

Fitness to Practise Policy

1. Background and Scope

- 1.1 This University of Malta (“**UM**”) Policy for Fitness to Practise (the “**Policy**”) stems from the Institution’s responsibility towards the public, as well as the concern for the welfare of its students.
- 1.2 This Policy includes a protocol and guidelines that relate to students following courses of study leading to an award required for licensing, warranting or registration, thereby entitling the holder of the same to practise a given profession (hereinafter “**Professional Programmes**”). This Policy may also be applicable to other students registered at the UM.

2. Interpretation

- 2.1 In this Policy, unless the context otherwise requires, the following terms shall have the meaning attributed to them below:
 - (a) “**Concerned Party**” shall have the meaning attributed to it in section 8.1;
 - (b) “**Dean**” shall be construed as a reference “**Director**” when used in respect of a UM Institute, Centre or School;
 - (c) “**Faculty**” shall be construed as a reference to any UM Faculty, Institute, Centre, and/or School, as applicable, and “**Faculty Board**” shall be construed accordingly;
 - (d) “**FFTP Committee**” means the Faculty Fitness to Practice Committee in accordance with section 7.1;
 - (e) “**Fitness to Practise**” shall have the meaning attributed to it in section 3.3;
 - (f) “**Policy**” means this document;
 - (g) “**Professional Programme**” shall have the meaning attributed to it in section 1.2;
 - (h) “**Regulatory Body**” shall have the meaning attributed to it in section 3.2;
 - (i) “**Senate**” means the UM Senate;
 - (j) “**Statement of Concern**” means the form attached herewith as Appendix IV;

(k) **“Student”** means any person duly registered a student on a programme of studies provide by UM, at a time prior to graduation or discontinuation of studies for whatsoever reason;

(l) **“UFTP Board”** means the UM Fitness to Practise Board established under section 6.1; and

(m) **“UM”** means the University of Malta.

2.2 In this Policy, the following rules of interpretation shall apply:

(a) A reference to a “section” shall mean a reference to a provision of this Policy;

(b) A reference to an “Appendix” shall mean a reference to an appendix of this Policy, which is incorporated herein as an integral part hereof;

(c) The headings are inserted for convenience only and shall not affect its construction;

(d) Any phrase containing the term "include", "including", "in particular" or any similar expression will be construed as illustrative and will not limit the meaning or sense of the words preceding that term.

2.3 Capitalised terms defined in this Policy shall have the same interpretation when used in an Appendix. The rules of interpretation referred to in section 2.2 shall also apply to Appendices.

3. Purpose

3.1 This Policy outlines general principles for the provision of measures of support to students following a course of studies. It sets out protocols and administrative procedures for investigating allegations or concerns about fitness to study, train and practise.

3.2 UM has a responsibility to ensure that students who complete Professional Programmes are fit to practise within their chosen profession at the start of their career and in compliance with the requirements of the relevant statutory regulatory body for the given profession (hereinafter the **“Regulatory Body”**).

3.3 Certain programmes of study include the requirement that students undertake work-based periods of study often conducted alongside, and supervised, by professionals established in the field. It is UM’s duty to ascertain that any risk to students, their colleagues and third parties is averted. In this regard, by means of this Policy, UM actively seeks to:

- (a) Protect the public and to safeguard confidence in the respective professions and the UM itself. In particular, UM actively seeks to protect patients, learners, clients, service users and its own students from harm;
 - (b) Ensure that students are only awarded a qualification leading to the practice of a profession if they reach the prescribed academic standards and they are fit and able as well as safe and suitable for entry into their chosen profession.
- 3.4 Throughout the duration of the course of studies, Fitness to Practise shall be of primary importance and there will need to be regular vigilance for any concerns.
- 3.5 The Fitness to Practise of a student may be a cause for concern because of issues related to health status, competence, behaviour, attitude or a combination of any of these factors. Should Fitness to Practise at any point during the course of studies be called into question, UM will investigate according to the established protocol and proceed to address and resolve the matter as quickly as possible.

