

# Fitness to Practise Procedure

## Section 1 - Purpose and Objectives

(1) This Procedure outlines the process for managing Fitness to Practise concerns. This Procedure enacts the [Fitness to Practise Policy](#).

## Section 2 - Definitions, Terms, Acronyms

Term	Definition
Academic Registrar	The Academic Registrar of the University.
Appeal	An application made by a student to have a decision reviewed where that decision relates to a matter affecting their studies or life as a student.
Concern	Actions or issues that call into question a student's ability to undertake practical placements successfully either within or external to the University.
Course	A distinct unit of study within a program for which a result is given.
Decision-maker	An officer or body listed as a decision-maker under section 11.
Deputy Head of School	A Deputy Head of School of the University.
Deputy Vice-Chancellor (Academic)	The Deputy Vice-Chancellor (Academic) of the University.
Duty to disclose	Refers to a responsibility of the student to disclose information that may be relevant to determining a student's Fitness to Practise.
Executive Dean	The Executive Dean of a Faculty of the University.
Fitness to Practise	Refer to clause 10 of the <a href="#">Policy</a> . Encompasses a broad range of factors including: <ul style="list-style-type: none"> <li>a. conduct;</li> <li>b. performance;</li> <li>c. compliance; and</li> <li>d. health.</li> </ul> This will be influenced by the standards expected by the student's intended profession.
Head of School	A Head of School of the University.
Health condition	A disease, disorder or injury, regardless of its exterior manifestation.
Impairment	In relation to a student, means a student who has a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that detrimentally affects or is likely to detrimentally affect the student's capacity to undertake professional or placement learning activities.
Investigating Officer	A member of staff nominated by a Head of School or Executive Dean to investigate a particular concern (e.g. Course Coordinator, placement manager/coordinator) as locally appropriate.
Legally qualified	A person who holds a degree or formal training in law (e.g. LLB or JD equivalent) and/ or a person admitted or qualified to be an Australian lawyer as defined by the relevant legislation.
Patient/Client	A person or animal receiving professional services.

Term	Definition
Placement Organisation	The organisation at which the student's placement is undertaken. The type of placement organisation is not limited, and includes business, government departments, non-government service providers, non-profit organisations, and volunteer organisations. The University of Queensland is considered a placement organisation under this definition.
Placement Supervisor	(also known as preceptor and clinical educator) one or more suitably qualified persons appointed by the placement organisation or the University to supervise the student on placement.
Practical Placement	(also known as work integrated learning, clinical immersion, clinical placement, clinical practice, externship, fieldwork, industry experience, industry study, internship, practicum, teaching practice, work placement) is a course, course component, or other activity that provides students with practical experiences in the application of theoretical concepts and knowledge in an authentic work environment.
Preliminary investigation	A preliminary investigation under section 6 to consider whether there is sufficient information available to categorise an issue as a Fitness to Practise concern.
Procedural fairness	Requires the procedures used by a decision-maker in dealing with an allegation to be fair and requires: <ul style="list-style-type: none"> <li>a. adherence to established principles of natural justice; and</li> <li>b. a hearing appropriate to the level; and</li> <li>c. impartiality of the decision-maker; and</li> <li>d. evidence to support the finding.</li> </ul>
Remediation	Providing additional support to enable a student to engage positively in the practical placement learning environment
Student	Means a person enrolled as a student at the University or undertaking programs or courses at the University at the time that the Fitness to Practise concern was reported.
Support person	A person accompanying a student at a Fitness to Practise meeting or hearing.
University	The University of Queensland.
Vice-Chancellor	The Vice-Chancellor of the University.

## Section 3 - Procedure Scope/Coverage

(2) This Procedure applies to students enrolled in programs or courses that include a practical placement component and to University staff involved in managing students' Fitness to Practise in these programs and courses.

## Section 4 - Procedure Statement

(3) This Procedure aims to facilitate the early identification and proactive management of Fitness to Practise concerns, and to provide a framework within which the University will handle and respond to those concerns.

(4) The reporting of a concern about a student's Fitness to Practise will not necessarily result in a substantive issue being identified.

