

Social Work: Fitness to Practise Policy

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Introduction

This Fitness to Practise Procedure applies to students on Social Work courses for the duration of their registration with Lancaster University. The social work course is validated by Social Work England (SWE), and as the specialist regulator they require courses to have procedures to deal with concerns raised about fitness to practice ([Education and Training Standards Guidance 2021](#))

Whilst students of the Social Work programme at Lancaster University are not registrants of Social Work England, they are involved in providing a service to the public under supervision on their practice placements. It is therefore incumbent on the programme to ensure that students are fit to practise as student social workers, to provide the same safeguards to the public as the above Social Work England processes do with respect to registered social workers.

It is also a responsibility of the University to inform Social Work England of a student’s eligibility to register as a social work practitioner, so the programme is therefore required to have an assurance process of its own with respect to ensuring that when students are awarded one of our degrees in Social Work, they are also fit to practise and therefore eligible to apply to register with the professional regulator. Please note that the Social Work England make their own assessment of an applicant’s fitness to practise upon application to the register; this will be informed by our assessment but not

limited by it, in that SWE may seek further information to make any determination.

Social Work England note that:

When we say that someone is 'fit to practise' we mean that they have the skills, knowledge, character and health to practise their profession safely and effectively without restriction. Fitness to practise is not just about professional performance. It also includes acts by a social worker which may damage public confidence in the profession. This may include conduct that takes place outside of the workplace, such as acts resulting in criminal investigations

<https://www.socialworkengland.org.uk/concerns/fitness-to-practise-guide/>

This process is aligned with Office of the Independent Adjudicator for Higher Education 'The Good Practice Framework: Fitness to practice' October 2019

Procedures to Address Concerns about Fitness to Practise

The raising of a concern

The Fitness to Practise Procedure will be invoked in the event of any conduct or other concern (known as a 'cause for concern') which have the potential to render a social work student not fit to continue social work education, be admitted to or practise that profession.

The concern may be raised by any person at anytime and typically include (but not limited to) university staff, students, members of the public, practice learning placement staff and services/professionals such as the Police, education and social workers. The concern may be raised through any medium and typically include (but not limited to) written reports, email and phone calls. The concern should be passed to the Lead Social Worker.

This Procedure may be invoked where issues arise in relation to a student's fitness to practise or where there is any alleged breach of the Professional Standards of Social Work England.

It may be appropriate to consider suspension or partial exclusion from the University until the fitness to practice process has been concluded. A risk-based approach will be taken when considering suspending students (fully or partially) and may involve other procedure including Supporting Students & Fitness to Study procedures and the Student Discipline Regulations.

What issues might lead to concerns about a student's fitness to practise?

The Office of the Independent Adjudicator notes examples of issues that may lead to fitness to practise concerns which include:

- academic misconduct (for example plagiarism, cheating in examinations, forging records);
- other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse);
- health and safety breaches;
- failure to disclose convictions or other information that the student is required to disclose;
- inaccurate or falsified placement documentation;
- unsafe practice, incompetence or requiring too much supervision;
- unprofessional behaviour, including:
 - lack of respect, aggressive or poor attitude, laziness;
 - indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
 - failure to self-reflect, lack of insight;
 - failure to engage with investigations into unprofessional behaviour;
 - poor self-management, lack of personal accountability;
 - dishonesty;

- breaking service user confidentiality
- behaviour away from the student's studies, including:
 - criminal conviction e.g. violent offence; offence of dishonesty
 - disruptive behaviour in the community;
 - inappropriate use of social media;
- safeguarding concerns;
- poor mental or physical health or serious physical impairment that interferes with the student's ability to practise safely;
- failure to seek help or engage with appropriate services in relation to health issues;
- poor communication or language skills.

[\(https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/fitness-to-practise/what-is-fitness-to-practise/\)](https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/fitness-to-practise/what-is-fitness-to-practise/)

Appointment of an assessor

The Lead Social Worker or their nominee, will initially consider the concern. Concerns without grounds may be dismissed at this point. Where there are grounds for concern the Lead Social Worker will appoint a member of staff to do an initial 'assessment of concern'.