4. Addressing Risk

- 4.1 The Policy aims to address possible risks that may arise when students are enrolled on a course of studies at the UM. Risks can involve any of the following:
- (a) Any physical, psychological or psychiatric issues that would render them unfit to meet the demands of their chosen profession;
 - (b) A questionable capacity to learn, develop and safely practise essential skills and competences that are required by the chosen profession;
 - (c) An attitude that is not consonant with the expectations demanded by the norms of the chosen profession;
 - (d) Behaviour that may potentially lead to personal harm, or endanger persons who will need their care, advice or mentorship, or put at risk their colleagues;
 - (e) Conduct in a manner that brings the UM and/or their chosen profession into disrepute.
- 4.2 Appendix II provides a non-exhaustive list of specific issues that may lead to an investigation regarding a student's Fitness to Study, Train and Practise.
- 4.3 In order to address risk at the earliest possible stage and in order to provide students with appropriate support, they will be asked to fill in a self-declaration form at the beginning of their studies and annually thereafter throughout the duration of their studies. The Self-Declaration Form is attached herewith as Appendix III.

5. Support

- 5.1 The UM strives to maintain a regulatory and policy framework that is as inclusive as possible. To such end, this Policy is based on the principles of early identification and resolution of concerns and aims to apply a pre-emptive approach encompassing appropriate referrals, advice and support. The latter can also consist of assistive means and reasonable accommodation, as considered appropriate on a case-by-case basis.
- 5.2 If a student fails to cooperate with an appropriate referral for support, this may of itself be regarded as a matter of concern for Fitness to Practise.
- 5.3 UM has several services in place designed for supporting students, including the services provided by the following:
 - (a) The UM Counselling Services: <https://www.um.edu.mt/counselling> - counselling@um.edu.mt;
 - (b) The UM Access Disability Support Unit: <https://www.um.edu.mt/access> - adsu@um.edu.mt;
 - (c) The UM Mental Health Services: <https://www.um.edu.mt/services/health-wellness/mentalhealthservices> - counselling@um.edu.mt;
 - (d) The Office of the Harassment and Bullying Advisor: https://www.um.edu.mt/data/assets/pdf_file/0020/280703/harassmentbullyingpolicy.pdf - dione.mifsud@um.edu.mt
 - (e) The UM Student Advisory Services: <https://www.um.edu.mt/sas> - sas@um.edu.mt;
 - (f) The Chaplaincy: <https://www.um.edu.mt/chaplaincy> - chaplaincy@um.edu.mt;
 - (g) The UM Senate and Council Committee on Race and Ethnic Affairs (CREA): <https://www.um.edu.mt/about/governance/committees/committeeraceethnicalffairs>;
 - (h) The UM Council Gender Equality and Sexual Diversity Committee: <https://www.um.edu.mt/about/gender> - gender.committee@um.edu.mt; and
 - (i) The UM Centre for Traditional Chinese Medicine: <https://www.um.edu.mt/services/health-wellness/traditionalchinesemedicine> - tcm@um.edu.mt.

6. The UM Fitness to Practise Board

- 6.1 By means of this Policy, Senate hereby establishes a UM Fitness to Practise Board (“**UFTP Board**”) with the following functions:
- (a) To regularly review and revise this Policy every four (4) years, or earlier on a needs basis in response to changing requirements and circumstances;
 - (b) To act as a UM-wide Fitness to Practise body for potential consultation or referral;
 - (c) To act as the appeals body in respect of decisions taken by FFTP Committees; and
 - (d) To act as a facilitator for a network for support and advice at both an individual level and administrative level.
- 6.2 The members of the Board shall be appointed by Senate and the term of office shall be of two years, renewable.
- 6.3 The UFTP Board shall be composed as follows:
- (a) a Pro-Rector as Chair;
 - (b) the Academic Registrar;
 - (c) a senior member of the academic staff from a list of three nominated persons, provided that any one case is considered by the same person;
 - (d) the Dean of the Faculty¹ offering the course on which the student is registered, or delegate provided that these academics have not been involved in the reported incident;
 - (e) a student or an alternate appointed from among the UM student representatives on Senate, provided that any one case is considered by the same student representative; and
 - (f) the Academic Registrar shall appoint a member from the Administrative staff as Secretary to the Board.
- 6.4 The members of the UFTP Board may also:
- (a) co-opt as members experts in the related area.

