

Fitness to Practise Policy

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Section 1: Overview

1.1 Purpose and Scope

- 1.1.1** Frontline's aim is to transform the lives of vulnerable children and their families by ensuring a positive contribution to outstanding social work practice. To achieve this, fitness to practise procedures are in place so that those qualifying and applying for registration with the professional body are fit to practise as social workers. The social work regulator defines a person as 'fit to practise' when they have the skills, knowledge and character to practise their profession safely and effectively. This means developing demonstrable professional attitudes and behaviour.
- 1.1.2** The Frontline curriculum address key practice knowledge, understanding and skills in order to ensure participants are enabled towards fitness to practise, so that they may obtain a professionally recognised qualification for social work.
- 1.1.3** This policy sets out Frontline will consider issues that call into question a participant's fitness to practise (FtP) and applies to all qualifying participants once they have commenced their practice learning experience and will apply whenever concerns are raised about their fitness to practise. Prior to the participant completing the registration process with Lancaster University, the suitability for professional training policy will apply.
- 1.1.4** Concerns about fitness to practise may arise in relation to unsatisfactory professional performance, misconduct or disciplinary offences (both academic or otherwise), failure to disclose required information, behaviour away from studies (e.g. criminal convictions, disruptive behaviour, inappropriate use of social media), or poor health or physical impairment or disability that interferes with the participant's ability to practise safely. This list of examples is not exhaustive.
- 1.1.5** The definition of unsatisfactory professional performance is wide-ranging by may include the following:
- unsafe practice, incompetence or requiring too much supervision;
 - lack of respect, aggressive or poor attitude;
 - failure to self-reflect, lack of insight;
 - lack of receptiveness to advice from professional colleagues;
 - poor self-management, lack of professional accountability;
 - dishonesty or breaking confidentiality or organisational policy.

1.1.6 This policy is not intended to replace any disciplinary or fitness to study procedures. However, the outcome of these policies may lead to a fitness to practise issue progressing under this policy.

1.2 Responsibilities

1.2.1 The Delivery Director is responsible for the effective implementation of the policy.

1.2.2 Heads of Region are responsible for:

- the informal management of a case;
- conducting or initiating an investigation or activity to establish the facts of a case;
- deciding whether to pursue informal or formal action; and
- seeking appropriate support and advice on procedural and policy matters.

Section 2: Policy and procedures

2.1 General principles

2.1.1 Frontline is committed to ensuring its fitness to practise procedures are carried out fairly and are proportional to the matter under consideration.

2.1.2 Information relevant to fitness to practise procedures will be kept confidential, as far as possible.

2.1.3 If a concern has been raised by children or families the participant has been working with, or they have provided evidence, Frontline will ensure their confidentiality is also protected.

2.1.4 Participants subject to the fitness to practise process may be accompanied at meetings or hearings by a friend, other supporter, member of the Student Union or Union Representative. The participant will still be required to answer questions about what has given rise to the fitness to practise concerns.

2.1.5 If the fitness to practise process is being considered following the outcome of another procedure, it may be appropriate to proceed directly to the fitness to practise panel. This will be at the discretion of the Head of Region (or nominated representative).

2.1.6 Following receipt of a matter Frontline will appoint an investigation officer to conduct an investigation into the matters raised. They reserve the right to confirm the parameters of the investigation.

2.2 Instigating and fitness to practise process

2.2.1 When a report or correspondence is received that raises concerns about a participant's fitness to practise (e.g. a complaint by a member of staff at the local authority), an initial assessment of the severity of the issue will be completed by the Head of Region (or nominated representative).

2.2.2 The assessment will be based on one or more sources of evidence as follows:

- written reports by Frontline, Lancaster University or Local Authority staff;
- written examiner reports or feedback on assignments;
- allegations from a member of the public;
- reports from other disciplinary procedures or panels where evidence raising concerns about fitness to practise has come to light (including review of any previous FtP investigations or outcomes noted on the participants record); or
- reports of criminal convictions, cautions or police allegations/investigations.

