

PROFESSIONAL SUITABILITY AND FITNESS TO PRACTICE

Introduction

This Policy and Procedure applies to the all students enrolled on professional training programmes with CCSTI.

All professional counselling training courses delivered within CCSTI prepare students to provide counselling and/or support to individuals in a wide variety of practice settings. Practice is undertaken in a society of complexity and diversity and the majority of people to whom counselling/ support services are provided are among the most vulnerable and disadvantaged in society.

All training makes high academic and personal demands on students. Students are required to demonstrate not only academic ability but also personal suitability, fitness to practise and commitment to their chosen profession at the point of admission and throughout their training programme.

The responsibilities in relation to professional suitability and fitness to practise are not confined to the process and content of the training programme but have a broader scope and application. They also apply to behaviour outside the academic or placement setting which may reflect negatively on the counselling profession, on CCSTI or on the Training Institute.

Suitability and fitness for professional work includes qualities such as patience, honesty, integrity, and the ability to help people face difficult situations. Evidence of clear thinking, sound judgement, sensitivity and tolerance is required, together with the ability to establish and maintain appropriate personal and professional boundaries. This demands sound interpersonal and communication skills as well as both physical and mental ability to carry out the role appropriately.

However, on occasions, students will be the subject of concerns about their professional suitability and fitness to practise in one or more of these criteria. It must be clear to all parties what kinds of concerns or information will trigger formal action on behalf of the Training Institute, the formal action that will be taken and the possible outcomes.

There is a clear professional obligation laid down by the regulating bodies to have robust processes that encourage the disclosure of matters that may affect professional suitability and fitness to practise (see Code of Ethics and Practice of the IACP and the Ethical Framework for Good Practice in Counselling and Psychotherapy of the B.A.C.P.)

Professional Suitability and Fitness to Practise procedures are considered to be a subset of the policies and procedures that govern student conduct and that potentially impose disciplinary sanctions. In cases where CCSTI's complaints and/or plagiarism policies and procedures have been invoked and the alleged misconduct is deemed by the Head of Training, in consultation with the Training Team, to have satisfactorily resolved the matter in question, the current procedures will not be invoked. There may be situations, however, where complaints and/or plagiarism procedures and the current procedures are utilised to consider the Training Institute's position and the professional implications of a student's behaviour or fitness to practise.

Background to these procedures

CCSTI is committed to ensuring that students attain professional counselling standards that reflect best practice nationally and internationally (CCSTI's mission statement). The B.A.C.P.'s Ethical Framework for Good Practice states that all training in counselling and psychotherapy should model standards and practice consistent with those expected of practitioners in the role for which the training is being provided (B.A.C.P., 2010, 29).

A fundamental and essential aspect of entry to the counselling profession is acceptance and internalisation of the professional code of conduct. All students enrolled on a training course with CCSTI are required to sign a contract to study and uphold the Code of Ethics and Practice of the IACP and the Ethical Framework for Good Practice in Counselling and Psychotherapy of the B.A.C.P.

The B.A.C.P. state that practitioners have a responsibility to monitor and maintain their fitness to practise at a level that enables them to provide an effective service (B.A.C.P., 2010, 40). The Health Professions Council (HPC) state that "Fitness to Practise refers to someone having the skills, knowledge, character and health to practise safely and effectively" (HPC, 2010, p. 3).

In brief, students of CCSTI are required to:

- maintain confidentiality;
- monitor and develop their professional competence;
- act within their limits of knowledge and skills;
- maintain safe standards of practice;
- actively engage in self-care;
- monitor their personal functioning and provide any important information about their conduct, competence or well-being to the Training Institute;
- stop training if their performance or judgement is adversely affected;

- communicate effectively with clients, the Training Team, supervisors, and placement staff;
- demonstrate high standards of personal conduct;
- be honest, trustworthy and behave with integrity;
- Ensure that their behaviour does not undermine public confidence in CCS or the counselling profession.

The responsibilities in relation to professional suitability and fitness to practise are not confined to the process and content of the assessment schedule but have a broader scope and application. They also apply to behaviour outside the training or placement setting.