## Section 5 - Identifying and Reporting Fitness to Practise Concerns

(5) It is not intended for the [Fitness to Practise Policy](#) and Procedure to be invoked where minor breaches are managed as part of a normal practical placement. Notwithstanding, multiple minor breaches may be considered a Fitness to Practise concern and escalated appropriately.

(6) Fitness to Practise concerns may be reported to the University by stakeholders both internal and external to the University.

(7) A Fitness to Practise concern should normally be lodged in writing to the University.

(8) Fitness to Practise concerns received by the University should be directed to the relevant School in the first instance.

## **Section 6 - Investigating Fitness to Practise Concerns**

(9) A preliminary investigation of the concern that has been notified to the University will be initiated promptly and normally within 10 working days of the first notification.

(10) The Investigating Officer will review the concern(s) and, where necessary and appropriate, seek further information from relevant parties. This may include obtaining witness statements as well as collecting and reviewing other information relating to the alleged concern(s), for example, data, documents or other information provided by a Placement Organisation or a Placement Supervisor. If the evidence suggests there is no Fitness to Practise concern, no further action will be taken.

(11) If the evidence suggests there may be a Fitness to Practise concern, the student will be notified in writing by the Investigating Officer that a Fitness to Practise concern has been raised as soon as practicable and preferably within 5 working days of receipt of the concern and will be advised of the following:

- a. the basis of the concern(s) raised about them; and
- b. any limitations or conditions placed on their studies during the period in which the concern(s) is being investigated.

(12) The student will be provided with the opportunity to respond to the Investigating Officer in relation to the reported Fitness to Practise concern, either in writing or via a face to face meeting.

(13) The Investigating Officer will determine if there is sufficient information to warrant further consideration and to categorise the Fitness to Practise concern(s) in accordance with Section 8.

(14) Where no further action is warranted the Investigating Officer will notify the student accordingly.

## **Section 7 - Immediate Suspension of Practical Placement**

(15) A Placement Organisation may, at any time, exercise their right to withdraw a placement as per the relevant Student Placement Agreement or Deed.

(16) Where credible concerns about the safety of patients/clients, the student or the public have been raised, a student may be suspended from a practical placement by the Vice-Chancellor, upon the recommendation of the relevant Executive Dean.

(17) A student whose practical placement has been immediately suspended will be given an opportunity to be heard within 10 working days about the continuation or lifting of the suspension. If the Vice-Chancellor decides that a student should be suspended from the practical placement, the Vice-Chancellor will inform the student in writing of

the reason for the suspension.

(18) The notice of suspension must include:

- a. the details of the order; and
- b. a statement of the reasons for the decision; and
- c. a statement informing the student when the order will end.

(19) A student suspended from a practical placement under the provisions of clause 16 is not permitted to continue in the practical placement until such time as the suspension has been revoked. In addition, the student is not permitted to enter the premises where the practical placement was being undertaken while an investigation is conducted and a decision is made in relation to the alleged Fitness to Practise concern(s).

## Section 8 - Fitness to Practise Categories

(20) The University recognises that the circumstances giving rise to concern(s) about a student's Fitness to Practise will vary in both severity and duration and appropriate and proportionate responses are required to address the circumstances identified in each specific case.

(21) The following categorisation has been based on the level of seriousness of the concern(s), the learning context, and the level of risk to the safety of those involved. Each concern(s) will be categorised as:

Developmental intervention:	Indicators: <ul style="list-style-type: none"><li>&gt; Temporary condition or impairment</li><li>&gt; One-off lapse or infrequent concern</li><li>&gt; Minor in nature</li><li>&gt; Minor impact</li><li>&gt; Minimal remediation required</li></ul>
Level 1:	Indicators: <ul style="list-style-type: none"><li>&gt; Frequent minor concerns</li><li>&gt; Accidental, thoughtless or unintentional</li><li>&gt; Moderate in nature</li><li>&gt; Moderate impact</li><li>&gt; Likely to be remediated in the short term</li></ul>
Level 2:	Indicators: <ul style="list-style-type: none"><li>&gt; Permanent condition or impairment</li><li>&gt; Persistent, repeated and/or escalating concerns</li><li>&gt; Clear intent</li><li>&gt; Serious in nature</li><li>&gt; Significant impact</li><li>&gt; Unlikely to be remediated in the short term</li></ul>

(22) In determining the category of a concern, the Investigating Officer will assess the concern(s) against the following five criteria:

- a. Type of issue:
  - i. Conduct; and/or
  - ii. Performance; and/or
  - iii. Compliance; and/or
  - iv. Disability/Health;
- b. Frequency of the concern(s);
- c. Level of experience of the student;

- d. Intent of the student; and
- e. Impact, or potential impact, of the issue(s) including risk to the student and to others.

