



Terapia Fitness to Practice Policy

Responsibility of Policy	CEO/Clinical Director
Relevant to	All Terapia students
Responsibility For Document Review	Director of Training
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This policy must be read in conjunction with Terapia’s Fitness to Study Policy, Drug and Alcohol Policy, BACP Code of Ethics, Terapia’s Ethical Guidelines for Working with Children.

I. Aims and Objectives

Terapia expects the highest standards of behaviour and conduct from students on our training programmes. The Fitness to Practice Policy (FtPP) exists to ensure that each student will meet the professional standards of conduct required for a professionally recognised qualification.

The FtPP is the procedure to be followed to ensure that a student is not only academically qualified to practise, but also presents the required professional and personal integrity and character to practice in their profession safely and effectively. The policy is to be applied where there are concerns over behaviour or personal or professional conduct.

The purpose of this document is to set out how Terapia fulfils its responsibility with respect to students’ professional suitability for training, practice and registration with Terapia’s regulatory bodies from the point of initial concern, through the formal stages of risk assessment, to preparation for and conduct of a formal review meeting, and post-meeting actions and the student’s right of appeal.

This policy aims to be thorough and fair to service users/clients/carers, students, agencies and employers. It is intended to incorporate the principles of natural justice and procedural fairness.

This policy will apply to the following concerns:

- 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
- Misleading clients or members of public about own qualifications and credentials
- 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
- Breaching professional and ethical guidelines Terapia adheres to (BACP and UKCP)
- Breaking client's 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 (for issues related to health and fitness to study please see Terapia Fitness to Study Policy).
- Failure to seek help or engage with appropriate services in relation to health issues; and
- Poor communication or language skills.

The above list is not exhaustive.

Concerns about a student's conduct and behaviour may be raised by:

1. Other students
2. Academic staff, tutors, clinical and observation supervisors
3. Terapia staff
4. Fellow students
5. Practitioners
6. Clients
7. Members of the public; including parents, guardians and friends of the student who is giving cause for concern
8. Managers and colleagues in clinical and observational placements

9. The police and other authorities

Where concerns are raised regarding a student's fitness to practise, the student will be informed of the concerns and the actions of Terapia. Students will have access to the evidence and will be able to respond to those concerns.

Information collated will be treated as 'sensitive, confidential data' in line with Terapia's GDPR Policy.

Statistical data will be collated in order to monitor policy, process and issues of principle.

All Terapia staff involved in investigating concerns about fitness to practise or as members of Fitness to Practise Panels are independent for this purpose.

Students can obtain individual advice and support from the Pastoral Support Tutor who can be contacted via tanya@terapia.co.uk.

Terapia reserves the right to amend the Fitness to Practise policy in the light of prevailing circumstances such as government legislation, changes to professional body requirements or operational experience.

2. Procedure and Process

It is the ethical and professional responsibility of any member of Terapia's staff to raise concerns and take appropriate action, if in their judgement there is sufficient cause for concern relating to student's fitness to practice. This is in order to:

- Protect present and future clients, other service users and professional colleagues;
- Protect the institution against legal suits brought by a person claiming to have suffered loss or harm as a result of the student being unfit to practice, after qualification;
- Ensure students do not waste time and money seeking a qualification for which they are not suited;
- Comply with the requirements of professional bodies.

Where the concerns also include matters pertaining to the student's health and well-being the student may be considered under Fitness to Study procedures.

A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged professional misconduct and/or professional unsuitability is still in the process of being dealt with under this procedure.

This procedure does not cover concerns arising once a student has graduated from Terapia.

3. Reporting a Concern

Anyone concerned about the behaviour, health and/or professional conduct of a student has the right to raise a concern, which should be reported in the first instance to a member of academic staff, who will notify the Director of Training.

The Director of Training will determine the management of the process in accordance with the Fitness to Practise procedure depending on the nature of the concern.

4. Preliminary Stage: Cause for Concern

This stage of the procedure is intended to be developmental and supportive. It gives the student the opportunity to improve their practice or approach.

Terapia may sometimes bypass the “cause for concern” procedures if the issue leading to the fitness to practise concern is sufficiently serious. This may be appropriate for example if the student has harmed or is at risk of harming others, if fitness to practise concerns have arisen following serious misconduct, unethical behaviour or criminal conviction.