2.2.3 The Head of Region (or nominated representative) will determine whether or not the concerns reach the threshold for a direct referral to a formal fitness to practise hearing, which include but are not limited to the following:

- breaching the relevant SWE or BASW codes of conduct and ethics;
- an ongoing behavioural concern that contravenes or undermines the upholding of SWE Professional Standards;;
- demonstrating a lack of capability to achieve the necessary standards of proficiency for the profession e.g. failing to meet the necessary competencies outlined in the Professional Capabilities Framework for Social Work;
- demonstrating a behaviour that poses a threat to the reputation of the profession;
- presenting a health and safety risk or presenting risk to service users or staff members;
- breaching programme specific attendance requirements.

2.2.4 Should the Head of Region (or nominated representative) determine that none of the above threshold criteria has been reached, but that the complaint has raised sufficient concern in relation to the participant's fitness to practise, then a preliminary 'cause for

concern' meeting will be conducted so that the appropriate measures necessary to address the concerns raised can be discussed and implemented. The Head of Region may determine that no breach has occurred, and no further action is required under this policy.

- 2.2.5** An investigation officer will be appointed to conduct an investigation into the matters raised. They reserve the right to confirm the parameters of the investigation.
- 2.2.6** Frontline reserves the right to refer the matter to an alternative Frontline Policy, for example Fitness to Study, at any point if it is concluded that the participant's fitness to practise is not impaired or does not meet the necessary threshold, as per this policy.
- 2.2.7** The Head of Region (or nominated representative) will record all decisions about any concerns. All such records will be maintained and made available to the participant (although this may be restricted taking into account data protection and/or confidentiality requirements).
- 2.2.8** A participant who has been subject to the 'cause for concern' procedure may consequently be referred onto a formal fitness to practise hearing if it is deemed that there are continuing grounds for concern that require an official investigation and panel hearing.
- 2.2.9** If the issue leading to the fitness to practise concern meets or exceeds the threshold, a participant may be directly referred to the formal fitness to practise hearing and bypass the informal 'cause for concern' meeting.
- 2.2.10** If a participant is directly referred to the formal fitness to practise hearing, the Head of Region (or nominated representative) will provide the participant with access to all the information, although this may need to be restricted in light of information governance requirements (e.g. data protection, confidentiality of service users etc.) in which case amended information which gives sufficient detail to allow the participant to defend themselves without contravening the relevant information governance regulations would be provided.
- 2.2.11** Fitness to practise concerns can arise from other procedures such as those regarding academic malpractice. Where an alternative procedure is being followed to establish the

validity and extent of a concern, including proceedings of the policy or courts, these procedures should normally be completed prior to instigating the fitness to practise policy.

2.2.12 As part of the programme's duty of care to the participant, where there are sufficient concerns relating to his/her health, a participant will be asked to undertake an occupational health review prior to any formal hearing taking place. A participant 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 participant was reluctant to ensure that their health was not impeding their fitness to practice. Depending on the outcome of the occupational health review, a decision will be made by the chair of the FtP panel as to what evidence from the occupational health review should be forwarded to a formal hearing. The participant will receive a full copy of the occupational health report.

2.3 Suspension while the fitness to practise process is pending

2.3.1 At any point during the proceedings, if the fitness to practise concerns indicate a risk to the participant, other participants, staff members, children and families or the general public then the participant may be suspended from practice or the whole programme either temporarily or until the proceedings have been completed.

2.3.2 The Delivery Director is responsible for making this decision and will consider each case individually.

2.4 Preliminary Cause for Concern meeting

2.4.1 The 'cause for concern' meeting of the fitness to practise policy is intended to put into place measures to address concerns and this may be developmental support to participants. It offers participants the opportunity to improve their practice and approach, as well as allowing staff to better explore the barriers that may be inhibiting participants' progression and their ability to practice effectively.

2.4.2 Participants will be informed of any concerns raised as soon as possible and asked to reflect on their practice via a verbal and/or written reflective account, with format and expectations made clear to the participant prior to commencing this element.

2.4.3 Where improvement measures are agreed at the 'cause for concern' meeting, these should be clearly set out in an action plan along with associated timescales for

improvement and consequences of not meeting these e.g. proceeding to the formal fitness to practise hearing or referral to another Frontline policy.

