



**TUS**

**Technological University of the Shannon:  
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:  
Lár Tíre Iarthar Láir

**[www.tus.ie](http://www.tus.ie)**

---

**TUS Policy on Fitness to Study for Listed Programmes which Lead to Practise in  
Regulated Settings 2025 - 2029**



## Document Control Record

<b>Academic Quality Assurance and Enhancement Handbook</b> Volume 5: No 8	
<b>Document Title</b>	TUS Policy on Fitness to Study for Listed Programmes which Lead to Practise in Regulated Settings 2025 - 2029
<b>Document Entrust</b>	Academic Council Subcommittee: Quality Assurance and Enhancement
<b>Document Status</b>	Approved
<b>Revision No</b>	1
<b>Pages</b>	Page 2 of 30
<b>Approval Body</b>	Academic Council
<b>Date of Approval</b>	28/02/2025
<b>Next Revision</b>	2030

<b>Revision History</b>	
<b>Revision No</b>	<b>Comments/Summary of Changes</b>
1.0	Approved by Academic Council (28/02/2025)

## Contents

1.0	Introduction .....	5
2.0	Purpose of the Policy .....	5
3.0	Scope of the Policy .....	5
5.0	Statutory Rights and Legislation .....	6
6.0	Principles Underpinning the Policy .....	6
7.0	Core Competencies .....	7
8.0	Communication of the Policy .....	8
9.0	Grounds for a Fitness To Study for Listed Programme Referral .....	8
9.1	Garda Vetting .....	8
9.2	Criminal Convictions/Disclosure of Criminal Convictions.....	9
9.3	Child Protection .....	9
9.4	Student Physical and/or Mental Health/Referral to Healthcare Professional .....	9
9.5	Student Behaviour and Conduct .....	10
10.0	Conduct which may be a Criminal Offence .....	10
11.0	Student Support Services Available .....	11
12.0	Notification to Third Parties .....	11
13.0	The Fitness to Study Procedures .....	12
13.1	The Stages of the Procedure .....	12
13.2	Persons/Committees Involved in the Procedures .....	12
13.3	Reporting a Fitness to Study Concern .....	14
13.4	Stage 1, Informal Procedure.....	14
13.5	Stage 2, Formal Procedure, Level 1 Investigation by Head of Department.....	14
13.6	Stage 2, Formal Procedure, Level 2 Investigation by Fitness to Study Committee.....	16
13.7	Review by the Fitness to Study Review Board.....	19
14.0	Return to Study .....	20
15.0	Referral to the Ombudsman's Office .....	21
16.0	Data Protection .....	21
17.0	Recording of the Procedure.....	21
17.0	References.....	22
18.0	Appendices .....	23
	Appendix 1. Listed Programmes Subject to The Policy.....	23
	Appendix 2. Relationship to Other TUS Policies .....	24
	Appendix 3. Declaration of Understanding .....	25
	Appendix 4. Fitness to Study Procedure - Summary Chart .....	26
	Appendix 5. Fitness to Study Report Form.....	27

Appendix 6. Application to Invoke Stage 2, Level, 2 Fitness to Study Procedure.....28

Appendix 7. An Indicative List of Materials/Issues that may be considered by the Fitness to Study Investigation/Committee .....29

Appendix 8. Fitness to Study Review Application Form .....30

## 1.0 Introduction

This *TUS Policy on Fitness to Study for Listed Programmes which Lead to Practise in Regulated Settings*, collectively referred to herein as (Policy on FS-PRS) or ('The Policy') is intended to be used to respond to, and manage concerns regarding a student's Fitness to Study on the listed programmes. The Policy is also intended to manage their Fitness to Study on programmes of study recognised, regulated and accredited by a Professional, Statutory or Regulatory Body ("PSRB") for the purpose of attaining a professional qualification, and for the entitlement to practise in the particular profession. The Policy has been developed in recognition of the duty of TUS to support students to fulfill programme requirements and to help prepare students for future professional practise.

Students registering for listed programmes should be able to undertake the programme with reference to the standards of the particular programme of study and the associated profession, and be aware of the requirements of the relevant PSRB. Decision making in the context of the operation of this Policy shall be informed by the core values of TUS, particularly the supportive and inclusive values.

## 2.0 Purpose of the Policy

Students registered on a Listed Programme within TUS, that this policy specifically relates to, are subject to this Policy. The purpose of this Policy is to ensure that, in addition to achieving the required academic standard, students also:

- a) satisfy relevant physical and/or mental health requirements to participate in the programme concerned;
- b) have the capacity to achieve the learning outcomes, demonstrate key skills and achieve the core competencies;
- c) satisfy relevant procedures related to disclosure of criminal convictions and/or prosecutions pending;
- d) conduct and behave themselves so as not to harm, or put at risk of harm, their service users, patients, pupils, clients, customers, colleagues, themselves or the general public whilst undertaking their programme of study;
- e) conduct and behave themselves in a manner likely not to harm the reputation of the programme of study on which they are registered.

## 3.0 Scope of the Policy

This Policy on FS-PRS applies to students of TUS who are registered on listed programmes, as specified in [Appendix 1](#). The Policy applies to students at all times throughout their period of registration on the listed programme at TUS, including while travelling to and from TUS,

outside the environs of the TUS campus if representing the University and/or on University business including Placement, and on all other occasions when identifiable as a student of TUS.

The standard of proof required in relation to the operation of this Policy is based on the balance of probabilities. This is in line with the civil standard of proof and that is proof that the fact in issue more probably occurred than not.

TUS may decide that further programmes of study are subject to this Policy and will update the list of relevant programmes specified in [Appendix 1](#). Academic Council approval shall be necessary for the specification of additional listed programmes.