(23) Where multiple concerns have been raised and these span more than one category, the concern will be managed in accordance with the highest category.

(24) Where a student has previously been offered a Developmental Intervention and a subsequent Fitness to Practise concern has been raised, the concern will automatically be categorised as a Level 1 or Level 2 concern.

## Section 9 - Developmental Intervention

(25) If the concern has been categorised as a Developmental Intervention, the Investigating Officer will initiate a supportive sequence of educational/training activities, to remediate the Fitness to Practise concern(s).

(26) The educational/training activities may include, but are not limited to, one or more of the following:

- a. Counsel the student appropriately;
- b. Attending workshops offered by UQ Student Services;
- c. Attending additional teaching sessions;
- d. Providing a mentor;
- e. Attending support meetings;
- f. Increased monitoring of course requirements/placement practices;
- g. Seeking support from UQ Disability Services.

## Section 10 - Fitness to Practise and Misconduct

(27) If, when dealing with a Fitness to Practise concern, the Investigating Officer or decision-maker finds evidence of alleged misconduct (academic or general), but aside from that conduct issue the student's Fitness to Practise is not impaired, the concern will be investigated in accordance with the [Student Integrity and Misconduct Policy](#) and [Procedure](#) and the Fitness to Practise process will be concluded.

(28) If, when dealing with a Fitness to Practise concern, the Investigating Officer or decision-maker finds evidence of both alleged misconduct (academic or general) and an additional Fitness to Practise issue, the misconduct matter will be investigated in accordance with the [Student Integrity and Misconduct Policy](#) and [Procedure](#) and the Fitness to Practise concern will be investigated in accordance with the [Fitness to Practise Policy](#) and this Procedure.

## Section 11 - Decision-Makers

(29) Only concerns that are categorised as Level 1 or Level 2 require a formal decision-maker.

(30) The decision-makers are:

- a. Level 1 - the relevant Head of School, Medical Dean or Head of Clinical School; and
- b. Level 2 - the relevant Executive Dean or the Deputy Vice-Chancellor (Academic), as identified in clause 37.

## Section 12 - Decision-Making

(31) To inform their decision making process, the decision-makers:

- a. May seek further advice from others, either internal or external to the University;
- b. May convene an expert reference group to advise them on the matter. Such a group may include staff from the University and representatives from Placement Organisations as determined by the decision-maker;
- c. May request that the student undertake an examination by an appropriately qualified independent medical professional arranged by the University in order to report to the decision-maker on specific matters, for example:
  - i. identifying reasonable academic adjustments that might be required to facilitate the student's safe return to practical placements;
  - ii. whether the student is fit to be undertaking practical placements at that time;
  - iii. whether the student has a condition that may preclude their ability to fulfil essential program requirements;
- d. Must invite written feedback from, and/or meet with, the student about whom the concern has been raised.

## Section 13 - Level 1 and Level 2 Outcomes

(32) Relevant factors the decision-maker may, at their discretion, take into account in determining an appropriate outcome include, but are not limited to:

- a. The nature and extent of the concern;
- b. The risks posed by the student engaging in future practical placements;
- c. The student's year in the respective program and the extent of practical placements yet to be undertaken in the program;
- d. The student's likely ability and preparedness to respond positively to support and remediation;
- e. Whether there is evidence of a deliberate and premeditated decision to engage in unprofessional behaviour;
- f. The impact of the conduct on others as well as the University;
- g. Any remedial action the student has taken to mitigate their unsatisfactory practise, or prevent the concern in question from reoccurring, which demonstrates insight into the concern; and
- h. Whether there are any mitigating circumstances.