- 2.4.4 In instances where Frontline decides to take no action over a concern that has been raised under this policy, Frontline may refer the matter to be progressed under another policy e.g. Fitness to Study and/or Participant Discipline Policy. Or alternatively share with the participant the nature of the concerns raised in relation to their practice or behaviour. The information provided to the participant will vary depending on the nature of the concerns that are raised.
- 2.4.5 Where a 'cause for concern' needs to proceed into the formal fitness to practise hearing, the participant will be notified through the process outlined below. A participant who has been subject to the 'cause for concern' meeting may consequently be referred onto a formal fitness to practise hearing if it is deemed that the circumstances meet or exceed the threshold criteria.
- 2.4.6 The participants file will be updated and record all decisions about any concerns. The information will be made available to the participant (although this may be restricted taking into account data protection and/or confidentiality requirements).

2.5 Formal Fitness to Practise Hearing

- 2.5.1 The Head of Region (or nominated representative) will appoint an independent investigation officer to review the participant's fitness to practice. The investigation officer will normally be someone who is social work qualified (typically a member of Frontline staff), with no prior involvement with the case.
- 2.5.2 Once an issue is identified, the panel would ordinarily be convened within three weeks, the intervening time being used to gather the necessary evidence.
- 2.5.3 As part of the programme's duty of care to the participant, where there are sufficient concerns relating to his/her health, a participant will be asked to undertake an occupational health review prior to any formal hearing taking place. A participant 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 participant was reluctant to ensure that their health was not impeding their fitness to practice. Depending on the outcome of the

occupational health review, a decision will be made by the chair of the FtP panel as to what evidence from the occupational health review should be forwarded to a formal hearing. The participant will receive a full copy of the occupational health report.

2.5.4 During the investigation, the investigating officer would normally interview and get statements from the following parties:

- the participant
- any witnesses (where relevant)
- Practice Tutor
- Consultant Social Worker

2.5.5 Where interviews are to be conducted, participants and any other relevant parties should be provided with at least three working days' notice of the interview.

2.5.6 Notes of any interviews will be taken by a note taker and the participant shall normally be entitled to have sight of this record. Although this may need to be restricted in light of information governance requirements (e.g. data protection, confidentiality of service users etc.) in which case amended information which gives sufficient detail to allow the participant to defend themselves without contravening the relevant information governance regulations would be provided.

2.5.7 The investigating officer shall compile and review all relevant evidence, including interview notes and written statements, and shall review relevant guidelines on fitness to practice matters issued by the professional body.

2.5.8 After considering all evidence identified throughout the investigation, the investigating officer will write a report of their findings. The investigation should normally be completed and the report written within 15 working days. If further time is required, the investigator will advise the impacted parties of the revised timeline and reason for the delay.

2.6 Panel Hearing

Administration

2.6.1 The composition of the fitness to practise panel will include as a minimum:

- a **chair person**, normally a qualified social worker, with no prior involvement with the participant who will (1) lead the proceedings and facilitate decision making,

(2) inform parties of the meeting's outcome, and (3) approve the minutes taken by the panel administrator;

- one member of Frontline staff who is a registered social worker and has had no prior significant involvement with the participant;
- an **independent representative** of the participant's profession, who has had no prior involvement with the participant.

A **panel administrator** will also be in attendance to take notes and the **investigating officer** may be in attendance to present the case.

2.6.2 As soon as is reasonably practicable, the panel administrator shall send the participant a letter inviting them to attend the fitness to practise panel with normally at least 10 days' notice, outlining:

- the reason the participant has been referred to the fitness to practise panel;
- the time and date on which the panel will consider the case;
- the membership of the panel;
- the date by which the participant will be sent the evidence and material that will be presented to the panel;
- instruction that the participant has the right to make further written submissions and provide any evidence in support of their case to the panel, which should be received at least 2 working days prior to the date of the hearing;
- that the participant may be accompanied by any person of their choosing e.g. a friend or a lay representative; and
- where the participant is to be accompanied by a legally qualified representative, the participant must inform Frontline within 5 working days prior to the meeting or hearing. Frontline reserves the right to have the services of their own legal representative at the meeting or hearing.

2.6.3 The participant would usually be required to attend a fitness to practise hearing, though the chair may consent to them being absent given what the chair judges to be a reasonable explanation. Whether or not he/she is in attendance, the participant may make written submissions in their defence and/or mitigation.

