor Professional Deficits**

Formal advice and support may be initiated when the student demonstrates:

- A continuing pattern of minor deficits which when viewed in isolation may seem insignificant but when seen cumulatively indicate an issue which has not been resolved by informal advice and support;
- An isolated (but not gross) lapse from previously high standards.

Every effort will be made to resolve any concerns raised through this process between the party raising the concerns, the student and the Head of School/Discipline or their designate.

Students should be advised that they may be accompanied to meetings by their tutor/a member of the Postgraduate Advisory Service or by a Students' Union representative. Students should also be advised where appropriate that they may seek support from the Student Counselling Service or from College Health.

After appropriate consultation, including with the student, the School should draw up an action plan intended to address and resolve the student's professional deficit. The action plan should



be transparent in terms of timescale and expected outcomes. It may include commitments such as attending remedial teaching, attending a support service, additional supervision, adhering to a specific behaviour or discontinuing a specific behaviour.

An action plan is appropriate only if there are grounds to believe that the student will comply with it, e.g., because they take responsibility for their own actions; demonstrate an apparently genuine understanding/acceptance/regret about the deficits; are willing to enter into remediation; have already made attempts to overcome the deficits; and where there is a reasonable chance of remediation being successful.

A School may keep a log of concerns raised under sections 6.2 or 6.3.

Serious or persistent student fitness to practise concerns are likely to warrant the initiation of formal procedures as set out in section 6.4 below.

#### **6.4 Procedure for Major Fitness to Practise Concerns**

Where a member of Trinity staff or work-based placement staff or other appropriate individual has more serious concerns about a student's fitness to practise, they should raise these with the Head of Discipline or Head of School who will consult with the Junior Dean and, in the case of a student with a disability, with the Disability Officer. The concern may be raised initially with the Director of Teaching and Learning (Undergraduate or Postgraduate as appropriate) who would raise it with their Head of School/Discipline. The Head of School/Discipline and Junior Dean will decide whether to refer the case to the Junior Dean to be dealt with under the University's disciplinary code as set out in Schedule 2 of the Chapter on Student Conduct and Capacity, or to have the case dealt with as a fitness to practise case that does not constitute a disciplinary offence under Schedule 5 of the Chapter on Student Conduct and Capacity.

Where an alleged disciplinary offence or a matter of student mental ill-health comes before the Junior Dean pursuant to Schedules 2 and 3 respectively, the Junior Dean may decide to have the case dealt with under the procedures set out in Schedule 5 for dealing with fitness to practise cases if they consider this to be a more appropriate way of dealing with the matter.

##### **6.4.1 Disciplinary cases**

Fitness to practise matters should not normally be dealt with as matters of discipline, but there will be some exceptional cases where this will be necessary, either in whole or in part. Where it is decided by the Junior Dean that a case or a part thereof should be treated as a disciplinary matter, the case shall be dealt with in accordance with the University's disciplinary procedures as set out in Schedule 2 to the Chapter on Student Conduct and Capacity.





Refusing, without good cause, to engage with the procedures set out in this policy for dealing with fitness to practise cases will be regarded as misconduct and will be dealt with under Schedule 2.

#### *6.4.2 Cases of student mental ill-health*

Fitness to practise matters should not normally be dealt with as cases of student mental ill-health, but there will be some exceptional cases where this will be necessary, either in whole or in part. Where it is decided by the Junior Dean that a case should be treated as a case of student mental ill-health, the case shall be dealt with in accordance with the procedures set out in Schedule 3 to the Chapter on Student Conduct and Capacity.

#### *6.4.3 Garda vetting cases*

Fitness to practise cases that arise as a result of Garda vetting of a student shall be dealt with in accordance with the Garda Vetting procedures.

#### *6.4.4 Other fitness to practise cases*

Fitness to practise cases that do not constitute disciplinary offences should be referred by the Head of School/Discipline or the Junior Dean, as the case may be, to the School Fitness to Practise Committee (the "School Committee"), subject to the proviso that where it is known that the case involves a student with a disability (whether or not the student is registered with the Disability Service), the School/Discipline must comply with the guidelines set out in section 6.7 below before the case can be referred to the School Committee.

Where a fitness to practise issue arises in other contexts before other committees, such as in the course of an academic appeal being pursued by a student, Course Office based Courts of First Appeal, School based Courts of First Appeal, Faculty based Courts of First Appeal, the Academic Appeals Committee, the Graduate Studies Committee, and the like, then each such other committee shall have a discretion to refer that issue to the relevant School Fitness to Practise Committee if this is considered a more appropriate way of dealing with the matter.