Termination of Training

A student's training may be terminated if his/her behaviour is confirmed to be damaging or dangerous to clients, other students or facilitators, if it creates an unacceptable risk for themselves and/or others, or if it brings CCS' reputation into disrepute.

A student who is considered unsuitable or unfit for a professional qualification under these procedures may not be allowed to continue in training.

Professional Suitability and Fitness to Practise at Admission

Professional suitability and fitness to practise at admission is tested by a variety of mechanisms as part of the selection procedure, for example, scrutiny of qualifications, personal statements and personal references. In addition, three specific checks are made:

- i. All applicants accepted for admission are required to declare all criminal conviction, including any that may be pending at the time of application. Before commencing clinical placement all students will be required to provide a copy of their personal data held within An Garda Síochána.
- ii. All students accepted for admission are required to declare all medical conditions, disabilities/specific learning difficulties, mental health issues and/or drug or alcohol problems.
- iii. All students' educational qualifications are checked at the point of enrolment.

Where any condition is disclosed during the admissions process students are required to provide documentation from an appropriate professional (e.g. G.P., Educational Psychologist, etc.) certifying the nature of the difficulty. CCSTI will then decide if the student is fit for practice. The rights and responsibilities of the student and the Training Institute will be taken into account, including whether reasonable accommodations can be made if necessary.

If a student fails to disclose any of the above, the offer of a place on the designated course will be withdrawn. This decision of the Training Team is final.

Professional Suitability and Fitness to Practise Once Enrolled on the Programme

The Grounds for Invoking Professional Suitability and Fitness to Practise Procedures are as follows:

Where it is considered that a student may be in breach of the requirements to maintain professional suitability and/or fitness to practise (as defined above) then these procedures will be initiated.

The current procedure applies irrespective of the setting in which the issue occurs or the person who is raising the concern. If any member of the Training Team is informed or becomes aware of student behaviour that may be considered damaging, dangerous or creates an unacceptable risk, then the current procedure will be immediately enacted.

A wide range of cases would raise the issue of professional suitability and fitness to practise while a student is in training. These could include:

- severe and/or unstable physical illness or disability or psychological distress;
- abuse of alcohol or drugs;
- any criminal convictions not disclosed at the time of applying and entry to the course, or gained whilst on the course;
- allegations of inappropriate behaviour for a qualified professional, such as physical abuse, sexual abuse, inappropriate sexual behaviour, oppressive remarks, bullying, harassment, lying, or falsification of records;
- any activity which is unsafe to the student, clients, or others.
- deliberate damage, sabotage, theft or destruction of company property or property belonging to employees or clients on the company's premises
- any behaviour that brings CCS or the counselling profession into disrepute;
- serious difficulties in managing appropriate demands made of the student;
- unexplained absence or sickness records which would threaten employment if a student was in work;
- allegations of repeated failures to achieve competence despite opportunities to learn and rectify faults. Whilst each individual incident may be less serious on its own a pattern may emerge which calls into question overall competence;
- not recognising accountability to the supervisor;
- breach of confidentiality;
- other serious issues covered by CCSTI's regulation, policies and procedures.

This list is not intended to be exhaustive.

Whenever a student's behaviour raises issues of professional suitability or fitness to practise, whilst on placement, the Placement Mentor of the placement agency should contact the Placement Tutor or the Programme Leader of CCSTI.

Any complaint against a student being taken under a placement agency's complaints procedures should be reported by the Placement Mentor of the placement agency to the Placement Tutor of CCSTI. Any enactment of the current Professional Suitability and Fitness to Practise Procedure by the Training Institute would be put on hold until the placement agency's procedures had been completed. However, certain conduct may be such as to justify immediate interim measures, such as possible suspension from training, until an investigation is completed.

Professional Suitability and Fitness to Practise procedures are considered to be a subset of the policies and procedures that govern student conduct and that potentially impose disciplinary sanctions. In cases where CCSTI's complaints and/or plagiarism policies and procedures have been invoked and the alleged misconduct is deemed by the Head of Training, in consultation with the Training Team, to have satisfactorily resolved the matter in question, the current procedures will not be invoked. There may be situations, however, where complaints and/or plagiarism procedures and the current procedures are utilised to consider the Training Institute's position and the professional implications of a student's behaviour or fitness to practise.