Process:

- The student will be informed of concerns raised.
- The student will be invited to a meeting with the Director of Training and the person who raised the concern.

Outcomes:

No Action taken: Students need to be able to demonstrate that they have the necessary insight into their behaviour or the issues leading to concerns about their fitness to practise.

Action and warning: Terapia, where appropriate, will agree with the student supportive improvement measures, which should be set out in an action plan along with associated timescales for improvement.

Terapia will state in writing to the student what the next steps are if they do not meet the improvements outlined in the action plan.

Terapia may ask the student to complete a piece of work to reflect on their practice. Terapia should make it clear to the student what the purpose of this work is, how it will be assessed and the resulting consequences if the student does not complete it to a satisfactory standard.

Move to formal stage. The procedure is set out below.

It may also be appropriate to move to the more formal stages of the procedure if the student disputes the events or behaviour giving rise to the cause for concern. This is to ensure that the student has a fair opportunity to present their case.

5. The Formal Stage

i) Investigation

Where a student’s fitness to practise is being considered because of previous findings under a disciplinary procedure, or because of serious misconduct, unethical behaviour or a criminal conviction, a formal investigation of the facts is generally not necessary or required.

Terapia will not conduct an investigation where the facts and evidence of misconduct are already presented.

Terapia will conduct an investigation where the facts of the case have not yet been established, or where further information is needed about the effects of the matter leading to concern about the student's fitness for practice. In those cases, the investigation will be carried out by a member of staff, "the investigator", appointed by the Director of Training, who has had no previous involvement in the case.

The investigator will meet with the student as soon as possible, within two weeks from the reported concern. The student will be given notice of the meeting and provided with enough information to allow them to respond to the concern(s), and a given copy of the relevant procedure. The investigator will state in writing what is being investigated and how it applies to the relevant professional standards, to ensure that both the staff member and student understand the purpose and scope of the investigation and the possible outcomes.

The student will be informed how to access advice and support, and who can accompany them to the meeting.

The member of staff investigating the case may talk to staff at Terapia, staff at any placement, and/or other students. They will also consider documents and any other evidence, including medical evidence, the student provides in support of their case. The investigator should also consider any wellbeing issues.

ii) Report of Investigation

The investigator should produce a report which outlines the process followed, the information gathered and their conclusions. The student or their representative should receive copies of the information obtained during the investigation, a copy of the investigation report and information about the next steps in the process. Where necessary, the provider should anonymise personal information obtained during the investigation before sending it to the student or their representative. The student should also be told who they can contact for any queries about the progress of the case.

Where the investigator believes that the student's fitness to practice may be impaired, the matter should be referred to a fitness to practice panel hearing. The investigator may present the case to the panel but should not be involved in the panel's decision making.

iii) Preliminary Review Meeting

A Preliminary Review Meeting (PRM) will be set up to review the preliminary report of the Investigation.

The PRM will be conducted by the Director of Training and any other person(s) appointed by the Director.

The PRM will need to balance public safety with the interests of the student and the need to maintain trust in the profession.

Examples of the outcomes of the PRM are:

- a. The **matter is not sufficiently serious** to warrant any action.
- b. The **matter is of concern but not sufficiently serious** to warrant any ongoing action. The student will be expected to reflect on their behaviour to improve their performance in the future. In this case, a copy of the outcome will be added to the student's file.
- c. The matter is **of concern but it is deemed to be reversible with additional training** (e.g. increased ratio of supervision, increased amount of personal therapy sessions, equality and diversity training). If this course of action is taken, the student will be informed that they will remain under regular review by the Pastoral Support Tutor until there is clear evidence that the issue has been resolved. In this case, a copy of the outcome and resulting documentation will be added to the student's file.
- d. The **matter is of serious concern**. The matter is referred to the Fitness to Practise panel.