### **6.5 School Fitness to Practise Committee**

Pursuant to section 2(1) of Schedule 5, each School in which fitness to practise matters can normally arise should constitute a Fitness to Practise Committee.

#### *6.5.1 Membership of the School Fitness to Practise Committee*

The School Committee shall consist of three members of staff one of which will act as chairperson, proposed by the Head of School and approved by the Faculty Dean and noted by the Faculty Executive.





Two such members will be drawn from the School to which the student is attached and the third member from another School with fitness to practise requirements. Where the Faculty Dean deems it appropriate, one of the School members may be substituted by a staff member of the establishment where the student was on placement who has not had direct involvement with the student, or from a similar but different hospital or clinical setting.

For the avoidance of doubt, it should be noted that members of the School Committee do not act in any representative capacity but rather are required to bring their own individual judgment to bear on the question of whether the student complies with the School/Discipline's fitness to practise requirements. Due consideration should be given to potential conflict of interest issues. Members of staff who have been closely involved in providing informal or formal advice and support to a particular student should not be members of the Committee hearing that student's case.

The School Manager or a nominee will act as secretary to the School Committee and will be in attendance at meetings of the School Committee for the purpose of recording decisions made by such a Committee.

#### *6.5.2 Procedures of the School Fitness to Practise Committee*

In dealing with a concern regarding a student's fitness to practise, the School Committee shall follow the procedures set out in Schedule 5. Section 2(5) of that Schedule provides that the "School Committee shall determine its own procedures and shall perform its functions with due enquiry"; and section 17(1) of the Introduction Chapter to the 2010 Statutes explains that "due enquiry means diligent, proper and impartial investigation or consideration as the case may be, subject to the principles of natural and constitutional justice and fair procedures".

The student and the party referring the case to the School Committee will be fully informed of their rights and entitlements and of the School Committee procedures in advance of the hearing. In particular, the student should be encouraged to bring representation, such as a tutor (or, in the case of a student registered on a postgraduate course, a member of the Postgraduate Advisory Service), a representative from the Students' Union, or any other person of the student's choice. Should a student decide to bring representation, the party referring the case may also bring representation. The student will be notified beforehand in writing of the School/Discipline's concerns in relation to their ability to comply with fitness to practise requirements.

The School Manager or a nominee will be available to the student and/or their representative to answer queries and provide clarifications related to the process. The School Manager or nominee may consult with the School Committee Chairperson as necessary.



At a minimum, the student and the party raising the concerns should be informed in advance of the hearing that:

- (a) The student is entitled to be present at the hearing when the School/Discipline's concerns in relation to their ability to comply with fitness to practise requirements are presented to the School Committee.
- (b) The student's tutor (or, in the case of a student registered on a postgraduate course, a member of the Postgraduate Advisory Service) or any other person of the student's choice may represent the student.
- (c) The student and any such representative shall be given full opportunity to be heard on the matter before the School Committee.
- (d) Should the student bring representation to the School Committee, the party referring the case to the School Committee may also bring representation.
- (e) The student or their representative is entitled to question the party referring the case or their representative, on the case made against the student.
- (f) The party referring the case to the School Committee and any representative is equally entitled to be present at the hearing when the student's response to the concerns raised is presented and is entitled to question the student on this response.
- (g) The student or the party referring the case to the School Committee has the right to appeal the decision of the School Committee to the College Fitness to Practise Committee (see 6.5.4 for further details).
- (h) Where appropriate, the student may seek support from Student Counselling or College Health.

#### *6.5.3 Decisions of the School Fitness to Practise Committee*

Where the School Committee decides that the concern is well founded, subject to approval by the Senior Lecturer or Dean of Graduate Studies it may take any of the actions set out in section 3 of Schedule 5 (and the Calendar Part II, Part B in the case of undergraduate students). The decision of the School Committee will be made by simple majority. Where a simple majority cannot be reached, the decision will be determined by the Chairperson of the School Committee. Any such decision will need to be approved by the Senior Lecturer for an undergraduate student or by the Dean of Graduate Studies for a postgraduate student and will not take effect until it has been approved.

Once approved by the Senior Lecturer or Dean of Graduate Studies, the School decision will take immediate effect. If appealed to the College Fitness to Practise Committee, it will remain in place until the decision of the College Fitness to Practise Committee has been approved by Council at which stage the decision of the College Fitness to Practise Committee will take effect.

