

IBC Fitness to Practice Policy and Procedures

1.0 Introduction and Purpose

- 1.1 International Business College Manchester has a responsibility to ensure that students who are participating in programmes involving work/professional practice are fit to practice and are provided with appropriate teaching, support and guidance. However, situations may arise where a student's fitness to practice is called into question. This policy sets out how IBCM will respond to concerns about a student's fitness to practice.
- 1.2 Some programmes are governed by professional, statutory and/or regulatory bodies (PRSB). Students on these programmes will be expected to comply with a Professional code of conduct, or similar, produced by the relevant PSRB or Accrediting Body as well as all IBCM student rules of behaviour. Students will be informed if a professional code of conduct applies to them.
- 1.3 This policy and procedures should be considered in conjunction with the Fitness to Study Policy, the Disciplinary Policy, and Student Charter and with all relevant legislation such as the Data Protection Act, the Equality Act 2010 and the general rights and expectations of a student to confidentiality.

2.0 Scope

- 2.1 This policy applies to all students enrolled on programmes associated with professional practice.
- 2.2 This policy applies at all times. It is not restricted to activities during term time or placement, on College premises or in respect of college or placement activities. The policy applies from the point at which the contract between the student and the college is formed. It applies to conduct on the internet or on social media.

3.0 Responsibilities

- 3.1 **Students** are responsible for abiding by college and any relevant PSRB regulations and for conducting themselves professionally at all times.
- 3.2 **The Programme Leader** (in conjunction with the Principal) will be responsible for liaising with relevant personnel in the student's work placement/place of work and taking forward any cases which are raised.
- 3.3 **The Principal** will be responsible for liaising with the Programme Leader and the workplace mentor in identifying appropriate actions to take (and relevant

personnel/committees to involve, including referral to the Managing Director/Executive Committee (and Board of Governors as appropriate)

- 3.4 **The Executive Committee, reporting to the Board of Governors** will be responsible for conducting formal procedures and making the decision on the outcome of the implementation of this policy.

4.0 Implementation of the policy

- 4.1 In implementing this policy and procedures, the College will consider the need to:

- Protect patients, clients and service users and safeguard vulnerable groups
- Understand and uphold appropriate standards of conduct and behaviour
- Maintain public confidence in students and the professions they represent
- Operate fairly and within the principles of natural justice and with due regard to principles of diversity, equality and inclusion
- Respect confidentiality
- Promote a professional learning culture for students and the college where matters of concern (where appropriate) are used proactively to promote openness and learning, in the interests of students' future personal and professional development

- 4.2 Students are required to:

- Treat all groups and individuals with dignity and respect.
- Ensure they themselves are identified as students and do not represent themselves as professionally qualified.
- Be honest and authentic in (a) their academic work, including when conducting research and take effective action if they have concerns about the honesty of others (b) when writing clinical records, reports, logbooks etc and when completing and signing forms and (c) in all CVs and applications – not misrepresenting their qualifications, abilities or clinical experience.
- Be honest and trustworthy in any financial dealings that may be a required component of their placement, or in respect of any other financial dealings such as expenses claims
- Comply with the law and inform the Principal at the earliest opportunity if they have been cautioned, charged, or found guilty of a criminal offense.
- Dress in an appropriate and professional way, being aware that these individuals and groups will respond to their appearance, presentation and hygiene.
- Maintain appropriate boundaries between themselves and these individuals and be aware of any ethical issues in their professional behaviour with these individuals and groups.
- Undertake to ensure that children and vulnerable groups are safeguarded.

- Not exceed their practice limitations and ask for help or assistance when necessary.
- Make sure they are appropriately supervised for any clinical task they perform and inform their tutor and/or any other relevant persons (eg placement supervisor) if they have any concerns.
- Respect the decisions and rights of patients and clients and not discriminate against patients and clients by allowing their personal views to affect their professional relationship or the care they provide.
- In the case of nursing students be aware that treatment should be based on the patient/client's priorities and the effectiveness of care/treatment options and that decisions should be arrived at through assessment and discussion with the patient or client and placement provider
- Attend compulsory teaching and other sessions associated with the placement.
- Report any concerns they have about patient, client, child or vulnerable group safety to an appropriate person.

4.3 Some of the types of concerns that may result in this policy being invoked are as follows:

- Concerns about the student emerge from a third party (placement supervisor, client/patient, relative etc) which indicate that there is a need to question their fitness to practice.
- The student has told a member of the college that they have a problem and/or provided information which indicates that there is a need to question their fitness to practice.
- The student exhibits behaviour which is inappropriate or does not comply with appropriate codes of conduct.
- The student is accused of intimidation of fellow students, patients, professional clients or staff.
- A student is accused of acting in a violent manner.
- A student is accused of fraudulent behaviour.
- A student is arrested on suspicion of committing or receives a conviction for committing a criminal offence.
- The student is accused of failing to act in a way to ensure the safety and wellbeing of those who are vulnerable.
- Student is accused of failing to rectify behaviour that has been subject to other disciplinary action by the college.