6. Fitness to Practise Panel

On receipt of the referral from the outcome of the Preliminary Review Meeting the Director of Training shall arrange for the Fitness to Practice Panel (FPP) to assemble at the earliest convenience, usually within 30 days of the case being referred. Fitness to practise procedures are internal to Terapia and should not be unduly formal.

i) Composition of the FPP

The panel will consist of specialists in Child and Adolescent Psychotherapy training and practice. The panel should include at least one individual with relevant expertise in fitness to practice issues. Terapia will take steps to ensure members of the panel are fully aware of their roles and responsibilities, are properly trained, resourced and supported.

The Panel should be chaired by the CEO or the Director of Training, where appropriate. The Academic Coordinator will act as Secretary to the panel.

Panels should be free of any bias or any reasonable perception of bias. In the context of a fitness to practise process, a perception of bias might arise where the student has a close relationship with a panel member, or the student has made a formal complaint about a panel member.

In fitness to practise proceedings, panel members are more likely to know the student involved because it may be necessary to involve staff members with expertise of the profession and the course. Terapia will ensure a balance of panel members and those members should have had no previous involvement in the fitness to practise concerns. The panel should include some members who are completely independent and where necessary, Terapia may invite staff from other institutions.

The student has the right to object to a panel member before information about their case has been disclosed to panel members.

The cultural mix or diversity of the panel may be a relevant consideration in some cases and is important in reducing the risk of unconscious bias.

ii) Role of the FPP

The role of the FPP is to consider whether a student's behaviour, health and/or professional conduct raises a serious or persistent cause for concern regarding their ability to continue on their course programme or practise after graduation. The Panel will balance public safety with the interests of the student, and the need to maintain trust in the profession.

Where a concern is referred to the FPP, it will consider and take action as appropriate in respect of:

- a. any conduct which may render that a student is not fit to be admitted to and practise the profession of counselling and psychotherapy; or
- b. any health problems which may render that a student is not fit to be admitted to and practise the profession of counselling and psychotherapy.

The FPP will review the evidence presented to it and will consider this in the context of any pattern of behaviour, health and/or professional conduct problems over the duration of the programme together with any earlier history of relevant problems.

The role of the panel will differ depending on whether the facts of the case have already been established (for example in criminal proceedings or disciplinary proceedings).

Where the fitness to practise concerns relate to something that has not been proven, the panel must first establish the facts and allow the student an opportunity to put forward their case.

Once any disputed facts have been decided, either through a separate disciplinary procedure or criminal proceedings, or by the FPP, the role of the panel will be to consider whether the established facts lead to a genuine fitness to practise concern and, if so, what action should be taken.

7. The Fitness to Practice Panel Hearing

The FPP hearing/meeting will be arranged within 30 working days. The student will receive at least five working days' notice of the meeting.

The Chair of the panel will inform the student of the purpose of the hearing, who will be on the panel and who will attend and what their role will be.

The student will be given a copy of the information to be considered before the hearing, informing the student of their right to attend; how to access advice and support; their right to be accompanied and what role a companion is permitted to play in the hearing or meeting.

The Panel hearing should be in person. The student will be informed of the process for rearranging the date of the hearing if the student or other witness is unable to attend for good reason.

The meeting will proceed if the student chooses not to attend and will reach a conclusion in their absence.

In some circumstances the panel may seek support from legal advisers or other external people.

The panel will not normally need to hear oral evidence from witnesses (other than the student) when the facts have already been decided or agreed.

Where the facts leading to the fitness to practise concern are disputed, the procedures are that:

- the student may call witnesses;
- other witnesses may be called and the student may ask them questions directly or through the panel's Chair

All persons must attend in person.

The student may wish to be accompanied by a friend or a member of a family or another person not connected to Terapia and who is not attending in a professional capacity. It will not normally be necessary for a student or Terapia to be legally represented at a fitness to practise hearing, though this may be permitted where there are good reasons for such process.

A written record will be kept of any meeting or hearing, setting out who attended, a brief outline of the proceedings and the reasons for the decisions taken, including the outcome for the student and/or any conditions applied. The reasons given will be detailed enough to enable the student to understand the reasons for the decision. The written record should include details of any disciplinary decision or criminal conviction that led to the fitness to practise concerns.

It is not normally necessary to make an oral recording or full transcript of the meeting or hearing, but it may be helpful to do so, particularly where the case is complex or there is a significant factual dispute.