#### 4.0 Relationship to Other TUS Policies

This policy is applicable to address Fitness to Study concerns in the context of listed programmes which Lead to Practise in Regulated Settings. It is acknowledged that some of the concerns addressed in this TUS Policy on FS-PRS may also fall under other relevant policies/procedures such as the *TUS Academic Regulations*<sup>[2]</sup> and/or *TUS Student Code of Conduct and Discipline*,<sup>[1]</sup> *inter alia*. Where there is more than one TUS Policy/Procedure(s) applicable to any particular matter, the Head of Department of the listed Programme, shall consult as appropriate with relevant TUS personnel, including but not limited to the VP Academic Affairs and Registrar and/or VP Student Education and Experience, Assistant Registrars, Student Support Services, *inter alia*. The Head of Department shall decide which TUS Policy is applicable in the context of the presenting circumstances. A flow diagram is presented in [Appendix 2](#) to assist with this decision making.

#### 5.0 Statutory Rights and Legislation

Nothing in the informal or formal procedures set out this TUS Policy on FS-PRS can overrule the statutory rights of an individual. In implementing this Policy, TUS will be mindful of its obligations to students under relevant legislation including: the Equal Status Acts 2000-2018<sup>[3]</sup>, Employment Equality Acts 1998-2015,<sup>[4]</sup> the Data Protection Acts 1988 to 2018<sup>[5]</sup>, the General Data Protection Regulation (EU) 2016/679<sup>[6]</sup> and the Disability Act 2005.<sup>[7]</sup>

#### 6.0 Principles Underpinning the Policy

- a) TUS is committed to assisting students to realise their academic and professional goals whilst enrolled in TUS. Fitness to Study for programmes which lead to practise in regulated settings includes the possession of skills, knowledge, health, and an ability

to study for practise in the profession safely and effectively.

- b) The Procedures of this Policy on FS-PRS are based on the application of the principle of fairness and due process.
- c) The Fitness to Study requirements of listed programmed and operation this Policy on FS-PRS shall be brought to the attention of prospective students in relevant programme promotion materials, so that potential applicants are informed prior to application.
- d) Students applying to listed programmes should satisfy themselves in advance that they are in a position, at point of entry, to meet the Fitness to Study requirements of their programme.
- e) Students registered on listed Programmes subject to the Policy shall be required to sign a 'Declaration of Understanding' with respect to the Policy, including that they have read the policy and are aware of its' scope, application and procedures on registration on the programme (Appendix 3). If a student fails to sign the 'Declaration of Understanding' the they may not be able to participate in their programme/placement, and responsibility for any programme learning, assessment and progression consequences lie with the student.
- f) At all stages of their programme, it is expected that students will take personal and professional responsibility to meet the Fitness to Study requirements of their programme and disclose any circumstance or condition that may compromise or inhibit their ability to meet the requirements of Fitness to Study in the listed Programme.
- g) TUS acknowledges the importance of a supportive learning environment and a safe study and working environment for students, staff and relevant external parties. Where a Fitness to Study concern is raised, the student will be encouraged to seek the appropriate internal and/or external supports available.

## 7.0 Core Competencies

Professional Practise involves more than the possession of knowledge about a subject or area of practise. It also involves the possession of skills and the ability to complete profession-specific tasks. These core competencies are specific to the programme of study leading to registration with a Professional Regulatory Statutory Body (PRSB). The [published](#) list of core competencies, as well as the standard or level of performance needed to be achieved in these competencies to be deemed Fit to Practise, shall be clearly outlined to students of the listed programme and shall be available to students through the relevant Programme Handbook. They shall also be brought to the attention of prospective students as part of programme promotion so that prospective applicants are fully aware of the Fitness to Study and/or profession-specific requirements.

## 8.0 Communication of the Policy

- a) The Programme Board/Department for the listed programme shall bring students' attention to
- 1) this *TUS Policy on Fitness to Study for Programmes which Lead to Practise in Regulated Settings*;
  - 2) the relevant PRSB requirements.
- b) Notice of this policy will be included in the listed programme handbook.
- c) It is the responsibility of each student to familiarise themselves with this Policy and the specific requirements of their programme of study.
- d) The Policy shall be brought to the attention of relevant TUS staff and external parties that students of listed programmes engage with as part of their studies.
- e) The operation of this TUS Policy on FS-PRS is relevant to prospective students who may seek to be registered on a listed programme (as outlined in [Appendix 1](#)) and should be brought to the prospective students attention as part of programme promotion.

## 9.0 Grounds for a Fitness To Study for Listed Programme Referral

TUS recognises that concerns regarding a student's Fitness to Study for listed programmes may arise in a variety of ways and may be raised through self-referral by a student, referral by other student(s), TUS Staff, Placement Providers, the Public or Service Users, *inter alia*.

The issues that can impair Fitness to Study are wide ranging and may include, but are not limited to, issues pertaining to:

- Garda Vetting;
- Criminal Convictions/Disclosure of Criminal Convictions;
- Child Protection;
- Protection of Vulnerable Persons;
- Student Physical and/or Mental Health;
- Student Behaviour and Conduct;
- Conduct which may be a Criminal Offence;
- Misrepresentation;
- Failure to disclose relevant conflicts of interest.

### 9.1 Garda Vetting

The implementation and operation of this Policy shall be consistent with the addressing the requirements of the TUS Garda Vetting Policy. Some listed Programmes will require students to undertake mandatory placements that may bring them into contact with children and/or vulnerable persons, in which case they are required to under-go Garda vetting in accordance with the *TUS Policy on Garda Vetting*. Garda Vetting Requirements are laid out

in the *TUS Admissions Office Policy and Procedures*<sup>[8]</sup> and *TUS Garda Vetting Policy*<sup>[9]</sup>.

- a) The procedure in this Policy shall be invoked when a students' Garda Vetting disclosure gives rise to a Fitness to Study concern.
- b) The TUS Garda Vetting Liaison Person shall advise the Head of Department of the Relevant Programme of a Garda Vetting that gives rise to a Fitness to Study concern.