The purpose of the assessment of concerns is to examine the circumstances giving rise to the cause for concern in the context of the relevant University regulations and procedures, professional body standards /code(s) of conduct and other wider statutory requirements. The person appointed to the assessment of concerns (the 'assessor') shall conduct whatever enquiries they consider necessary, including but not limited to a review of documentation, obtaining data from the student's university record relating to attendance and previous concerns (e.g. conduct, academic misconduct, previous fitness to practice), interviewing relevant people (including the student) and asking for other relevant information in order to more fully understand the concern.

The 'assessment of concerns' will be fair, robust, and timely. Due to the dynamic and unpredictable nature of collecting information for the assessment, a time constraint will not be set upon this process. It will be completed as quickly as possible: with a target time of within 6 weeks, although it may be longer for complex cases.

The student will be informed that information gathering for the 'assessment of concerns' has started. Where appropriate, the student will be informed, with a rationale for the decision, that they are not permitted to commence (or continue on) a practice learning placement until the Fitness to Practice Process has been concluded.

The assessor will provide a report to The Lead Social Worker or their nominee, based on their investigation clarifying the initial concern, an outline of the process followed, the information gathered and their conclusions as aligned and relevant to the professional standards and / or University regulations.

The OIA advise that It is reasonable to consider a student's previous disciplinary and fitness to practise record and, if relevant, their health record, when determining their overall fitness to practise.

To determine the next stage, The Lead Social Worker, or nominee, may meet with the student once the report has been submitted.

Students are not permitted to graduate from the university until a determination has been reached in relation to any concerns under consideration.

Potential outcomes from the initial assessment of concern

One or more of the following outcomes can be determined by The Lead Social Worker:

- There are no grounds for concern / the allegations cannot be substantiated and the case is dismissed.
- There is insufficient evidence to warrant a consideration through a fitness to practice hearing, but a concern remains which may relate to conduct or the need for further learning. One or more of the following may be considered:
 - remedial action such as monitoring or supervision of the student for a defined period,
 - The student be required to complete a reflective piece of work exploring the impact of their behaviour and the lessons learned.
- The assessment will continue which may include further information gathering, medical, occupational health or other specialist assessments.
- The student should be dealt with under another university procedure (*including for example fitness to study, university disciplinary procedures or academic misconduct*)
- A Fitness to Practice hearing will be convened. The determination of whether or not the concerns reach the threshold for a Fitness to Practise Panel, will usually relate to:
 - Breaching the Social Work England's Professional Standards <https://www.socialworkengland.org.uk/standards/professional-standards/>
 - Demonstrating a behaviour that poses a threat to the reputation of the profession
 - An ongoing behavioural concern or concern with conduct of a student which suggests a lack of the necessary character to practise as a student social worker safely and effectively
 - Demonstrating a lack of capability to achieve the necessary:
 - professional standards of for the profession: <https://www.socialworkengland.org.uk/standards/professional-standards/>
 - competencies to meet the [Professional Capabilities Framework](#) (BASW 2018) for Social Work.
 - Presenting a health and safety risk or presenting a potential risk to service users or staff members
 - Breaching the Social Work Professional Behaviour and Expectations policy or other relevant departmental or university policies.

The student will be informed in writing of the outcome of the concerns investigation as well

as the rationale for the decision.

Fitness to Practice hearings

Formal hearings will be arranged once a referral has been made, normally convening within four working weeks.

The Head of Department Team will be informed, by the Fitness to Practise administrator, that the procedure has been invoked.

When a student is being referred to a fitness to Practise hearing, they will be notified by letter. The letter will outline the area(s) of concern on which the referral is based and explain the process.

The student should be given a minimum of ten working days advanced notification of the date of the formal meeting and will be provided with all paperwork that will be considered at the hearing. This information may need to be amended in light of data protection requirements (e.g. confidentiality of service users etc.). Such amended information (e.g. using pseudonyms) will give sufficient detail to allow the student to defend themselves without contravening data protection requirements.