### Level 1 Outcomes

(33) Level 1 decision-makers may determine an outcome including one or more of the following:

- a. Dismiss the concern and take no further action;
- b. Issue a written warning;
- c. Require the student to undertake remedial activities, which may include a range of educational activities such as attendance at workshops, and successfully completing remedial learning activities;
- d. Require the student to meet with staff to receive support, remedial instruction or other pastoral care;
- e. Refer the student to counselling or other relevant professional support;
- f. Require the student to undertake an additional specified period of supervised practical placement;
- g. Set an additional assessment task about the Fitness to Practise concern(s);
- h. Impose a short-term limit on the student's participation in the learning activity or attendance at a practical placement until such time as they have demonstrated their remediation of the issue that gave rise to the

Fitness to Practise concern. A decision to limit a student's participation on Level 1 concerns should be temporary, to the extent that it does not unreasonably jeopardise the student's ability to complete the course in the semester in which they are enrolled;

- i. Require the student to resubmit an assessment item to achieve a mark no higher than a "pass" mark for the item;
- j. Refer the matter to the Executive Dean for consideration as a Level 2 concern.

(34) If the Head of School forms the view that the student's situation is such that an interruption of studies is recommended, and supported by a medical report/certificate, the concern will be referred to the Executive Dean for a decision on outcome.

(35) Failure by a student to comply with, or successfully complete, a Level 1 outcome may result in referral to the Executive Dean as a Level 2 concern.

## **Level 2 Outcomes**

(36) Level 2 decision-makers may determine an outcome including one or more of the following:

- a. Any level 1 outcome as noted above;
- b. Refer the matter to the School to deal with as a Level 1 concern;
- c. Impose conditions (e.g. remediation) on the student's continued enrolment in the placement activity/course(s);
- d. Refuse further enrolment in a placement activity/course(s) until any condition(s) imposed is met;
- e. Award zero marks (N for non-graded courses) for the placement component of a course in which the Fitness to Practise concern(s) occurred;
- f. Refuse or cancel enrolment for the course(s) in which the Fitness to Practise concern(s) occurred;
- g. Where a student has provided a medical report/certificate that supports an interruption of study, a period of interruption not exceeding 12 months may be imposed. Re-enrolment will only be considered based on the recommendation of a medical certificate/report that states the student is capable of resuming their studies.

(37) If the Executive Dean forms the view that the student's situation is such that a lengthy interruption exceeding 12 months will be required in order for the student to have sufficient time to rehabilitate their situation, or if their situation is such that remediation is either unlikely or impracticable, the concern will be referred to the Deputy Vice-Chancellor (Academic) for a hearing and a decision on the outcome.

(38) If the Executive Dean makes a recommendation to the Deputy Vice-Chancellor (Academic) under the provision of clause 37, the Deputy Vice-Chancellor (Academic) may, after hearing the matter, decide to suspend the student's enrolment in the program for up to 3 years, and may set conditions on any future resumption of enrolment in the program or, where remediation is unlikely or impracticable, may withdraw the student from the program.

(39) Failure by a student to comply with a Level 2 outcome will be considered misconduct and investigated in accordance with the [Student Integrity and Misconduct Policy](#) and [Procedure](#).

(40) Failure by a student to successfully complete a Level 2 outcome may result in referral to the Deputy Vice-Chancellor (Academic) who may set conditions on enrolment in the program or, where remediation is unlikely or impracticable, may withdraw the student from the program.

## **Section 14 - Appeals**

(41) A student may appeal an outcome as decided in section 13, and this must be lodged within 20 business days of being given notice of the outcome.

(42) The Academic Registrar may extend the time for compliance with clause 41.

(43) An appeal application must clearly state the outcome being appealed and the grounds for appeal.

(44) Grounds for appeal must include one or both of the following:

- a. Material irregularity in the making of the decision. Material irregularity can take the form of:
  - i. Evidence of failure to adhere to relevant published policies and procedures;
  - ii. Evidence of improper, irregular, or negligent conduct by persons involved in the making of the contested outcome;
  - iii. Evidence of discrimination, prejudice, or bias against a student in the making of the contested outcome;
  - iv. Evidence that the original decision-maker has not considered a matter of specific relevance to the outcome;
- b. Extenuating circumstances which, for valid reasons, were not previously made known. This would require availability of new and relevant information, and/or of evidence that, for valid reasons, was not made available at the time the outcome under appeal was made.