## 9.2 Criminal Convictions/Disclosure of Criminal Convictions

- a) Students on entry to or registered on listed programmes are required to fully disclose any criminal conviction they have held and/or any prosecution(s) pending, irrespective of the jurisdiction in which the conviction and/or prosecution pending arises.
- b) Students who are convicted of a criminal offence and/or have prosecution(s) pending may be subject to procedures under this Policy on FS-PRS, including suspension or termination of the student's registration on their programme of study in TUS.
- c) A student who fails to disclose criminal convictions and/or prosecutions pending, on their registration and/or while registered as a student with TUS, may be subject to procedures under this Policy on FS-PRS, including suspension or termination of the student's registration on their programme of study in TUS.
- d) TUS may take action in respect of a student under this Policy notwithstanding their conviction or acquittal in criminal proceedings. TUS is not bound by the outcome of any criminal prosecution, although it may at its discretion, take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy.

## 9.3 Child Protection

- a) The implementation and operation of this Policy shall be consistent with addressing the requirements of the TUS Child Protection Policy<sup>[10]</sup>.
- b) The TUS Child Protection Policy defines a child a person under 18, (Child Care Act, 1991<sup>[11]</sup>), excluding a person who is or has been married and regard should be had to the provisions of that policy when dealing with persons under this Fitness to Study Policy.
- c) Where an investigation into a registered student on a listed programme by an external body is ongoing, TUS is not obliged to suspend or delay taking action under this Policy.
- d) TUS will take the outcome of a Child & Family Agency or third-party investigation or other processes into consideration in determining an outcome imposed under this Policy.

## 9.4 Student Physical and/or Mental Health/Referral to Healthcare Professional

Students are required to provide assurance that they comply with the Health Guidance and Requirements for Placements to undergo their programme of study.

TUS will comply with Equal Status legislation<sup>[3]</sup>. TUS shall ensure that reasonable accommodations will be afforded to students in accordance with the TUS Reasonable Accommodations Policy<sup>[12]</sup>. With respect to Placement, TUS will ensure that the guidance on the provision of reasonable accommodations are afforded to students on Placement in line with the AHEAD Guidelines 2023<sup>[13]</sup>, to the extent practicable, ensuring placements remain safe and viable. Placement accommodations shall be recorded as part of this procedure in accordance with Section 17 of this document, *Recording of the Procedure*.

- a) A student on a listed programme may be required to complete a health declaration on first registration and thereafter annually.
- b) Where there is a Fitness to Study concern regarding a student's physical and/or mental health, the student may be referred to a relevant healthcare professional(s).
- c) The student is recommended under this Policy to attend such relevant/health/ medical consultation as required and shall cooperate with the healthcare professional concerned.
- d) A procedure under this Policy can proceed notwithstanding the failure of the student to attend the nominated healthcare professional.

## 9.5 Student Behaviour and Conduct

Behaviour and/or conduct that may give rise to a Fitness to Study concern, include but are not limited, to the following:

- persistent, unsatisfactory timekeeping and punctuality;
- regular unexplained absences;
- failure to comply with the relevant professional dress code or health and safety requirements associated with practice in the profession;
- posing a risk to the student's own physical and/or mental health, safety and/or that of others;
- unprofessional behavior, including breach of confidentiality and failure to maintain appropriate professional boundaries;
- discrimination on any prohibited grounds under the Employment Equality Act, 1998-2015<sup>[4]</sup> or the Equal Status Acts 2000 – 2018.<sup>[3]</sup>

## 10.0 Conduct which may be a Criminal Offence

If a student's conduct may be in breach of criminal law, TUS will be obliged to refer the matter to An Garda Síochána and/or TUSLA. TUS may do so on occasion without notification to the student. In addition, TUS may, at its discretion, suspend or delay taking action under this Policy, pending the outcome of An Garda Síochána inquiry and/or criminal investigation/prosecution or civil court case.

### 11.0 Student Support Services Available

If a student believes that they have a Fitness to Study concern, they can access a range of support services at TUS. Information and assistance is available from;

- 1) TUS Staff,
- 2) Programme Leader,
- 3) Practise/Placement Coordinator,
- 4) Mentors,
- 5) TUS Counselling,
- 6) TUS Health Service,
- 7) TUS Pastoral Care,
- 8) TUS Students' Union.

### 12.0 Notification to Third Parties

While every effort is made with respect to maintaining confidentiality, it may not be possible or appropriate to maintain confidentiality in all circumstances. Students should be aware that in the course of dealing with Fitness to Study concerns under this Policy, TUS may consider it appropriate and necessary in the operation of this Policy related to a student case, to discuss, and/or refer matters to third parties such as PSRB's/Placement Providers/Child & Family Agency, *inter alia*. TUS may do so on occasion without notification to the student. In notifying third parties, TUS shall be mindful of its data protection obligations as outline in Section 16 of this Policy, Data Protection.

### 13.0 The Fitness to Study Procedures

Concerns about a student's Fitness to Study for listed programmes will be dealt with under the following procedure which has three Stages and a review process. A flow diagram representing the different stages of the procedures is presented in [Appendix 4](#).

#### 13.1 The Stages of the Procedure

The stages of the Procedure including the Review are:

- Stage 1, Informal Procedure
  - Stage 2, Formal Procedures
    - a) Level 1; Investigation by Head of Department or their Nominee
    - b) Level 2; Investigation; by Fitness to Study Committee
  - Stage 3, Review
- a) The level at which the procedure is implemented will depend on factors such as the seriousness of concerns raised and the student's response to any earlier steps taken by TUS.
- b) TUS may decide to implement Stage 2, Level 1 or Level 2 without implementing the Informal Stage, should it believe that that the concerns warrant such an approach.
- c) Should a student without good cause be unwilling or unable to participate at any stage of this Procedure or attend a meeting, TUS may nonetheless follow the Procedure in their absence supported by evidence showing of efforts to communicate with the student.
- d) Where in this Procedure reference is made to any named TUS Officeholder, such reference is to be read as including a reference to their appointed nominee.
- e) When communicating with the student as part of the processes under this policy, in particular when communicating decisions made under any level of this procedure, the decision-maker, or other appropriate person, shall communicate the decision by registered post and shall ensure that every effort is made to confirm that the communication has in fact been received by the student (this shall be a minimum of two phone calls/attempted phone calls).