The student will be given the opportunity to provide, for the hearing, any additional information, submit a statement/written response to the report and any additional evidence including witness statements not previously considered. This must be received by the Fitness to Practise administrator at least three working days before the date of the hearing. In exceptional circumstances, and on provision of a reason deemed satisfactory by the Chair of the Fitness to Practise Panel, a student may request the rearrangement of the panel.

The student will be entitled to be accompanied and/or represented by a person of their choosing (we encourage students to engage with the Students' Union Advice and Representation Centre however they may wish to be accompanied by a friend, relative or other representation). The student will be required to inform the Administrator at least 3 working days before the hearing whether they intend to exercise this entitlement, the name of the person who will be attending and in what capacity such person will be attending. The University reserves the right to refuse a person as a representative where a conflict of interest can be demonstrated.

As part of the programme's duty of care to the student, where there are sufficient concerns relating to their health, a student may be asked to undertake an occupational health review prior to any formal hearing taking place. A student may refuse to undertake such a review, but would need to be aware that not only would the panel be unable to access any mitigating factors that might be identified by such a review, but also that the panel may be concerned that the student was reluctant to ensure that their health was not impeding their fitness to practise. Depending on the outcome of the occupational health review, a decision will be made by the Chair of the Fitness to Practise Panel as to what evidence from the occupational health review should be forwarded to the formal hearing. The student will receive a full copy of the occupational health report.

All documentation will be given to all panel members prior to the event in order that they have time to read and consider the evidence.

Fitness to Practise Panel: Composition & Process

The panel membership will comprise:

- An appointed Chair of the FTP Panel, who will usually be a practicing senior registered social worker
- An expert by experience / person with lived experience of social work
- Two registered social workers (at least one of whom should be from a social work employer i.e. practicing social worker or social work manager: the other may also count as the member of staff as in bullet point below)
- A staff member of the social work programme, or other Lancaster University programme, eligible to serve as internal examiners as set out in MARP (they may also count as one of the registered social workers as in bullet point above).

It is at the discretion of the Chair of the Fitness to Practise Panel to co-opt other members to the panel as necessary to review fully the issues of concern in the specific case (for example, an occupational health practitioner or a practice placement provider). Where other members are co-opted it will be agreed whether or not they are acting in an advisory capacity or will be full members of the panel.

To be quorate the panel must have a chair, one registered social worker who is external to the university, and a member of staff from the social work programme. Fitness to Practise panels may be held in person or online.

Also attending the panel, but not members of the panel:

- The assessor or person presenting the case on their behalf
- The student (and their representative)
- A professional services team member to assist with the administration of the panel.

The student will normally be expected to attend the hearing. The hearing will proceed if the student chooses not to or is unable to attend, and the panel are permitted to reach a conclusion, impose outcomes and sanctions. The Panel will consider any representations made on behalf of the student (in absentia) at the appropriate point in the hearing. Hearings can be rearranged, when in advance of the hearing, the student has good reason not to attend and they advise of this.

- The chair will invite all present to introduce themselves and their role in the panel
- The chair will outline the purpose of the hearing, protocol, permitted sanctions and potential outcomes
- The assessor will outline the cause for concern, the process of their assessment and conclusions drawn
- The assessor may if appropriate call on witnesses to give evidence (if previously agreed by the chair)
- The panel may ask the assessor questions
- The student (or representative) will present his/her response, including calling any witnesses to give evidence in person if previously agreed by the Chair
- The panel may ask the student (or their representative) questions
- There will be an opportunity for final questions or points of clarification
- The student (and representative) and assessor will withdraw and the panel considers its decision.

Where the Committee considers that a student's disability is preventing them from attaining the relevant competence standard(s) and/or complying with the professional body requirements, the Committee will have due regard for any reasonable adjustments that have been made and will consider whether there is scope for further reasonable adjustments, in deciding on the appropriate outcome.

The panel will reach a decision based on the facts and on the evidence presented. The burden of proof rests with the University and the standard of proof will be the civil standard, which is that, 'on a balance of probabilities,' the facts of an allegation are more likely than not to have happened.