Both parties will be informed of the decision by the Chairperson of the School Committee, including their right to appeal the decision (see section 6.5.4). The reasons for the decision



taken by the School Committee must be provided. Support will be provided to the student by their tutor/member of the Postgraduate Advisory Service to explain the full implications of the decision and the options open to them, including their right to appeal.

A student whose registration was terminated or who has been excluded from a programme is not eligible to return to that programme. Any application to re-apply to another programme of study should be done in accordance with the Admission and Transfer Policy and in the case of undergraduate students, with the Calendar Part II, Part B.

#### *6.5.4 Notification of the right to appeal to the College Fitness to Practise Committee*

The Chairperson of the School Fitness to Practise Committee will notify the parties of the right of appeal to the College Fitness to Practise Committee (the "College Committee").

An appeal against the decision of a School Committee may be taken to the College Committee by either party to the original decision within fifteen days of the date on which the decision has been communicated to the parties. Section 17(1) of the Introduction Chapter to the 2010 Statutes explains that "day" in this context "includes any day of the Academic Year, and excludes Saturdays, Sundays and public holidays". See section 6.6.2.1 *Appeal Procedures* for further details.

### **6.6 College Fitness to Practise Committee**

Pursuant to section 4(1) of Schedule 5, there will be a College Fitness to Practise Committee to which all decisions of a School's Fitness to Practise Committee may be appealed.

#### *6.6.1 Membership of the College Fitness to Practise Committee*

The College Fitness to Practise Committee, the "College Committee", will consist of a chairperson who is a practising lawyer, two members of staff drawn from disciplines that have fitness to practise requirements and two external (i.e., non-staff) members, one of whom will be drawn from the discipline of the student and the other of whom shall be a lay person. A member of the Secretary's Office will act as the secretary to the College Fitness to Practise Committee but will not be a member of the Committee. The membership of the Committee will be determined by the University Council, subject to the approval of Board. Should any of the members not be in a position to serve on the College Committee, the Registrar may appoint an alternate member.

#### *6.6.2 Procedures of the College Fitness to Practise Committee*

In dealing with an appeal, the College Committee will follow the procedures set out in section 4 of Schedule 5. Section 4(4) of that Schedule provides that the "Committee shall determine its own procedures; and it shall perform its functions with due enquiry"; and section 17(1) of the Introduction Chapter to the 2010 Statutes explains that "due enquiry means diligent, proper



and impartial investigation or consideration as the case may be, subject to the principles of natural and constitutional justice and fair procedures".

An appeal to the College Committee will be a full rehearing. In conducting a full rehearing, the Committee may arrive at a different decision from the original School Committee decision.

The student and School representative(s) will have the same rights and entitlements before the College Committee as they had before the School Committee.

The student and the School representative(s) will be fully informed of their rights and entitlements, and of the College Committee procedures in advance of the hearing. In particular, the student should be encouraged to bring representation, such as a tutor (or, in the case of a student registered on a postgraduate course, a member of the Postgraduate Advisory Service), a Students' Union representative, or any other person of the student's choice. Should the student bring representation to the College Committee, the School may also bring representation.

The secretary to the College Committee from the Secretary's Office will be available to both parties to answer queries and to provide clarifications related to the process, in consultation with the Chairperson of the College Committee where necessary.

#### *6.6.2.1 Appeal Procedures*

In accordance with section 4(3) of Schedule 5, a party wishing to appeal against a decision of a School Committee shall, "within fifteen days of the date on which the decision has been communicated to the parties", notify the secretary to the College Committee<sup>6</sup> in writing of their intention to appeal, and section 17(1) of the Introduction Chapter to the 2010 Statutes explains that "day" in this context "includes any day of the Academic Year, and excludes Saturdays, Sundays and public holidays".

When the secretary to the College Committee has been so notified of an intention to appeal, they will request the Chairperson of the School Committee to forward a copy of that Committee's decision to the secretary of the College Committee.

The party taking the appeal will, within a further 15 days (as defined above) from serving notice of the intention to appeal, provide the secretary to the College Committee with a written statement of the grounds of appeal.

The secretary to the Committee will provide this statement to the other party to the appeal, requesting a written response for consideration by the College Committee.