#### 13.2 Persons/Committees Involved in the Procedures

The persons/committees involved in the procedures as outlined in this TUS Policy on FS-PRS are outlined in Table 1.

Table 1. Persons/Committees Involved in the Procedures

Person/Committee	Definition
Student	A registered Student of a listed programme.
<b>Informal Procedures</b>	
TUS Staff Member Programme Leader Placement Coordinator Mentors TUS Counselling TUS Pastoral Care TUS Health Service TUS Students' Union	One or more of the named parties may provide advice to a Student in the informal stage of the procedure.
<b>Formal Procedures</b>	
Head of Department	Head of Department, or their nominee, designated to Investigate a Stage 2, Level 1 Fitness to Study Concern.
TUS Student Facilitator	A person nominated by the Technological University to provide impartial advice to students on the operation of the policy and to coordinate the formal stages of this procedure. Contact details for the TUS Student Facilitator may be obtained from <a href="mailto:Registrar@tus.ie">Registrar@tus.ie</a>
Fitness to Study Committee	A Committee appointed by the Technological University to investigate a Fitness to Study Concern during the Formal Stage 2, Level 2 Investigation.  The composition of the Fitness to Study Committee is specified in <a href="#">Section 13.6 (d)</a> .
Fitness to Study Review Board	A Review Board appointed by TUS to review an Investigation and Findings of the Fitness to Study Formal Stage 2, Level 2 Investigation.  The composition of the Review Board is specified in <a href="#">Section 13.7 (c)</a> .

### 13.3 Reporting a Fitness to Study Concern

As outlined in [Section 9.0](#), TUS recognises that concerns regarding a student's Fitness to Study may arise in a variety of ways and may be raised through self-referral by a student, referral by other student(s), TUS staff, Placement Providers, the Public or Service Users, *inter alia*.

- a) A Fitness to Study Concern may be reported verbally or in writing to the Head of Department, or their nominee, in the first instance.
- b) If it is not possible or not deemed appropriate to progress a concern under the informal procedures, a formal procedure can be initiated by completing the Fitness to Study Report Form [Appendix 5](#).
- c) Formal procedures shall normally be initiated at Stage 2 Level 1, Investigation by Head of Department. However, if a particular case appears to be of sufficient seriousness, the Head of Department, in consultation with the Dean of Faculty, may decide to initiate a Stage 2, Level 2 Investigation by a Fitness to Study Committee.

### 13.4 Stage 1, Informal Procedure

The purpose of this stage is to deal informally with any initial, emerging or minor causes of concern relating to a student's Fitness to Study.

- a) Informal attempts at intervention may include providing informal advice to the student, coming to an agreement with them as to a particular course of action, or offering support through appropriate TUS student support services. Advice may be sought from:
  1. TUS Staff Member
  2. Programme Leader
  3. Placement Coordinator
  4. Mentors
  5. TUS Student Support Services including Counselling, Medical, Disability and Pastoral Care
  6. TUS Students' Union
- b) A matter dealt with informally may be progressed formally if the issue persists.
- c) A note that a matter was dealt with informally may be taken by the relevant Head of Department, or their nominee.

### 13.5 Stage 2, Formal Procedure, Level 1 Investigation by Head of Department

The purpose of this stage is to deal formally with any causes of concern relating to a student's Fitness to Study.

- a) The Person Reporting the Fitness to Study concern shall submit a completed Fitness to Study Report Form to the relevant Head of Department using the Fitness to Study

Report Form (Appendix 5).

- b) The Head of Department shall seek any additional clarifications and evidence necessary from the individual raising the concern, including statements or outlines of events and any other relevant documentation.
- c) The Head of Department will inform the student in writing that there is a concern about Fitness to Study. The written notice to the student will outline the nature of the concern and indicate that the matter will be addressed.
- d) The student shall be provided with a copy of this Policy and advised of any appropriate internal and external supports available. The student will be provided with a copy of any documents/evidence that is being relied on in this Stage of the procedure, at least five days prior to any meeting.
- e) The Head of Department will arrange a meeting with the student to discuss the concern and any support needs the student may have.
- h) The Head of Department will be accompanied at the meeting, normally by the Relevant Professional Practise Coordinator and/or Programme Leader or other nominated staff member(s). A written record of the meeting shall be taken.
- i) The Head of Department may consult with and seek information from other persons in order to deal with the matter and to provide support to the student.
- j) The Student is entitled to be supported by an accompanying person at all associated meetings. The Student shall inform the Head of Department, no later than 3 working days before the meeting, who will accompany them.
- k) The Head of Department will inform the student of any concern(s) and discuss the details of the written notice provided to the student. The student will be provided the opportunity to respond to the concern(s).
- l) The Head of Department may if necessary also meet with the person who raised the concern, or any other relevant person, and seek any further clarifications from them to enable them to fully consider the matter. They may be accompanied by a third party.
- m) The Head of Department will form a view as to whether the student's Fitness to Study is impaired or may become impaired and recommend any action that is necessary. The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following outcomes:
  - 1. the Fitness to Study concern is deemed to be resolved and no further action to be taken;
  - 2. recommend that an assessment of needs be carried out by the Disabilities Office or other appropriate persons, and support arrangements and/or reasonable accommodation are offered to the student, following any necessary assessment;

3. an action plan be drawn up setting out how the matter will be managed by the Department, including the outlining of any requirements which are placed on the student;
  4. the student is recommended to attend such relevant/health/medical consultation as determined appropriate. If a student declines to attend, the student may not be able to participate in their programme/placement, and responsibility for any programme learning, assessment and progression consequences lie with the student.
  5. the matter be referred to the Stage 2, Level 2 Investigation by the Fitness to Study Committee;
  6. the matter be referred for consideration under another TUS Policy and/or Procedure;
  7. dismiss or strike out from the student's record any allegations based on vexatious, false or malicious claims
  8. such other action as is deemed appropriate by the Head of Department in the circumstances.
- n) The Head of Department shall notify the Student in writing, normally within 5 working days of the meeting, the decision of the Level 1 Investigation, the reasons for the decision and any further actions to be taken. If there is a delay in the process, the student will be notified in writing and given details of the timeframe involved.
- o) If the student is dissatisfied with the outcome of this Stage they may request that the matter is referred to Stage 2, Level 2 Investigation by Fitness to Study Committee.
- p) If the student wishes to invoke Stage 2, Level 2 they must notify the Head of Department in writing by email or post within 10 working days of receiving the decision at Stage 2, Level 1.