4.4 Concerns about a student's fitness to practice may be received from any source, including College staff, placement providers or other partner agencies, service users or members of the public. Concerns should be reported immediately to the Programme Leader and/or Principal (depending on the nature of the concern).

5.0 Sanctions

- 5.1 Where a concern is raised about a student's fitness to practice, they may be subject to a **temporary suspension** pending consideration of the concern.
- 5.2 A student will normally only be temporarily suspended if (a) they pose a risk of harm to themselves or others, or (b) if the allegation represents a potential or actual threat to the safety, security, health wellbeing or reputation of the college and its staff, the placement provider or members of the public.
- 5.2 Temporary suspension will not prejudice any investigation and suspension from placement will normally only be invoked in consultation with the placement partner as appropriate. The College will consider ways in which the impact of temporary suspension on the student can be mitigated.
- 5.3 Temporary suspension from placement needs to be authorised by the Principal (in conjunction with the Programme Lead and the placement supervisor).
- 5.4 Temporary suspension from IBCM needs to be authorised by the Executive Committee (of which the Managing Director is Chair) and the suspension reported to the Board of Governors.
- 5.5 The student will be informed of the suspension in writing (including the reasons and terms of the suspension).
- 5.6 The student subject to temporary suspension is entitled to request a review of the decision. For temporary suspension from placement the review will be conducted by the Managing Director; for temporary suspension from the College the review will be conducted by the Board of Governors.
- 5.7 The student is entitled to have a supporter present at any meeting or hearing held under this policy. The role of the supporter is to provide advice and emotional support but is not normally an advocacy role. Neither the college or the student will normally be permitted to be represented by a legal practitioner at meetings held under this policy.
- 5.8 Where a police investigation, criminal proceeding or other external investigation, including those undertaken by PSRBs, has been initiated, the College may suspend its consideration of the matter until such investigation has been concluded. All concerns about fitness to practice involving the police or an external agency should be reported immediately by the relevant member of staff to the Principal.
- 5.9 Where concerns have been raised, they should be referred for consideration under this policy to determine whether the student is fit to practice.

5.10 There are 3 stages of the Fitness to Practice Procedure:

- Stage 1: Early resolution

- Stage 2: Formal consideration
- Stage 3: Fitness to practice formal panel

Stage 1: Early Resolution (Programme Leader/Principal)

- 5.11 At Stage 1 the Programme Leader and/or Principal will meet the student to discuss the concern. The student will have the opportunity to respond. In advance of the meeting the student will be informed of their right to bring a supporter.
- 5.12 Following discussion with the student, the PL will determine (a) that the concern does not fall within the scope of this policy and be referred to a different College procedure (for example the Fitness to Study or Disciplinary procedure) (b) that the student is fit to practice, in which case no further action is to be taken and the concern is dismissed; or (c) that there is an outstanding concern about the student's fitness to practice
- 5.13 In the event of (c) above, the Programme Leader (or Principal) will either
- Give appropriate advice and guidance, which may or may not include an oral warning and place a note in the student's file which may be referred to in any future fitness to practice proceedings.
 - Refer the matter to stage 2 of this procedure.

Stage 2: Formal consideration (Principal/Investigator)

- 5.14 A concern may be referred to stage 2 as a result of consideration of stage 1, or, if in the view of the Principal, the concern is sufficiently serious that it should be referred straight to stage 2. The purpose of stage 2 is to provide an open and transparent process of investigation and consideration of serious or repeated concerns relating to fitness to practice.
- 5.15 The Principal will appoint an investigator (another senior member of staff) to gather all existing information relating to a concern, conduct interviews with and/or request statements from any witnesses where necessary and then invite the student to a meeting.
- 5.16 The student's invitation will indicate details of the allegation received and copies of any relevant documentation. The student will be advised that this is being considered at stage 2 and that they are entitled to bring a supporter to the meeting.
- 5.17 In the meeting the investigator will discuss the concern and give the student the opportunity to respond. Additional meetings may be held with the student and/or other parties.
- 5.18 Following the meeting, the investigator will recommend to the Principal that:
- No further action should be taken.

- The student can be allowed to continue on their programme with advice and guidance given to them in respect of future conduct. It may be pertinent to require the student to attend an alternative placement.
 - To recommend that a warning is given and a note placed in the student's file which may be referred to in any future fitness to practice proceedings.
 - To recommend to the Principal that a stage 3 fitness to practice panel be convened.
- 5.19 The Principal will consider the report of the investigation and either accept or vary the recommendation. The Principal will write to the student setting out their decision and giving reasons. A copy of the letter should be kept on the student's record.
- 5.20 Stage 2 should be completed within 15 working days from the first report of the concern. If for unforeseen reasons this cannot happen, the student will be informed.