Assessment of Grounds for Enacting the Professional Suitability and Fitness to Practise Procedure

Where there is a concern that a student is failing to maintain standards appropriate to professional suitability or there are concerns about fitness to practise, these should be reported, in the first instance, to the Programme Leader. Written details of the alleged issue/(s) will be requested from the person/(s) referring the concern.

An initial informal meeting will be arranged between the student and the Programme Leader at which the student will be informed that concerns have been raised and will be provided with details of these concerns. The student will be invited to respond to these concerns in writing and will be encouraged to seek support from their personal counsellor and from the Student Support Officer.

If appropriate the student's supervisor will be informed that concerns have been raised about the student's professional suitability and fitness to practise.

A Documentation Assessment Committee, consisting of two independent members of the Training Team, will be formed to evaluate the information received. This committee will consider if the concern falls within

- a. the criteria described above, and/or
- b. the remit of the assessment criteria, and/or
- c. the remit of the complaint against a student counsellor procedure.

If it is deemed that there are no grounds to enact the current professional suitability and Fitness to Practise procedure then the case will be referred or dismissed as appropriate. The student and the supervisor, if appropriate, will be notified accordingly.

If it is deemed that there are grounds to enact the current professional suitability and Fitness to Practise procedure then the Documentation Assessment Committee will record, in writing, the identified grounds. Two graded responses, detailed below, will follow.

The Documentation Assessment Committee will also consider whether the student's alleged conduct constitutes gross misconduct. In cases of gross misconduct the Head of Training will meet with the student. The student may be suspended from training with immediate effect pending the outcome of the enquiry. This suspension may be followed by the termination of training.

First Informal Response

The student, and the supervisor if appropriate, will be informed that the professional suitability and fitness to practise procedure has been enacted.

A meeting will be set up with the student, the Programme Leader and an independent member of the Training Team. At this meeting the concerns regarding the student's professional suitability and fitness to practise will be outlined and time will be given to consider the student's written and other responses.

There may be circumstances in which it is not possible to meeting the student at the time a concern is registered. If this emerges, then the meeting will be arranged for the earliest possible opportunity.

If it is deemed that there are no concerns about the student's professional suitability and fitness to practise, then the case will be dismissed. The student and the supervisor, if appropriate, will be notified accordingly and training will resume from the point of interruption to studies.

If it is agreed that there are concerns about the student's professional suitability and fitness to practise, and if this first level informal response is agreeable to all parties then the following actions may be applied in the following circumstances:

- a. There is agreement there has been minor student misconduct which raises questions about their professional suitability and fitness to practise. However, this is such that the student will be permitted to continue on the course under a formal warning and the proviso that there will be no recurrence of the behaviour which gave rise to the current concern.
- b. There are sufficient grounds to conclude that the student is currently unsuitable or unfit for professional practice, but there are strong reasons for believing that after a period of time has elapsed, and/or after specific actions have been taken, the student could be deemed no longer unsuitable or unfit. The student will, therefore, be suspended from training, for a specified period of time and/or until the appropriate actions have been taken. Re-entry to training will be subject to an assessment meeting and agreement of the Training Team.

In addition to the sanctions outlined above the Training Team may also require the student to:

- i. attend additional counselling, and/or
 - ii. attend additional supervision with a designated supervisor, and/or
 - iii. submit a written document on the issue, and/or
 - iv. fulfil other sanctions as deemed appropriate by the Training Team.
- c. There are sufficient grounds to conclude that the student is unsuitable or unfit to become a professional counsellor. Training will therefore cease.

A written account, detailing the student's conduct, the evidence and the sanction imposed will be prepared by the trainers involved and kept on file in order to monitor repeat offences. The report will not be used for any other purposes. It will not be used in references and will be destroyed when the student completes the course.

It is hoped by the Institute that most concerns regarding professional suitability and fitness to practise will be resolved at this first informal level.