### 13.6 Stage 2, Formal Procedure, Level 2 Investigation by Fitness to Study Committee

- a) As part of dealing with any matter under this stage, TUS shall appoint a Fitness to Study Committee to investigate the matter. This stage is used to address concerns where any issues are considered too serious to be dealt with under an earlier stage of the Policy. The Stage may be initiated if.
1. a Head of Department, in consultation with the Dean of Faculty/School if a particular case appears to be of sufficient seriousness;
  2. a Head of Department decides to refer the matter to the Fitness to Study Committee as an outcome of a formal Stage 2, Level 1 Investigation;
  3. a student requests its initiation following an outcome under the formal Stage 2, Level 1 Investigation;
  4. a student has failed to comply with the outcome of an earlier stage under the Policy.

- b) The Head of Department shall contact the Registrar and request the appointment of a Student Facilitator to coordinate the procedure.
- c) A Stage 2, Level 2 procedure is formally initiated by completing/submitting an application to invoke Stage 2, Level, 2 Procedure using the Application Form ([Appendix 6](#)) to the Student Facilitator.
- d) The Fitness to Study Committee shall consist of the following:
  - 1) Dean of Faculty/School of Listed Programme Department
  - 2) A Head of Department (not of listed programme Department involved in Stage 1);
  - 3) Programme Leader/Placement/Professional Practise Coordinator of a Listed Programme (Appendix 1) other than the programme in which the Student is registered;
  - 4) A representative from the TUS Students Union (not involved in the Level 1 Investigation);
  - 5) The Secretary to the Fitness to Study Committee shall be the Student Facilitator (their role shall include sending all correspondence to the committee and any other relevant parties and convening all associated meetings).
- e) The Fitness to Study Committee shall normally be chaired by the Dean of Faculty/School.
- f) The Chairperson, in conjunction with the Student Facilitator, shall convene a meeting of the Fitness to Study Committee, normally within 10 working days of receipt of the request.
- g) The Fitness to Study Committee will determine the process to be followed for the investigation and will meet as required to progress the investigation.
- h) In advance of the Fitness to Study investigation or meetings with the Fitness to Study Committee, the Chairperson shall write to the student five days in advance of the meeting to:
  - 1) inform the student that concerns regarding their Fitness to Study have been raised and provide details of the nature of these concerns;
  - 2) provide a copy of this Policy;
  - 3) indicate that they will be given an opportunity to respond;
  - 4) provide documentation in support of the concern, if any;
  - 5) provide a copy of the Formal Stage 2, Level 1, Investigator's Report, if a preceding Stage and provide copies of all of the documentation and evidence available to the meeting, and a list of any witnesses,
  - 6) invite the student to attend a meeting with the Fitness to Study Committee providing date, time and place of the meeting;
  - 7) inform them that they may be accompanied by a by a friend/representative of their choice at all associated meetings;

- 8) advise of any appropriate internal and external supports available.
- i) The Fitness to Study Committee may speak with the student concerned and with other students, staff, and where relevant, third parties (such as placement providers and/or health professionals) and call for information. The investigation will be carried out in a transparent and fair manner.
- j) The student will have 5 working days' notice of any associated meetings.
- k) An indicative list of material that may be considered by the Fitness to Study committee is available in [Appendix 7](#).
- g) The Student is entitled to be supported by an accompanying person or representative at all associated meetings. The Student shall inform the Chairperson, no later than 3 working days before the meeting, who will accompany them.
- h) The student will be offered an opportunity to discuss or rebut any concerns expressed about their Fitness to Study during the Fitness to Study Meeting. The student may bring witnesses and make written submissions.
- i) A list of proposed witnesses (if any) should also be provided to the Chairperson of the Fitness to Study Committee by the student, no later than 3 working days before the meeting. Any written submissions or documents intended to be relied upon by the student should be submitted to the Student Facilitator no later than 3 working days before the meeting.
- j) A contemporaneous record of the meeting shall be minuted by the Student Facilitator. Following the meeting, the Fitness to Study Committee will determine whether the Student's Fitness to Study is impaired or may become impaired, and whether any action is necessary.
- k) The precise nature of any action will depend on the circumstances of each case. Actions may include, but are not limited to, one or more of the following:
  - 1) the Fitness to Study concern is deemed to be resolved and no further action to be taken;
  - 2) the findings of the formal Stage 2, Level 1 investigation are upheld;
  - 3) the findings of the formal Stage 2, Level 1 investigation are modified or overturned;
  - 4) the student is recommended to attend such relevant/health/medical consultation as determined appropriate. If a student declines to attend, the student may not be able to participate in their programme/placement, and responsibility for any programme learning, assessment and progression consequences lie with the student.
  - 5) support arrangements and/or reasonable accommodation to be put in place for the student, following any necessary assessment;
  - 6) the matter be referred for consideration under another TUS Policy.
  - 7) the student continue in the listed programme subject to review;
  - 8) the student is offered a transfer to an alternative programme of study;

- 9) withdrawal of the student from Placement;
  - 10) recommend to the Registrar the suspension of the student from the listed programme;
  - 11) recommend to the Registrar the expulsion of the student from the listed programme;
  - 12) dismiss or strike out from the student's record any allegations based on vexatious, false or malicious claims;
  - 13) such other action as is appropriate in the circumstances.
- l) The Fitness to Study Committee shall normally communicate its decision in writing within 5 working days of the meeting.
  - m) Where the decision cannot be communicated within 5 working days, the student shall be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay.
  - n) If a student is dissatisfied with the outcome they must notify the Chairperson of the Fitness to Study Committee in writing, within 10 working days of notification of the decision that they wish to invoke the Review Process.
  - o) Any decision to be reviewed will retain full force and effect during the currency of the review.