Stage 3: Fitness to Practice Panel

- 5.21 Where the Principal considers that the panel should be convened, they will advise the Executive Committee and the Managing Director. All relevant information from stage 2 should be included with this request.
- 5.22 The student will be advised of the date of the hearing and the composition of the panel as well as details of the concern and a copy of all the information to be considered by the Panel. The student will again be advised of their right to bring a supporter to the hearing.
- 5.23 The Investigator will attend the meeting to set out the concern and relevant evidence but will not propose or comment on any outcome or be involved in the deliberations of the Panel.
- 5.24 The student and the investigator are entitled to call witnesses before the panel. Names should be provided no less than 2 working days prior.
- 5.25 The Panel is a confidential meeting and will be held in private.
- 5.26 The student will be required to attend the Panel in person. If the student fails to attend without "reasonable explanation" the Panel may consider the case and reach a decision in the student's absence. The Chair will have discretion as to what constitutes a "reasonable explanation".
- 5.27 The Panel will comprise:
- Managing Director or other member of the Governing Body

- College Principal
 - Another Academic member of staff (Programme Lead) from a different department to the student
 - A representative from the placement provider
- 5.28 All members of the Panel will be impartial. In the event of a tied decision the Chair will have the casting vote. A suitable person will be appointed to act as the Clerk.
- 5.29 The Panel will have a preliminary discussion without the student or investigator being present, following which they will be invited into the room. The Chair will confirm that all persons have received the details of the case and all supporting documentation. The Chair will confirm that all understand the nature of the allegation and the purpose of the panel.
- 5.30 The concern and supporting evidence is presented by the Investigator and members of the panel and the student are invited to ask the investigator and any witnesses questions. The Chair will then invite the student to put forward formally their response and call any witnesses. The Chair will then invite the investigator to make any final remarks, followed by the same for the student. The Chair will close the meeting and the panel will make their deliberations.
- 5.31 The Panel will determine whether or not, on the balance of probabilities, the student is fit to practice. If the Panel finds that the student is fit to practice then the concern will be dismissed and no further action will be taken.
- 5.32 If the Panel determines that there is an outstanding concern about the student's fitness to practice, or that in its view the student is unfit to practice, it may apply one or more of the following:
- Permit the student to continue on the course. The PL may be required to give advice and guidance to the student on their future conduct whilst enrolled on the programme. The Panel can also recommend a warning to be placed in the student file.
 - Permit the student to continue on the course with a formal action plan. The plan will be supportive and designed to enable the student to sustainably demonstrate that they are professionally suitable. Failure to adhere to the plan will be viewed as a further fitness to practice issue and this policy may be re-invoked. A record of the action plan will be held in the student's file which may be referred to in any further proceedings.
 - Issue a formal written warning which will be placed in the student's file for a period of time determined by the Panel. The student will be notified that while the warning remains on the file, any reference given by the college for employment or further study will include a statement that the student was subject to a Fitness to Practice Panel hearing during the programme.
 - Discontinuation of a placement. The College may share with placement providers details about the fitness to practice panel hearing. The College will make reasonable attempts to secure an alternative placement,

however providers may refuse to accept particular students which could ultimately jeopardise the student's ability to complete the course.

- Require the student to transfer to another programme for which a professional award will not be made
- Expel the student from IBCM.

5.33 Any penalty/sanction should be proportionate to the offence and individual circumstances.

5.34 The student will receive, in writing, the outcome of the Panel within 10 working days. The student will be informed of the right to appeal.

6.0 Appeals

6.1 A student who wishes to appeal may do so in writing to the Principal. The appeal may only be based on one or more of the following grounds:

- That relevant material new evidence which was not reasonably available at stage 3 Panel can now be provided
- There has been a failure of due process and/or
- The decision is unreasonable and/or the outcome disproportionate

6.2 If a student wishes to appeal they should write to the Principal within 14 days of the decision letter, setting out the grounds they wish to appeal and the details of the appeal.

6.3 The Principal will determine whether grounds for appeal have been disclosed and advise the student within 14 days. If no ground for appeal then the appeal will be dismissed. If grounds for appeal have been disclosed, the Principal will convene an Appeal Panel.

6.4 The Appeal Panel will consist of a member of the Governing Body, an Academic member of staff with no previous involvement in the case, and a senior practitioner from an employer partner organisation who has experience of dealing with fitness to practice in the workplace.

6.5 A Clerk to the appeal panel will be appointed by the GB representative. The student and the Chair of the stage 3 panel will be invited to the appeal hearing.

6.6 The Appeal Panel shall decide whether to:

- Uphold the decision of the stage 3 panel in full
- Uphold the decision, but substitute the sanction for a less severe outcome
- Set the decision aside and determine that the allegation should be dismissed
- Set the decision aside and require the stage 3 panel to reconsider its decision.

6.7 The decision of the original panel shall remain in effect until an appeal has been considered by an Appeal Panel.

6.8 The Clerk to the Appeal Panel will notify the student in writing of the decision of the Panel within 7 days of the hearing. The student will be advised that they can request that their situation be considered by the Office of the Independent Adjudicator for Higher Education (OIA)

7.0 Reference Points

The following policy and procedure documents support the information in this policy:

- IBCM Student Charter
- IBCM Equal Opportunities Policy
- IBCM Disciplinary Policy
- IBCM Prevent and Safeguarding
- IBCM Student Welfare Policy
- IBCM Fitness to study policy
- IBCM Student Handbook

9.0 Version History

Version	26.1
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