2.6.4 In the event that a participant, who has been required to attend a hearing under these regulations, fails to do so at the appointed time without reasonable explanation, then he/she may be subject to disciplinary action. The Panel will normally proceed with the hearing in the participant's absence. The fact of their non-attendance may also be

included in the consideration of their fitness to practice, if it is relevant to the case being made.

- 2.6.5** The participant does not have a right to an alternative date but has the right to apply to postpone the hearing if they have exceptional circumstances, with supporting evidence. The Panel must be fair and reasonable in deciding whether or not to grant a postponement or proceed in the participants absence. A participant who cannot attend can make written submissions.
- 2.6.6** Every participant referred to a fitness to practise panel has the right to attend and present information in support of their case, as well as the right to a representative. In cases where the participant intends for the support person to present or speak on their behalf, this must be agreed in advance by the Chair of the panel.
- 2.6.7** The panel may ask a witness to attend a hearing (normally via skype) or provide a written statement where the facts leading to the fitness to practice concern are disputed or to seek clarification after hearing the participant's account. Witnesses will be given reasonable notice should they be asked to participate in the formal hearing and their role will be fully explained.
- 2.6.8** The fitness to practise panel will usually hold an oral hearing. However, it may at its discretion and in exceptional circumstances, choose to deal with the matter on paper where the panel deems it appropriate to do so.
- 2.6.9** All documents to be considered by the fitness to practise panel will be distributed by the panel administrator to all panel members and the participant normally 10 days, but no later than five days, in advance of the panel.
- 2.6.10** Minutes of the hearing will be recorded by the panel administrator. Following chair's approval, the minutes will be shared with the participant, Examination Board, Academic Registrar and the Head of Region.
- 2.6.11** The panel members may choose to seek support from legal advisers or other external advisers prior to the hearing, at their discretion.

Conduct of the hearing

2.6.12 The chair will outline the procedure that the hearing will follow, which will involve at least the following:

- inform all parties that the content of the whole hearing is confidential and professional rules will be observed. If the content involves discussion of practice, then any service users or third parties will be referred to by pseudonyms to preserve confidentiality;
- introduce the fitness to practise panel and explain the presence of each person;
- the investigating officer (or nominee) may be in attendance to present the case and evidence in support;
- the participant presenting their response. Any evidence must be given by the participant and not their representative;
- when a witness is in attendance, they may be asked questions by the panel and the participant;
- the chair will present the final concluding remarks.

2.6.13 The content of the whole hearing is confidential. The first part of the hearing process will involve the panel considering all the written documentation and presentation from the investigating officer (if in attendance). The second part of the hearing is the presentation of the case for the participant, in mitigation or defence of the expressed concern about their fitness to practice.

2.6.14 Once the Chair is satisfied that all parties have had the opportunity to convey information to the panel, the participant (and any representative), the investigation officer and witnesses (if in attendance) will be asked to withdraw from the meeting.

2.6.15 If the panel members are unable to agree on a decision then the outcome will be made via a majority vote.

2.6.16 At the conclusion of the hearing the panel will determine the outcome and the extent and seriousness of the case and make a recommendation regarding any penalty or course of action to the Examination Board. The details and outcome of the hearing should be recorded and recommendations forwarded to the Examination Board. The participant will normally be advised verbally of the recommendation of the hearing at the conclusion of the panel's deliberations. The participant will be sent a letter detailing the recommendation of the panel, including the rationale for this recommendation. Within five working days of the formal hearing. In the letter the participant will be advised that

he/she can also write to the Examination Board on the matter if he/she wishes, also enclosing any relevant new information such as correspondence or medical notes.

Possible Outcomes

2.6.17 If the panel find that there are no fitness to practice issues or the participant is deemed as being not impaired it may:

- take no further action other than to record the finding; or
- refer the participant to another Frontline policy; and/or
- make recommendations to the student as to their further progress on the course.

2.6.18 If the panel finds that the participant's fitness to practice is impaired, it may proceed to recommend to the Examination Board one of the following actions:

- written warning with recommendations as to the participant's future conduct;
- written warning with conditions for presence on the programme and/or placement;
- recommendation that the participant is intercalated from the programme for a fixed period of time and confirm the conditions and/or pending a certain outcome;
- recommendation that the participant is unable to progress on the programme as they are unfit to practice and cannot redeem the situation.