### 13.7 Review by the Fitness to Study Review Board

- a) The purpose of the Review is to:
  - 1. consider and review the Formal Stage 2, Level 2, Investigation;
  - 2. assess if the decisions and actions taken were reasonable in the circumstances;
  - 3. aim to reach a final decision under this Policy, which is fair and just.
- b) The review should be submitted to the TUS Student Facilitator in writing, using Fitness to Study Review Application Form in [Appendix 8](#). This should be submitted within 10 working days of receipt of the outcome from Stage 2, Level 2. The student should detail the reasons for requesting the findings of the Fitness to Study Committee to be reviewed.
- c) The TUS Student Facilitator in consultation with the Vice President of Academic Affairs and Registrar shall arrange the appointment of a Fitness to Study Review Board. The Review Board shall comprise of:
  - 1) a Chairperson, who shall be Dean of Faculty/School not previously involved in Stage 2;
  - 2) a member of Academic Council;
  - 3) a Staff member of the from a different Department/Faculty (not involved in the preceding Stages);

- 4) an external independent member, normally a senior manager from another Higher Education Institution, appointed by the Vice President of Academic Affairs and Registrar;
  - 5) the Secretary to the Review Board shall be the Student Facilitator, or their nominee (their role shall include sending all correspondence to the Review Board and any other relevant parties and convening all associated meetings).
- d) The Chairperson shall convene a meeting of the Board, normally within 10 working days of receipt of the request.
  - e) As part of its review, the Review Board will have access to all prior records and documents relating to Stage 2 procedures. The Board may request to meet with all parties involved, including the student, relevant Heads of Department, Dean of Faculty/School, the Fitness to Study Committee and other relevant TU staff, individually or collectively as appropriate.
  - f) The Student will be provided with copies of all of the documentation and evidence available to the Panel, and a list of any witnesses, one week in advance of the meeting.
  - g) The Student is entitled to be supported by an accompanying person/representative at all associated meetings. The Student shall inform the Chairperson, no later than 3 working days before the meeting, who will accompany them.
  - h) Having completed its review, the Review Board will make a determination which may include one or more of the following:
    - 1) upholding the original decision of the Fitness to Study Committee;
    - 2) modifying the original decision of the Fitness to Study Committee;
    - 3) overturning the decision of the Fitness to Study Committee;
    - 4) requesting a further Stage 3 Fitness to Study Committee formal hearing and reconsideration of findings;
    - 5) making a further determination as specified in Stage 2, Level 2 ([Section 13.6](#) (k)).
  - i) The Review Board shall send written confirmation of the Board's determinations with reasons within 5 working days of the conclusion of the review to the relevant parties, including the student, the relevant Dean of Faculty/School, Head of Department and other TUS staff, as appropriate.
  - j) If a student is dissatisfied with the outcome of the Fitness to Study Review Board, the outcome may be appealed to the Academic Council Board of Appeal.<sup>[14]</sup>

#### 14.0 Return to Study

TUS reserves the right to require a student returning to study, after a suspension or leave under this Policy;

1. to provide certification from an independent relevant medical professional, confirming that the student is fit to resume practice/study;

2. to undergo an assessment by a relevant medical professional nominated by the Technological University.

The material provided by such assessment shall be subject to review by the Vice President Academic Affairs and Registrar for final decision.

### 15.0 Referral to the Ombudsman's Office

If a Student feels that they have been unfairly treated, or dissatisfied with the TUS decision, they are free to contact the Office of the Ombudsman. By law, the Ombudsman can investigate complaints about any of the TU's administrative actions or procedures. The Ombudsman provides an impartial, independent and free dispute resolution service.

### 16.0 Data Protection

TUS will be mindful of its obligations to students under relevant data protection legislation and regulations including the *Data Protection Acts 1988 to 2018*<sup>[5]</sup> and the *General Data Protection Regulation (EU) 2016/679*<sup>[7]</sup>, and shall comply with the *TUS Data Protection Policy*<sup>[15]</sup> in the implementation of this Policy.

- 1) TUS will only share sensitive information with third parties (e.g., placement providers or health professionals) when strictly necessary to support the student's placement or fitness to practice.
- 2) The sharing of sensitive information such as student health matters, *inter alia*, with third parties, shall require the explicitly written consent of the student. If a student declines to provide consent, the student may not be able to participate in their programme/placement, and responsibility for any programme learning, assessment and progression consequences lie with the student.

### 17.0 Recording of the Procedure

In recording the procedure, TUS shall be mindful of the requirement to record clear records of evidence, decisions, and their associated rationale. All records in relation to the operation of this Policy shall be maintained in accordance with the *TUS Data Retention and Records Management Policy*.<sup>[18]</sup> A record of all Fitness to Study matters pursued under these procedures shall be kept by the relevant Head of Department in the Students' file for the duration of their registration on the programme. For cases deemed to be of a serious nature, a record may be held for a period of time as designated by the TU, on a case-by-case basis, and in accordance with the *TUS Data Retention and Records Management Policy*.<sup>[16]</sup>