The panel do not need to reach a unanimous decision and the chair will make the final decision where panel members are unable to agree.

The outcome imposed by the panel should be one which satisfactorily addresses the fitness to practise concern, whilst taking account of previous allegations or findings which will be made known to the panel.

Fitness to Practise hearing recommendations

The recommendations possible following a Fitness to Practise hearing are as follows:

- The hearing be adjourned because further investigation is necessary
- There are no fitness to practise issues and the student is able to continue on the programme. This outcome does not require ratification by the Examination Board, although it will be noted in the minutes of the next Examination Board.

- That there is evidence to reach a finding that a student has not met professional expectations but where this falls short of a decision that the student is irredeemably unfit to practise. With this decision, the student is able to progress on the programme, although the fitness to practise concerns remain and are noted and recorded on the student's personal file. In any future referrals through the fitness to practise procedure these will be taken into account. An action plan and additional requirements to support the student will be put in place if deemed appropriate. This plan will describe in detail the targets that the student has to meet to provide evidence that the concerns have been addressed and progress has been made. This will be considered within a developmental context, e.g., an action plan may be more demanding for a student close to finishing the programme, in comparison to a student at the start of their course. Monitoring or supervision for a defined period may be required. The programme also has a responsibility to communicate these concerns and the attendant action plan to all practice placement providers contributing to the training of the student in question.
- The student is deemed not fit to practise at this stage. The student may be required to interrupt their studies and/or be required to repeat/restudy/ be reassessed in an element of the programme to establish their fitness to practise.
- The student is deemed not fit to practise. The student cannot redeem the situation and is unable to progress on the programme. The student's professional education and training be terminated and a recommendation made to the Examination Board that the student be required to transfer to an alternative non-professional programme.
- Having been found not fit to practise, the student's professional education and training be terminated and a recommendation made to the Examination Board, and the student be excluded from the University.

Concluding a Fitness to Practise Hearing

The student will be sent a letter detailing the recommendation of the panel, including the rationale for this recommendation, normally within five working days of the formal hearing. The student will also be sent the formal minutes of the hearing.

When a student is found unfit the following actions may be taken:

- Social Work England will be notified of the hearing and the outcome
- The University has a duty to inform relevant third parties of the nature and outcome of a Fitness to Practise case in certain circumstances, This may include but not limited to:
 - placement providers in relation to any placements the student may be required to undertake as part of the course.
 - student's employer where the nature and outcome of the case raises questions about the student's suitability for practice / employment, and or matters of safeguarding.
 - the Disclosure and Barring Service (DBS) where required by the DBS guidance
 - UK Visas and Immigration (UKVI) in the case of a significant change in the circumstances of a tier 4 international student.
 - third parties who request a reference

The examination board

The outcome of the hearing and the recommendation of the Fitness to Practise Panel will be presented to the next appropriate Examination Board.

The Board must confirm, to its satisfaction, that due process has been followed. The role of the Examination Board is then to ratify the recommendation made in respect of the student's progress, including any outcomes for the student.

- If the Board considers that due process has not been followed or that there is new additional information available that would potentially impact on the recommendations made by the panel, the Board can request that the original Fitness to Practise hearing is reconvened.
- Where the Examination Board determines that a student is not fit to practise, the student will be required to withdraw from the social work programme and will not be eligible for the full final award and the eligibility that confers to apply for professional registration.
- This set of procedures is consistent with Lancaster University's own procedures for Examination Boards, as set down in the Manual of Academic Regulations and Procedures (MARP). A specific stipulation to note here is that to be quorate, an Examination Board has to have at least one external examiner present to participate in the meeting.
- As per MARP, a student has the right to appeal against the decision of an Examination Board requiring them to withdraw from the programme on the grounds of fitness to practice, In the case of a student lodging such an appeal, the appeal will be dealt with under the University's academic regulations and procedures.

Document Name	Fitness to Practice Policy
Policy Owner	Lead Social Worker
Last updated	July 2024