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<sup>6</sup> Email to use: [secretary.to.college@tcd.ie](mailto:secretary.to.college@tcd.ie)



The Committee may consider any other documents submitted by either party to the original decision in advance of the hearing, provided such documents are also provided to the other party as soon as practicable after their provision to the secretary of the College Committee. The College Committee may seek additional information from either party that it deems relevant. At the hearing, the College Committee may admit any evidence it deems relevant.

To preserve the integrity of the fitness to practise process and structures, once the notification of appeal has been received, there should be no negotiations between the parties and any communications from either party will be via the secretary to the College Committee who will act as a neutral facilitator to both parties.

#### *6.6.3 Decisions of the College Fitness to Practise Committee*

The decision of the College Committee will be made by simple majority. Where the Committee is unable to reach a simple majority decision, the decision will be determined by the Chairperson.

Where the College Committee decides that the concern raised about a student's fitness to practise is well founded, it may take any of the actions set out in section 3 of Schedule 5 and in the case of undergraduate students, the Calendar Part II, Part B. The reasons for the decision taken must be provided.

Pursuant to section 4 of Schedule 5, certain recommendations of the College Committee must be approved by Council; and other decisions of the College Committee must be notified to Council. Once Council has approved such a recommendation or noted such a decision, it will inform Board thereof via the Council Acta.

The decision of the College Committee will be copied to the Senior Lecturer or Dean of Graduate Studies as appropriate.

The parties will be informed of the decision by the secretary to the College Committee on behalf of the Chairperson, and support will be provided to the student by their tutor/member of the Postgraduate Advisory Service to explain the full implications of the decision and the options open to them, including their right to appeal the decision to the Visitors. Should either party decide to appeal the decision, the decision will remain in place until the Visitors' appeal process has been completed and any decision from the appeal process approved. See section 6.6.4 for further details on appealing to the Visitors.

A student whose registration was terminated or who has been excluded from a programme is not eligible to return to that programme. Any application to re-apply to another programme of



study should be done in accordance with the Admission and Transfer Policy and the Calendar Part II, Part B.

#### *6.6.4 Notification of the right to appeal to the Visitors*

Both parties will be notified by the secretary to the College Committee on behalf of the Chairperson, of their right to appeal the decision of the College Committee to the Visitors. An appeal against any decision of Board in a fitness to practise case lies to the Visitors pursuant to the Chapter of the 2010 Statutes relating to the Visitors. The decision of the Visitors will be copied to the Senior Lecturer or Dean of Graduate Studies, as appropriate.

### **6.7 Students with Disabilities**

If a student has a disability, and there are concerns over fitness to practise, and where the disability is relevant to the issue that has arisen, section 4 of Schedule 1<sup>7</sup> will apply, and the guidelines in this section should be followed prior to any fitness to practise hearing.

Pursuant to section 4 of Schedule 1, a student with a disability undertaking a professional course may apply for, and be provided with, such reasonable accommodation as is necessary to enable the student to participate in all aspects of the course unless the provision of such reasonable accommodation entails more than nominal costs.

Assessment of the student's needs shall be carried out by the College Disability Service which, following consultation with the student, the relevant School/Discipline and, where appropriate, work-based placement staff, shall produce a Learning and Educational Needs Summary (LENS) report and a Placement/Internship Learning Educational Needs Summary (PLENS) report detailing the student's needs and the manner in which such needs should be reasonably accommodated.

Reasonable accommodation may include, but is not limited to, the provision of:

- Assistive technology
- Human / personal supports (such as note-takers, readers, Irish Sign Language interpreters, etc.) For health professions, personal assistance is considered appropriate provided that the individual's knowledge and skill are assessed, rather than that of the assistant.
- Additional time, e.g. in exams or additional time to learn specific skills.
- Information in alternate formats.
- Physical access to required areas and / or timetabling of course elements into accessible locations.
- Alternate forms of assessment.

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<sup>7</sup> The 2010 Consolidated Statutes, Chapter on Student Conduct and Capacity, Schedule 1 Committee on Student Conduct and Capacity



- Alternate or specifically selected practice education experiences that enable the student to demonstrate core competences in an environment with fewer barriers.

If there are concerns that the reasonable accommodation provided by the University is not appropriate or working well, the Disability Service, in conjunction with the student, the relevant School/Discipline and, where appropriate, the clinical educator, shall review the provision of reasonable accommodation to see if it can be improved.