## 17.0 References

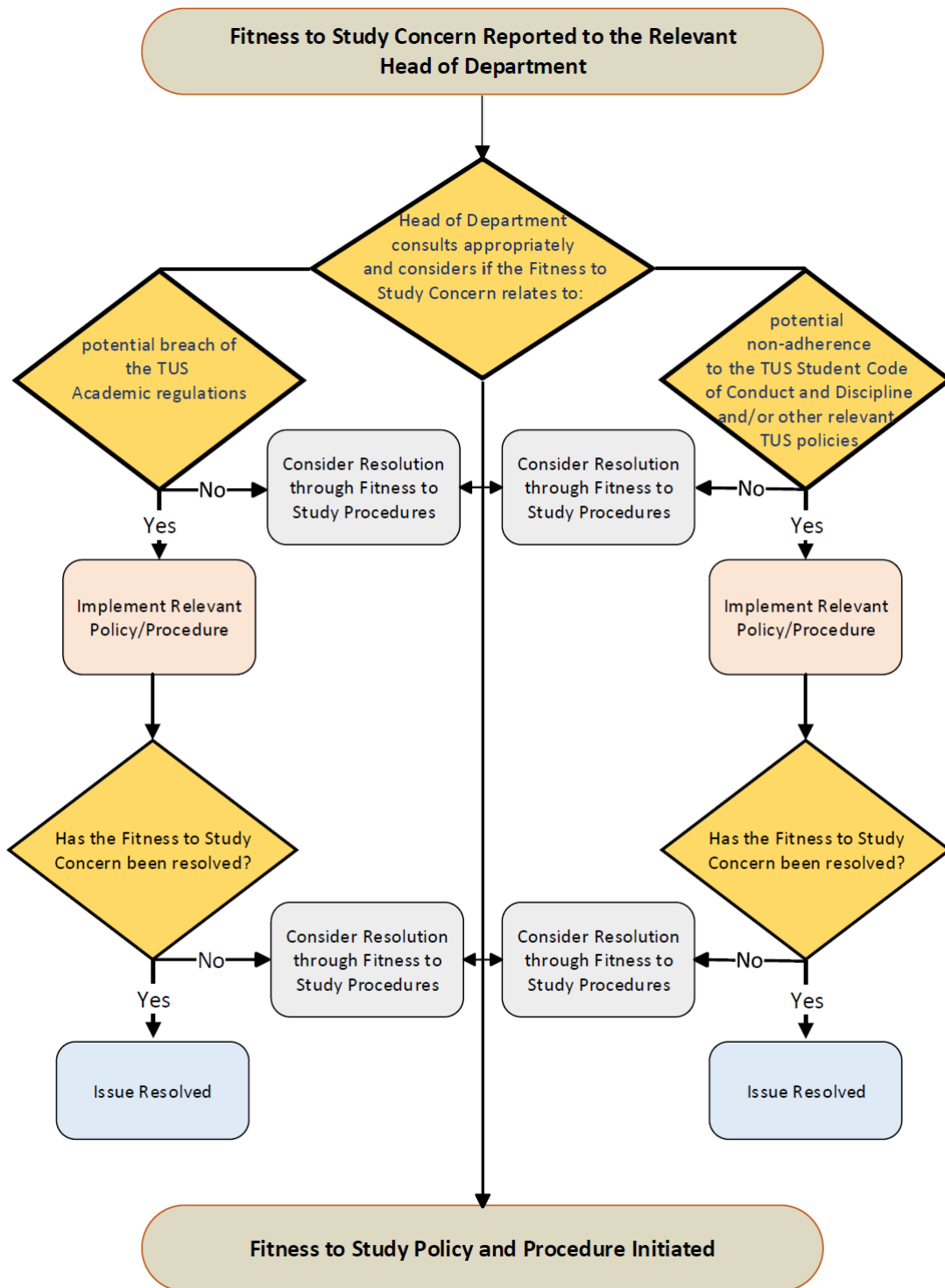
- 1) TUS Student Code of Conduct and Discipline. [TUS Academic Quality Assurance Enhancement Handbook](#)
- 2) TUS Academic Regulations for Taught Programmes. [TUS Academic Quality Assurance Enhancement Handbook](#)
- 3) [Equal Status Acts 2000-2018](#)
- 4) [Employment Equality Acts 1998-2015](#)
- 5) Data Protection Acts 1988 to 2018
- 6) [General Data Protection Regulation \(EU\) 2016/679.](#)
- 7) Disability Act 2005.
- 8) TUS Admissions Office Policy and Procedure.
- 9) TUS Garda Vetting Policy
- 10) TUS Child Protection Policy. [TUS Academic Quality Assurance Enhancement Handbook](#)
- 11) [Child Care Act, 1991](#)
- 12) TUS Reasonable Accommodations Policy. [TUS Academic Quality Assurance Enhancement Handbook](#)
- 13) [The AHEAD Journal- Students with Disabilities on Placement: Guidance on the Provision of Reasonable Accommodations on Practice Based Professional Placements in Professionally Accredited Programmes.](#)
- 14) [TUS Academic Council Documentation](#)
- 15) [TUS Data Protection Policy](#)
- 16) [TUS Data Retention and Records Management Policy](#)



Appendix 1. Listed Programmes Subject to The Policy

1. Bachelor of Arts in Social Care Work
2. Bachelor of Arts (Honours) in Social Care Work
3. Bachelor of Arts in Applied Social Studies in Social Care
4. Bachelor of Arts (Honours) in Applied Social Studies in Social Care
5. Bachelor of Arts in Social Care Practice
6. Bachelor of Arts (Honours) in Social Care Practice
7. Masters of Arts in Social Work
8. Bachelor of Science (Honours) in Applied Psychology
9. Bachelor of Science in Veterinary Nursing
10. Bachelor of Science (Honours) in General Nursing
11. Bachelor of Science (Honours) in Mental Health Nursing
12. Bachelor of Education (Honours) Art and Design Teacher Education
13. Professional Masters in Education in Art and Design with Digital Media
14. Bachelor of Arts (Honours) in Early Childhood Education & Care
15. Bachelor of Arts (Honours) in Nutrition and Health Science
16. Master of Arts in Early Intervention and Inclusive Practice for Children
17. Higher Certificate in Dental Nursing
18. Higher Certificate in Veterinary Nursing

Appendix 2. Relationship to Other TUS Policies





Appendix 3. Declaration of Understanding

<b>Student Name:</b>	
<b>K Number:</b>	
<b>TUS Academic Department</b>	
<b>Programme Title</b>	

**Declaration**

I hereby acknowledge that I have read and understand the *TUS Policy on Fitness to Study for Listed Programmes which Lead to Practise in Regulated Settings* and I am aware of its scope, application, and procedures.