8. Fitness to Practice Panel outcomes

Having considered the evidence, the FPP's decision may be as follows:

- a. That the student's fitness to practise **is not impaired**, the case is dismissed and the student receives no warning or sanction;
- b. The student is **permitted to continue with the programme and receives a warning that there is evidence of misconduct but the student's Fitness to Practise is not impaired**; the purpose of a warning is to give a formal indication to a student that their conduct has deviated from the standards expected of students on professional/regulated programmes and if repeated, sanctions will be imposed;
- c. **The student is permitted to continue with the programme but receives a sanction as their Fitness to Practise is judged to be impaired.** The purpose of a sanction is not to punish the student but to protect them and others.

The sanctions are as follows:

- a. **Conditions are imposed.** Conditions/undertakings will only be applied if the Fitness to Practise Panel agrees that the student has shown insight into their problem(s) and is likely to respond positively to the sanction imposed. Conditions include, but are not limited to, permitting the student to continue with the programme:
 - with appropriate advice and guidance;
 - with additional training or under increased ratio of supervision and personal therapy;
 - after repeating a specified part or parts of the programme; or
 - any other action that the Fitness to Practise Panel determines is appropriate to enable the student to complete the programme successfully.
- b. **Suspension from the programme.** Suspension prevents a student from continuing with their registration on the programme for a set period and from graduating at the expected time. When a student is suspended, conditions will also be set for the period of suspension and/or their return to the programme.
- c. **Termination of the student's place on the programme.** Termination of studies (i.e. expulsion) is applied if the student's behaviour, health and professional conduct are considered to be incompatible with their continuation on the programme. Termination may include consideration of whether any exit award is appropriate.

Students receiving sanction short of expulsion from the entire programme will be monitored in a manner appropriate to the sanction.

10. Appeals

Students may appeal against the Fitness to Practice Panel decision within 10 working days of the letter stating the result.

The appeal should be addressed to the Director of Training.

An appeal against a decision of a FPP decision can only be made on the grounds that:

- i) The FPP process, including any consideration of proportionality in the determination, was not run in accordance with the agreed policy;
- ii) There was an administrative error affecting the outcome;
- iii) There is additional and relevant evidence that was not seen or was not available at the time the decision was made.

On receipt of an appeal, the Director of Training or their nominee shall acknowledge receipt and where appropriate consult the Chair of the Fitness to Practice Panel. An appeal may be rejected without going to an Appeals Panel if the appeal is submitted out of time or does not fall within the grounds given above.

If the Director of Training judges that there is a case to be considered, they will assemble an Appeals Panel. The membership of the Appeals Panel will include those with appropriate professional knowledge and may include members of the original FPP panel as well as others. If any member of panel has been involved directly in the evidence gathered, an alternate member will be appointed.

The Panel will base its decision on documentation from the first FPP case panel alongside any new information from the appellant, together with any further evidence it considers relevant.

The student will be invited to attend the Appeal Board, but attendance is not mandatory. The student may be accompanied by a friend or family member or any other person who is not connected to Terapia and who is not attending the Appeal in a professional capacity. Legal representation is not permitted. If the student chooses not to attend, the panel will make a decision based solely on the evidence submitted.

The decision of the Panel will be final. It may uphold the original decision of the Fitness to Practice Panel, or it may require a review of the original penalty imposed by the Fitness to Practice Panel or require a re-hearing of the case. This will be conveyed in writing to the appellant.

Following the outcome of the Appeal Panel, the appellant has the right to take their case to the Office of the Independent Adjudicator (OIA).

11. Sharing of Information

Terapia will process all personal information in accordance with GDPR.

Terapia will disclose all information related to a case:

- a. To inform the student of the allegations made and give an opportunity to respond;
- b. To allow an investigation to be conducted;
- c. To disclose information about an outcome under the fitness to practise policy and procedure,
- d. For the discharge of its duties (including contractual obligations owed to third parties),
- e. As required by law.

Information will be shared with appropriate other parties in circumstances where there may be a risk to others if information were withheld.

Information collated will be treated as 'sensitive, confidential data' in line with Terapia's GDPR Policy.

Unless a case has been dismissed, reference to Fitness to Practise procedures will be made in all exiting student references.