If the reasonable accommodation provided by the University is such as to enable the student to participate fully in their course of action, they shall be assessed on the same basis as any other student on the course. In particular, if there are concerns about the student's ability to practise elements of the course, the case shall be dealt with in accordance with the procedures outlined in sections 6.1 to 6.6 of this policy.

If a student with a disability does not engage with the process of making reasonable accommodation, and concerns about an aspect of professional practice remain, then in the first instance, the student will be invited again to participate. If this is unsuccessful, then the case shall be dealt with in accordance with the procedures outlined in sections 6.1 to 6.6 of the policy.

### **6.8 Powers to suspend**

Where student behaviour threatens the well-being of the public (including patients), students or staff, section 2(4) of Schedule 5 provides for a power by the Head of School/Discipline or other appropriate member of the work-based placement staff to suspend the student from the placement with immediate effect and in such a case will refer the matter immediately, either to the School Committee or to the Dean of Students, pursuant to section 4(b) of Schedule 5. This is in addition to the powers of the School Committee and the College Committee pursuant to section 5 of the Schedule to recommend the suspension of a student. Moreover, these powers are without prejudice to other powers to suspend students in other circumstances, such as the power of the Junior Dean under Schedule 3 to suspend a student with mental health difficulties where the student constitutes a clear and reasonably imminent danger to themselves or to others.

## **7. Responsibility and Implementation**

The Senior Lecturer and Dean of Graduate Studies are the owners of this policy. In accordance with section 5 of Schedule 5, the Senior Lecturer and the Dean of Graduate Studies will, if necessary, revise as required and implement this policy. The Schools with programmes that have fitness to practise requirements will be responsible for the implementation of the policy at a School level. The Secretary to the College is responsible for the implementation of the policy that relates to the College Fitness to Practise Committee.





## **8. Related Documents**

This policy should be read in conjunction with the following documents:

- [Chapter on Student Conduct and Capacity and accompanying Schedules in the 2010 Consolidated Statutes](#)
- [Calendar Part II, Part B, section on Fitness to Practise](#)
- Student Code of Conduct of the relevant School/Discipline
- [Admission and Transfer Policy](#)
- [Reasonable Accommodation Policy for Students with Disabilities](#)
- [Fitness to Study Policy](#)
- Garda Vetting procedures
- Where available, the competencies outlined by the relevant Regulatory / Registration Body required to practise in the relevant field.
- Where available, the professional body code of conduct.

## **9. Document/version Control for New/Revised Policies**

The Senior Lecturer, the Dean of Graduate Studies and the Secretary to the College will propose amendments to this Fitness to Practise Policy as appropriate.

This policy will be reviewed every 3 to 5 years, or as required.

Approved by: Council

Date policy approved: 18 May 2011

Date of next review: 2029/30

Officers responsible for review: Senior Lecturer/Dean of Undergraduate Studies, Dean of Graduate Studies and Secretary to the College.

### **Document Control for Revised Policies**

- 9.1 Date of initial approval: 18 May 2011
- 9.2 Date revised policy approved: 4 December 2024
- 9.3 Date policy effective from: 4 December 2024
- 9.4 Date of next review: 2029/30



## **Appendix 1: Schedule 5 to the Chapter on Student Conduct and Capacity**

### **Schedule 5**

#### ***Fitness to Practise***

##### **1. Application**

- (1)
  - (a) This Schedule applies to matters relating to students' fitness to practise trades or professions during their courses of study and after graduation.
  - (b) In particular, it applies to matters relating to students' fitness to participate in clinical or other placements which are an essential component of their courses of study.
  - (c) In this Schedule, references to fitness to practise shall be interpreted having regard to the provisions of this sub-section; and concerns relating to fitness to practise shall include concerns relating to potential fitness to practise.
  - (d) Pursuant to the Chapter, it is in the best interests of students with personal issues which give rise to concerns relating to their fitness to practise that they be treated with sensitivity and understanding, and it is only in exceptional cases that the circumstances or consequences of such issues are so serious that this Schedule applies.
- (2) For the purposes of this Schedule, and for the avoidance of doubt, references to students' courses of study include participation in clinical or other placements.