Second Formal Response

Issues of professional suitability and fitness to practise will proceed to the 2nd formal level if

- The first level informal response does not reach a conclusion
- The student fails to attend scheduled meetings of the first level informal response
- The student fails to fulfil the sanctions imposed at the first informal level within the agreed timeframe

- The student has been found to be unsuitable or unfit for professional practice previously
- The student's conduct is so serious that a formal response is required

The student, and the supervisor if appropriate, will be informed in writing by the Documentation Assessment Committee that a formal Professional Suitability and Fitness to Practise Panel hearing is going to be convened, along with the reasons for proceeding to this second formal response.

Membership of the Professional Suitability and Fitness to Practise Hearing Panel

Membership of the Professional Suitability and Fitness to Practise Panel will include the Head of Training, an independent member of the Training Team, a placement mentor/ supervisor of student counsellors, a member of the Board of CCSTI, and the appropriate student representative. The membership may be varied if deemed appropriate by the Documentation Assessment Committee. Additional members may be co-opted as appropriate for their expertise or to secure a wider range of relevant interests.

A chairperson will be nominated from within the panel.

The panel should not normally include the Programme Leader or trainer(s) involved in the first informal level response, the student's own placement mentor, or clinical supervisor.

An administrator will be present to take minutes of hearing proceedings and all decisions made by the Panel.

The student will be required to attend to attend the professional suitability and fitness to practise hearing.

Students may want to be accompanied by a support person with whom they feel comfortable. This support person may be a friend or family member. (S)/he cannot be a current student of CCSTI.

The student is not entitled to legal representation.

The Documentation Assessment Committee will be responsible for ensuring that the Panel is convened in accordance with these procedures.

Preparation for Professional Suitability and Fitness to Practise Panel Hearing

The person/(s) referring the concern along with the course team will make a formal written submission to the Panel. This submission will detail concern along with the evidence that is available to substantiate the concern about the student's professional suitability and fitness to practise.

The student will receive a copy of this submission and will have the right to make a written statement to the Panel in reply. The student may also submit statements from people he/she considers relevant. The student will be reminded that he/she remains responsible for presenting the case to the Panel and for ensuring that any statements made by his/her supporters are accurate.

Along with their written statement the student will be required to inform the committee of the name of his/her support person and the official designation of this person. If such details are not provided the Panel has the right to refuse that person entry to the hearing.

The Document Assessment Committee will be responsible for arranging the time, date and venue of the hearing in consultation with members of the panel. The Document Assessment Committee will be responsible for circulating all documentation.

The date for the hearing will be decided within 14 working days after the formal written submission have been received by the Institute.

All documents will be provided, in confidence, to all relevant parties one week prior to the hearing. All parties will receive details of who will be present at the hearing.

If the student does not attend the hearing, without advanced explanation, the hearing will proceed in their absence. A student who is not able to attend the set Panel can request in writing, beforehand, that an alternative hearing be arranged, giving reasons and providing third party evidence to support this request, and a new date will be arranged if deemed appropriate and feasible by the Document Assessment Committee. The student can indicate that the hearing should continue without them present if they wish.

Professional Suitability and Fitness to Practise Panel Hearing Procedure

The process of the Panel hearing will be as straightforward and transparent as possible, bearing in mind the seriousness of possible implications for the student who is the subject of the enquiry.

An administrator will take minutes of hearing proceedings and all decisions made by the Panel.

The hearing will normally comprise the following elements:

- a. Welcome and introductions by the Panel Chair.
- b. Confidentiality commitments.
- c. Outline of the hearing process.
- d. Overview of the process thus far including a description of the concerns/allegations, the results of the preliminary discussion with the student involved, and the reasons for proceeding to a formal Panel hearing.
- e. Time will be given to the person/(s) referring the concern to outline their case.
- f. The student who is the subject of the hearing will then have an opportunity to present his/her case in response to the concerns/allegations made and to submit whatever they consider to be relevant information.
- g. The Panel, the course team, and the student will have the opportunity to challenge any evidence presented.
- h. Members of the Panel may ask questions of all those who attend the hearing in order to gain as clear a picture as possible of the circumstances involved and of their relevance to the student's professional suitability and fitness to practise.
- i. Concluding statements.

When the presentations have been completed everyone but members of the Panel, and the administrator will withdraw, and the Panel will deliberate and arrive at its decision. A majority vote will hold.