2.6.19 Once the recommendation has been reviewed and/or approved by the Examination Board, where appropriate, the fitness to practise panel will inform the social work regulator of the outcome.

2.7 After a Fitness to practise hearing

2.7.1 The outcome of the hearing and the recommendation of the fitness to practise panel will be considered at the next appropriate Lancaster University Examination Board (allowing time for submission of information by the participant). However, if an Examination Board is not scheduled within 28 days of the hearing an extraordinary Examination Board will be convened within that time.

2.7.2 The participant can submit any new or relevant information to be considered by the Examination Board alongside the submission of the Fitness to Practise Panel. The participant will be given at least 10 days' notice of the Examination Board, within which to submit any such information for consideration. Such information can be submitted to the administrator up to 2 working days before it is scheduled to meet.

- 2.7.3** The Examination Board will consider the recommendation of the Fitness to Practise hearing together with any new or relevant information provided by the participant. The role of the Examination Board is to consider and ratify the recommendation made in respect of the participant's progress, including any outcomes for the participant. The Board must also confirm, to its satisfaction, that due process has been followed at the hearing and that all relevant information has been fully considered.
- 2.7.4** If the Board either fails to ratify the recommendation of the Fitness to Practise panel or considered there to be new or additional information available that would potentially impact the recommendation made by the panel. The Board can request that the original Fitness to Practise panel is reconvened. If a further recommendation is not ratified, then the participant will be deemed to have been cleared of that fitness to practice concern.
- 2.7.5** The participant will receive formal notification of the Examination Board's decision and the rationale. The Examination Board will also decide how best to communicate this decision, although it must be communicated promptly and within 5 working days. A copy will be retained in the participant's file.
- 2.7.6** Where the Examination Board determines that a participant is not fit to practice, the participant may be required to withdraw from the programme and will not be eligible for the full final award and the eligibility that confers to apply for professional registration.
- 2.7.7** In the case of a participant lodging an appeal against the decision of the Examination Board requiring him/her to withdraw from the programme on grounds of fitness to practice, the appeal will be dealt with under Lancaster University's Academic Appeals Policy, as set out in the Manual of Academic Regulations and Procedures (MARP). If the participant appeals on the basis of consequent termination of their contract of employment with the employing trust, then this will be dealt with by the relevant procedures within that trust or local authority.

Section 3: Relevant references

3.1 Frontline policies and documents

- 3.1.1** This policy should be read in conjunction with the following policies and guidance:
- Fitness to Study
 - Participant Discipline Policy

- Suitability for professional training
- Participant’s practice learning agreement
- SWE Professional Standard

Annexe 1

Examples of issues that might result in initiation of procedures under this policy

The below is not exhaustive:

1.1 Criminal or related matters:

- Conviction of criminal offences;
- Domestic circumstances and alleged offences where the police have been called, or where there are safeguarding issues involved.

1.2 Conduct or Behaviour:

- Falsification of academic records;
- Extensive or repeated academic malpractice;
- Extensive or repeated attendance issues;
- Inappropriate use of social media;
- Employment in a role outside the programme that might compromise professional identity or reputation of self or the profession;
- Issues that cast doubt on a participant’s honesty or integrity;
- Inappropriate behaviours or actions with other participants, staff or colleagues (e.g. threatening behaviour, racist/sexist language, dishonesty);
- Harassment or bullying
- Inappropriate behaviours or actions with children and/or families during the practice and/or contrasting learning experience;
- Practice that is so lacking in competence that it is deemed to put children, families or staff at risk;
- Non-disclosure of a personal or familial relationship with a colleague in the local authority;
- Actions which might cause injury or put the health and safety of others at risk;
- Theft or misuse of property;
- Being in attendance whilst under the influence of alcohol or drugs (including legal highs). Please note that where participants are taking prescribed medications that

may affect their performance on the Frontline programme, this should be disclosed to a member of staff as soon as possible;

- The expression of any extremist views (or the provision of any material or encouragement or support for individuals or groups expressing extremist views) that have the potential to incite discrimination, harassment, bullying or violence towards others;
- Making false and/or malicious allegations regarding a fellow applicant or participant.

1.3 Participants should be aware that their conduct in their private life may adversely impact on their standing as prospective social workers and may therefore be relevant for consideration under this fitness to practise policy.