

# Policy for Determining Applicants' Fitness to Practise and Eligibility to Pursue Regulated Programmes

*This Policy should be read in conjunction with the Procedure for Determining Applicants' Fitness to Practise and Eligibility to Pursue Regulated Programmes.*

## 1 Context

- 1.1 The University offers a number of regulated Programmes which confer eligibility to register with the relevant professional, statutory or regulatory body (PSRB) upon successful completion of the programme. These details shall be retained against appropriate Programmes on the University's Student Information System.
- 1.2 In determining applicants' suitability to pursue these programmes, the University is required to ensure that there are no absolute impediments to applicants satisfying the professional, statutory or regulatory bodies' fitness to practise requirements upon completion of their studies; details of the relevant PSRB's fitness to practise-guidelines can be obtained from the relevant academic School.
- 1.3 In addition to the professional, statutory or regulatory body's requirements, the University also has a statutory duty to consider applicants' suitability to undertake programme-mandated placements, which typically involve Regulated Activity<sup>1</sup>. In order to discharge this duty, the University requires each applicant, or student, to:
  - .1 provide a satisfactory Disclosure and Barring Service (DBS) enhanced disclosure<sup>2</sup>; the timing of this request is determined by the relevant placement provider and may be requested either prior to registration for the programme or post-registration, prior to placements commencing;
  - .2 attend relevant Occupational Health appointments and complete appropriate vaccination schedules, where required, which are timed to occur following programme registration and must be completed prior to placements commencing; any health fitness to practise issues identified will be referred for assessment within the scope of the appropriate procedure.
- 1.4 This policy provides a framework for the consideration of applicants' fitness to be admitted to regulated programmes and is supported by the 'Procedure for Determining Applicants' Fitness to Practise and Eligibility to Pursue Regulated Programmes.

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<sup>1</sup> 'Regulated activity': Revised definitions of Regulated Activity were introduced in the Protection of Freedoms Act 2012, effective from 10 September 2012, and build on the definitions provided in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.

<sup>2</sup> Overseas and non-UK applicants from the European Economic Area will be required to produce a satisfactory letter of good conduct from the relevant police authority, state body or Embassy, as determined by the University, in lieu of the Disclosure and Barring Service (DBS) disclosure.

## **2 Precepts**

- 2.1 Any Fitness to Practise assessment required will be conducted independently of the University's consideration of the applicant's academic suitability for the programme.
- 2.2 In determining an applicant's suitability for a programme, the School Fitness to Practise Advisory Group will have due regard to the relevant professional, statutory or regulatory body's fitness to practise requirements, in conjunction with relevant equality and diversity legislation.
- 2.3 Applicants to regulated programmes must comply with this Policy and disclose promptly any relevant information during the admissions process and prior to registration for the programme, which may include:
  - .1 notification of relevant changes in health status, where applicable;
  - .2 notification of changes to criminal records status, including ongoing police or criminal investigations; and
  - .3 the provision of satisfactory criminal records disclosure and barring checks.

## **3 Disclosure of Relevant Information**

- 3.1 Factors which can impair an individual's fitness to practise are profession-specific, but are normally grouped under the headings of professionalism, good health and honesty or ethics. A significant impairment of fitness to practise may render an individual ineligible to register with the relevant professional, statutory or regulatory body upon the completion of training.
- 3.2 Applicants are advised to familiarise themselves with the relevant professional, statutory or regulatory body's fitness to practise requirements at an early stage in the admissions process, so that they are aware of any factors which may impair their fitness to practise and their eligibility to pursue their chosen programme.
- 3.3 Applicants are required to provide a full and frank disclosure of all relevant information to the University, when requested, and to ensure that any changes are notified promptly to enable the University to determine whether an individual can be admitted to his/her programme.
- 3.4 Failure to disclose relevant information may have serious implications for an applicant or student. A Fitness to Practise Advisory Group, placement provider or professional, statutory or regulatory body may determine that an applicant's failure to disclose relevant information in itself constitutes an impairment to the individual's fitness to practise, increasing the likelihood that the University will be forced to rescind an offer or require a student to withdraw from a programme.
- 3.5 All information disclosed by applicants in relation to fitness to practise is treated sensitively and managed in accordance with the Data Protection Act 1998.