(45) A student must attach all relevant supporting appeal documentation at the time of lodging the appeal application.

(46) An appeal arising from a Level 1 concern will be reviewed and decided by the Executive Dean.

(47) An appeal arising from a Level 2 concern decided by the Executive Dean will be reviewed and decided by the Deputy Vice-Chancellor (Academic).

(48) A student may appeal the decision of the Deputy Vice-Chancellor by way of appeal to Senate.

## Section 15 - Records

(49) A confidential register will be maintained:

- a. Minor breaches that are managed as part of a normal practical placement and developmental interventions will be recorded by the relevant School; and
- b. All outcomes imposed in respect of a finding of Level 1 and Level 2 Fitness to Practise concerns will be recorded by the University.

(50) For clarity, Fitness to Practise concerns dealt with under this Procedure are not considered misconduct and do not form part of the student's disciplinary record.

## Section 16 - Conflicts of Interest

(51) Staff involved in Fitness to Practise procedures must disclose actual, perceived or potential conflicts of interest (whether personal, financial or otherwise) as soon as they become aware of them as outlined in the University's [Conflict of Interest Policy](#) and associated procedures.

## Section 17 - Student Rights

(52) Where a student attends a meeting(s) in relation to a Fitness to Practise concern, the student is entitled to be accompanied by a support person. The role played by the support person is as a neutral witness to the discussion. The support person must not be legally qualified, however the decision-maker has the discretion to allow the presence of a



legally qualified support person if they so choose.

(53) In accordance with the requirements of procedural fairness, students have the right to:

- a. Have a concern relating to their Fitness to Practise dealt with as promptly as possible;
- b. Receive a copy of, or an opportunity to inspect, all relevant information held by the decision-maker;
- c. Be given an opportunity to appear before the decision-maker to discuss the concern;
- d. Appeal the outcome determined by the decision-maker to a designated person or body who is not the decision-maker.

## **Section 18 - Disclosure and Professional Registration**

### **Student Disclosure**

(54) The University requires all students enrolled in certain programs or courses that include practical placements to disclose to the University any risks to their own health and wellbeing and/or risks they may pose to others in undertaking practical placements.

(55) When a disclosure is made, necessary and reasonable adjustments will be made (wherever possible) by the University to accommodate students undertaking practical placements in accordance with the University's [Reasonable Adjustments - Students Policy](#).

### **University Disclosure to Placement Organisations**

(56) The University may disclose relevant personal information about a student to placement organisations to enable the placement organisation to support the student adequately whilst on practical placement, for example, information about student performance or behaviour during a previous practical placement.

(57) When determining if a disclosure will be made, the School will consult with the relevant Associate Dean (Academic).

(58) The University may also have an obligation to disclose relevant personal information about a student to a placement organisation under the provisions of a Student Placement Agreement or Deed with the placement organisation.

(59) Where a disclosure is made by the University to a placement organisation, the student will be informed.

### **Professional Registration (AHPRA)**

(60) Some students in health professions are registered with the Australian Health Practitioner Regulation Agency (AHPRA) pursuant to the Health Practitioner Regulation National Law (The National Law) as in force in each State and Territory. Under the provisions of The National Law, education providers and students have specified mandatory reporting responsibilities in relation to student conduct, performance and health.

(61) The University will make mandatory and voluntary notifications where appropriate. In all circumstances, where a student is required to disclose a matter to AHPRA in accordance with The National Law, in addition to disclosing to AHPRA, the student has a duty to disclose such information to the University. Where a notification is made by the University to AHPRA, the student will be informed.



## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	6th December 2016
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<b>Approval Authority</b>	Director, Academic Services Division and Academic Registrar
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<b>Policy Owner</b>	Kathryn Blyth Director, Academic Services Division and Academic Registrar
<b>Enquiries Contact</b>	Academic Services Division