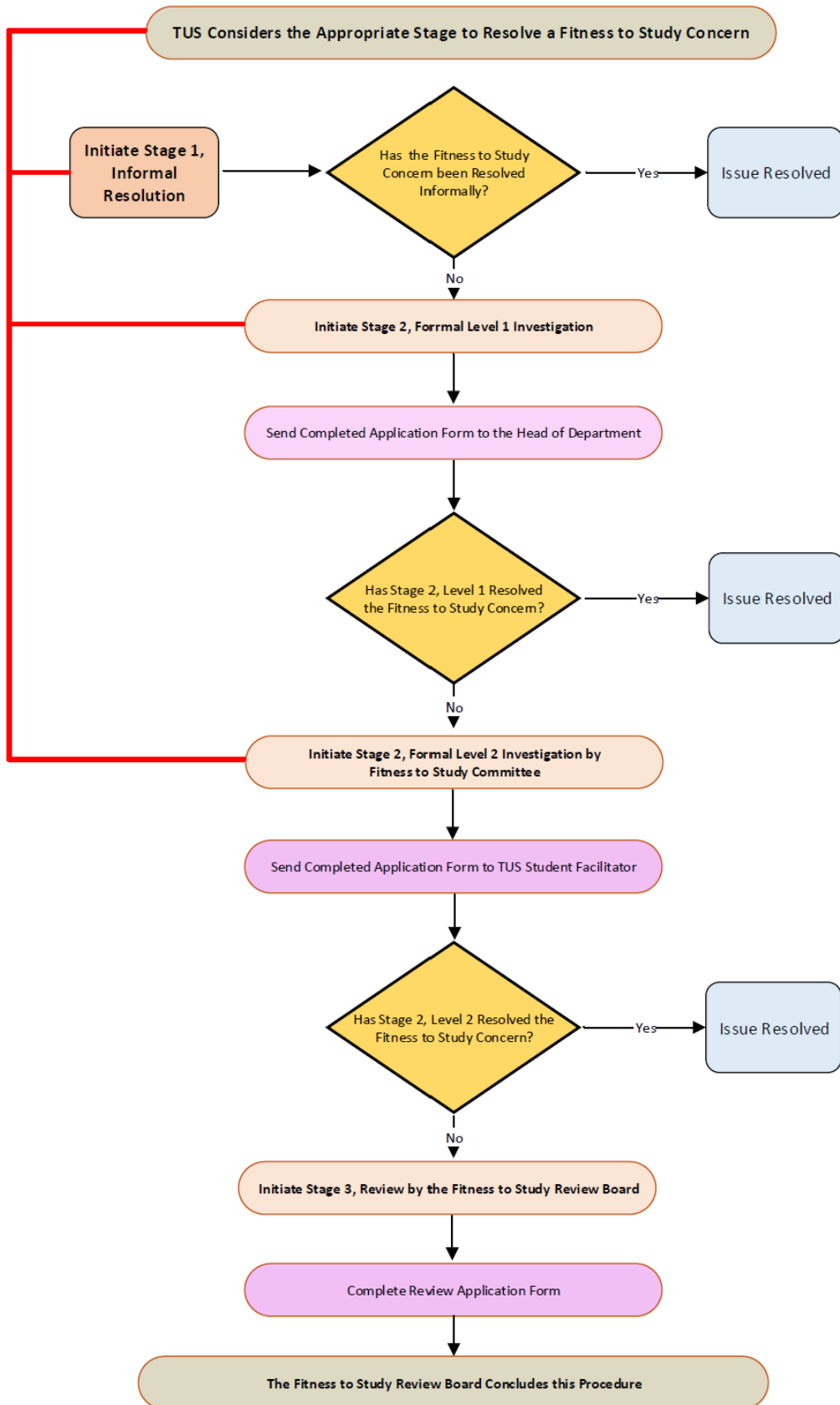
X

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Appendix 4. Fitness to Study Procedure - Summary Chart





Appendix 5. Fitness to Study Report Form

**1) Applicant Details.**

Name:	
TUS Staff Role	<i>(Complete if Staff Member)</i>
Student Number	<i>(Complete if Student)</i>
Other Party	<i>(Insert Job Role and Organisation)</i>
Listed Programme Title	
TUS Academic Department	

**2) Please Provide Details of the Fitness to Study Concern.**

X

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



Appendix 6. Application to Invoke Stage 2, Level, 2 Fitness to Study Procedure

**1) Applicant Details.**

Name:	
TUS Staff Role	<i>(Complete if Staff Member)</i>
Student Number	<i>(Complete if Student)</i>
Listed Programme Title	
TUS Academic Department	

**2) Please Provide Details of why a Stage 2, Level 2 Investigation by Fitness Committee is Required.**

X  
\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Appendix 7. An Indicative List of Materials/Issues that may be considered by the Fitness to Study Investigation/Committee

When assessing a Fitness to Study Concern the Fitness to Study Committee may consider matters including, but not limited to following:

### Information

- Medical information or psychological reports provided by the student and/or subsequent health/professional examinations.
- Other information provided by the student, the Technological University or other professional organisations/institutions.
- Criminal and disciplinary records.
- Findings against a student by a professional body regulator either in this country or overseas.

### Health

- The nature and seriousness of any health condition and how it might impact on the student's ability for safe and effective practise.
- How the health condition is managed and controlled by the student.
- Any reasonable accommodations and/or adjustments to the programme or assessments which can be made.
- The risk to the student, public, colleagues or the profession.
- Any supporting information about the student condition and its impact on future practise.
- The report and/or opinion of a relevant healthcare professional as deemed necessary by the committee.

### Behaviour and Conduct

- Behaviour and Conduct as outlined in [Section 9.5](#).

### Other Factors

- Safeguarding vulnerable groups.
- Child protection and safety.
- Public protection and safety.
- Professional codes of conduct.
- The student's academic progress on the programme..
- Any potential risk to TUS, TUS staff or students, or other individuals.
- The standards required in the relevant Core Competencies, where applicable.



Appendix 8. Fitness to Study Review Application Form

**1) Applicant Details**

Student Name:	
Student ID Number	<i>(Complete if Student)</i>
Listed Programme Title	
TUS Academic Department	

**2) Please Provide Details of why a Review is Sought.**

X \_\_\_\_\_  
Applicant Signature

\_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_