#### **4. Opportunities for Disclosure**

- 4.1 Applicants must complete the criminal records question on the UCAS or University direct application form, disclosing any convictions as appropriate<sup>3</sup>.
- 4.2 Applicants have an opportunity to inform the University about a disability or health condition on the UCAS or University direct application form. Where a disability or health condition is disclosed, the University will contact the applicant to ascertain his/her support needs and identify any reasonable adjustments that are required.
- 4.3 Applicants who are invited to attend a selection interview at the University are required to complete a University Fitness to Practise Disclosure form, which requires disclosure of criminal convictions and, where required, relevant health conditions. This must be completed and returned in accordance with the School's instructions.
- 4.4 Whilst the fitness to practise assessment forms no part of the academic selection interview and process, the School can schedule a separate meeting for any applicant who would like the opportunity to discuss fitness to practise matters whilst visiting the University to attend a selection interview.
- 4.5 Once registered on a University programme, students must comply with the relevant University rules and regulations; fitness to practise assessments undertaken following programme registration are conducted in accordance with the 'Students' Fitness to Practise Procedure'.

#### **5 Criminal Records Disclosure and Barring Checks**

- 5.1 Applicants who accept offers of admission on regulated programmes requiring pre-registration completion of a DBS check are required to complete and submit their DBS form with payment by the deadline stipulated in School correspondence.
- 5.2 Applicants to regulated programmes requiring pre-registration completion of a DBS check may be required to bring to interview the original identity documents required for necessary DBS enhanced disclosure and barring checks, so that these can be viewed and recorded by School Admissions staff as a preparatory step for any pre-registration DBS checks.
- 5.3 For programmes requiring pre-registration DBS enhanced disclosure and barring checks, the University will obtain a disclosure for each applicant who submits their form by the agreed deadline to facilitate the timely confirmation of places and registration of students.

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<sup>3</sup> Applicants making an initial application via the Solicitors' Regulatory Authority's Central Applications Board (CAB) or the Bar Standards Board's BVC Online application service are required to submit a Cardiff University criminal records disclosure as a condition of offer.

- 5.4 In the event that an applicant for a programme with post-registration checks self-discloses a criminal record during the application process, a pre-registration DBS enhanced disclosure and barring check may be requested to inform the School's fitness to practise assessment.
- 5.5 In the event that an applicant for a programme with post-registration health checks self-discloses a disability or relevant health condition during the application process, the University may request a pre-registration assessment by the University's Disability and Dyslexia Service or the Occupational Health Service to inform the School's fitness to practise assessment.

## **6 Consideration of Fitness to Practise issues**

- 6.1 Where information is disclosed or received which suggests that a fitness to practise assessment is required, the School will convene a Fitness to Practise Advisory Group to further investigate the applicant's circumstances and provide advice to the Head of School about the applicant's fitness to practise and eligibility to pursue the programme.
- 6.2 The process is defined in the University's Procedure for Determining Applicants' Fitness to Practise and Eligibility to Pursue Regulated Programmes.
- 6.3 Inclusion on a relevant Disclosure and Barring Service (DBS) barring list will constitute grounds for an offer of admission to a regulated programme to be rescinded with immediate effect, or an application rejected, without referral to a Fitness to Practise Advisory Group, as the University is prevented by its statutory responsibilities<sup>4</sup> from providing the placement opportunities required to fulfil the programme.

*Note: If the applicant gives false information in regard to their DBS barring status when completing the University's Fitness to Practise Disclosure form, this will constitute grounds for immediate withdrawal of an offer.*

## **7 Constraints on registration for regulated programmes**

- 7.1 The University endeavours to facilitate the timely consideration of applicants' cases prior to the commencement of each new academic session, to minimise delays in programme registration. Applicants can assist with the timely consideration of cases by submitting requested information promptly.
- 7.2 Where eligibility for registration for the programme is subject to providing satisfactory DBS enhanced disclosure and barring checks, the applicant will not be permitted to register or participate in programme-related activities until he/she has satisfied these requirements.
- 7.3 If the latest date for registration permitted within the University's regulations passes whilst criminal records and barring checks or any required health assessments are outstanding, the applicant will normally be offered deferred entry for the next available programme start date. If the offer of deferred entry

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<sup>4</sup> The provisions of the Safeguarding Vulnerable Groups Act 2006 refer.

is declined, the University will rescind the applicant's offer of admission, without prejudice to any future application for the same programme.

- 7.4 Where an applicant's case is referred to a School Fitness to Practise Advisory Group for consideration, the applicant will be ineligible to register for the relevant programme or participate in programme-related activities until the Advisory Group has concluded its fitness to practise assessment and the Head of School has confirmed that the applicant is suitable for admission to the programme.
- 7.5 If a fitness to practise assessment cannot be concluded by the latest date for registration permitted within the University's regulations, the University may offer entry at the next available entry point. If an offer of deferred entry is declined, the University will rescind the applicant's offer of admission, without prejudice to any future application for the same programme.