##### **2. Schools' Fitness to Practise Committees**

- (1) Each School in which fitness to practise matters can normally arise should
  - (a) formulate a policy relating to such matters, and
  - (b) constitute a Fitness to Practise Committee, and all references in this Schedule to "the Committee" shall be to the Fitness to Practise Committee of the relevant School.
- (2) In each such School, the Committee shall be constituted in accordance with the provisions laid down from time to time by the School.
- (3) Anyone who has concerns regarding a student's fitness to practise may raise such concerns with an appropriate person, who shall decide whether such concerns should be referred to the Committee; for the purposes of this Schedule, the appropriate person shall be the Junior Dean, or the Head of the relevant Discipline, or the Head of the relevant School.
- (4) Where a student's behaviour threatens the well-being of others (including patients, students or staff), the Head of the relevant Discipline or School or other appropriate member of the work-based placement staff
  - (a) may suspend the student from a placement with immediate effect, and
  - (b) shall immediately refer the matter, either to the Committee, or to the Dean of Students for a determination pursuant to section 2(4) of Schedule 1 on the Committee on Student Conduct and Capacity of



whether any aspect of the matter should be dealt with pursuant to any other Schedule.

- (5) The Committee shall determine its own procedures and shall perform its functions with due enquiry.

### 3. Decisions of the Committee

- (1) Where the Committee decides that concerns relating to a student's fitness to practise are well founded, it may take any of the following actions:
- (a) caution the student in relation to the matter;
  - (b) recommend that the student be required to undergo testing in respect of suspected drug or alcohol mis-use;
  - (c) recommend that the student be required to undergo a medical examination or assessment, which may include psychiatric assessment;
  - (d) recommend that the student withdraw from College;
  - (e) recommend that the student be suspended from College;
  - (f) following consultation with the Senior Lecturer (in the case of undergraduate students) or the Dean of Graduate Studies (in the case of postgraduate students), require the student to complete such academic exercise, including a placement, as shall be prescribed by the Committee; or
  - (g) refer the matter or any aspect thereof to the Dean of Students to be dealt with pursuant to any other Schedule to this Chapter.
- (2)
- (a) In the case of undergraduate students, recommendations pursuant to sub-section (1)(b)-(e) shall be made to the Senior Lecturer.
  - (b) In the case of postgraduate students, recommendations pursuant to sub-section (1)(b)-(e) shall be made to the Dean of Graduate Studies.
  - (c) Such recommendations shall not take effect until they are approved by the Senior Lecturer or the Dean of Graduate Studies, as the case may be.
- (3) Students
- (a) who fail to comply with an approved recommendation made pursuant to sub-section (1)(b) or (c),
  - (b) whose tests pursuant to sub-section (1)(b) confirm drug or alcohol mis-use, or
  - (c) who are assessed pursuant to sub-section (1)(c) to be unfit to continue with their studies or to be unable or unsuitable to participate in their courses of study to the standard required by College, may be required by the Committee either to withdraw from their courses of study or to go off-books until such time as they submit a letter - from an appropriately qualified person as defined by sub-section (1) of the Certification Section - to the Committee certifying that they are fit to proceed with their courses of study.
- (4) Students who have been suspended pursuant to sub-section (1)(d) shall not be re-admitted until such time as they submit a letter - from an appropriately qualified person as defined by sub-section (1)(a) of the Certification Section - to the Committee certifying that they are fit to proceed with their courses of study



- (5) Where a test or examination or assessment is required pursuant to the terms of this section, the Committee shall nominate an appropriately qualified person as defined by sub-section (1)(b) of the Assessment Section to undertake it.

#### **4. College Fitness to Practise Committee**

- (1) There shall be a College Fitness to Practise Committee, and all references in this Schedule to “the College Committee” shall be to the College Fitness to Practise Committee.
- (2) The membership of the College Committee shall be determined by Council, subject to the approval of Board.
- (3) All decisions of a School’s Fitness to Practise Committee may be appealed to the College Committee within fifteen days of the date on which the decision has been communicated to the parties.
- (4) An appeal to the College Committee shall be a full rehearing; that Committee shall determine its own procedures; and it shall perform its functions with due enquiry.
- (5) Section 3 shall apply to the decisions of the College Committee in like manner as it applies to decisions of a School’s Fitness to Practice Committee; except that recommendations pursuant to sub-section (1)(b)-(e) shall be made to Council and shall not take effect until they are approved by Council; and all other decisions of the Committee shall be notified to Council.

#### **5. Policy**

- (1) Following appropriate consultation, the Senior Lecturer and the Dean of Graduate Studies shall, if necessary, draft, from time to time revise, and implement a Policy to give further effect to this Schedule.
- (2) Further details relating to that Policy or to this Schedule may be set out in the Calendar.