The content of the deliberations and the individual votes of panel members will remain confidential.

A report detailing the findings and recommendations will be drawn up by the Panel Chairperson and agreed upon by the Panel. The report will be sent to the student and the course team 14 working days after the hearing.

Possible Recommendations of Professional Suitability and Fitness to Practise Panel Hearing

If it is deemed that there insufficient grounds to conclude that the student is unsuitable or unfit for practice then the case will be dismissed. Training will resume from the point of interruption to studies. Recommendations may be required on how to meet both the requirements of the programme and the student's learning needs given the interruption.

If it is agreed that there are concerns about the student's professional suitability and fitness to practise, then the following actions may be applied in the following circumstances:

- a. There is agreement there has been minor student misconduct which raises questions about their professional suitability and fitness to practise. However, this is such that the student will be permitted to continue on the course under a formal warning and the proviso that there will be no recurrence of the behaviour which gave rise to the current concern.
- b. There are sufficient grounds to conclude that the student is currently unsuitable or unfit for professional practice, but there are strong reasons for believing that after a period of time has elapsed, and/or after specific actions have been taken, the student could be deemed no longer unsuitable or unfit. The student will, therefore, be suspended from training, for a specified period of time and/or until the appropriate actions have been taken. Re-entry to training will be subject to an assessment meeting and agreement of the Training Team.

In addition to the sanctions outlined above the Training Team may further require the student to:

- i. attend additional counselling, and/or
- ii. attend additional supervision with a designated supervisor, and/or
- iii. submit a written document on the issue, and/or
- iv. fulfil other sanctions as deemed appropriate by the Panel.

If the above sanctions are not adhered to, an escalation in sanctions may be imposed.

- c. There are sufficient grounds to conclude that the student is unsuitable or unfit to become a professional counsellor. Training will therefore cease.

If the recommendation is for terminating the student's training or expelling the student from the Institute, the decision is subject to agreement by the External Complaints Person.

If the student's training is terminated and if the referral to the Panel arose from a practice setting, the relevant placement organisation will be informed of the progress and outcome of the case. The Head of Training may further need to ensure that the relevant professional body is notified of the decision.

The report of the panel detailing the student's conduct, the evidence, the findings and the sanction imposed will be prepared and kept on file in order to monitor repeat offences. The report will not normally be mentioned in references. However,

for cases of serious misconduct, repeated offences, or where the student is found to be unsuitable or unfit to become a professional counsellor, an exception may be made to this policy. In this case giving references for particular posts without mentioning the findings of unsuitability or unfitness would mean that CCSTI would be failing in its duty of care.

Appeals

A student may appeal against the decision of the Panel only on the basis of material or procedural irregularity.

The appeal must be made in writing to the Documentation Assessment Committee within five working days of the student receiving written notification of the Panel's decision. The Documentation Assessment Committee will investigate the circumstances and decide whether or not to grant the appeal. If the case for appeal is considered proven, the Documentation Assessment Committee shall be empowered to set aside the Panel's decision and convene an ad hoc Panel to re-consider the evidence.

If the Documentation Assessment Committee decides there are no grounds to grant the appeal, their decision will be final and will conclude the Institute's procedures.

Students have recourse to the complaint procedures of the IACP at all times.

Confidentiality

All issues will be handled in confidence and without fear of retribution. However, it may be necessary for the information to be made known to a third party or parties in order to progress the matter.

Documentation relating to the process will be confidential to the relevant parties involved in each stage. Documents relating to the process will not be held in the student's personal file, but in a secure file created specifically for the professional suitability and fitness to practise process.

Any documentation held by members of the Panel will be returned at the end of the process to the Documentation Assessment Committee and surplus copies will be destroyed confidentially. Whilst documentation relating to decisions of the Panel will not be generally used for references, information about a student who has been found unsuitable for professional counselling practice will normally be made available by the Course Director to prospective employers. In all cases where the student's place on the programme has been terminated or the student expelled, the relevant professional, statutory and regulatory body may be notified by the Head of Training.

References

- British Association for Counselling and Psychotherapy. (2010). Ethical framework for good practice in counselling and psychotherapy. Leicestershire: Author.
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