¹ Any reference to “Dean” throughout this Policy shall be construed as a reference to “Director” when used in respect of a UM Institute, Centre or School.

- (b) The members of the Board may co-opt a member of the respective Regulatory Board.
- 6.5 Subject to the Protocol and Guidelines attached herewith as Appendix I, the UFTP Board shall otherwise regulate its own procedures, which are required to be duly documented by it.
- 6.6 The following are the decisions that may be taken by UFTP Board:
 - (a) All decisions that may be taken by an FFTP Committee;
 - (b) Appeal from all decisions taken by an FFTP Committee;
 - (c) Suspension of the student from University, followed by review; and
 - (d) Expulsion of the student from University.

7. Faculty Fitness to Practise Committees

- 7.1 Each UM Faculty shall establish a specific committee that in the first instance takes cognizance of any issues related to study, train and practise arising within the Faculty (the **"FFTP Committee"**).
- 7.2 The FFTP Committee shall be composed as follows:
 - (a) the Dean of the Faculty where the student is enrolled, or delegate as Chair;
 - (b) the Head of Department or delegate;
 - (c) one senior member of the academic staff of the Faculty or an alternate as approved by the Faculty, provided that any one case is considered by the same person;
 - (d) one student from among the student representatives on the Faculty Board or Senate, provided that any one case is considered by the same student representative;
 - (e) if deemed necessary, the Committee shall co-opt an expert in the related area as an additional member and
 - (f) if deemed necessary, the Committee may invite a member from the respective Regulatory Body as an observer

provided that, where any of the above has been involved in any manner whatsoever in identifying or reporting a concern to the FFTP Committee, or is the subject of a report to the FFTP Committee under this Policy, one shall be unable to participate in the related FFTP Committee proceedings, and the remaining

members of the Committee shall be entitled to replace the member accordingly for the time period in which the member shall be so unable to participate; and

- 7.3 The Faculty Manager shall act as secretary to the Committee.
- 7.4 The members of the Committee shall be appointed by the Faculty Board and the term of office shall be of two years, renewable.
- 7.5 Subject to the Protocol and Guidelines attached herewith as Appendix I, each FFTP Committee shall otherwise regulate its own procedures, which are required to be duly documented by it.
- 7.6 The following are the decisions **that may be taken by FFTP Committees**:
 - (a) That there is no case for the student to answer and the matter considered closed.
 - (b) That the student be referred for support services and/or counselling, followed by review after an appropriate time interval.
 - (c) Admonishing and formally warning the student, followed by review.
 - (d) Temporary suspension of studies and imposing corrective procedures, followed by review.
 - (e) Referral of the matter to the UFTP.

8. Investigation and Appeal Procedures Relating to a Concern

- 8.1 Procedures related to specific concerns may be initiated by any of the following: a UM staff member, a UM student, a service user, a patient, a client or a member of the public ("**Concerned Party**") by means of filing a Statement of Concern regarding Fitness to Study, Train and Practise (attached herewith as Appendix IV) regarding a student with the relevant Faculty.
- 8.2 The process to be followed when a concern is reported (including appeal procedures) are detailed in the Protocol and Guidelines for the Faculty Fitness to Practise Committees (attached herewith as Appendix I).
- 8.3 Notwithstanding the above, whenever a UM entity/body becomes aware that the conduct of a student is the subject of a criminal inquiry or a criminal charge in terms of the Criminal Code (Chapter 9 of the laws of Malta) or other similar process or police investigation in any other jurisdiction, the respective Dean shall be notified, who shall in turn be bound to inform the Pro-Rector for Student Affairs, the Chair of the UFTP and the Director of Legal Services.

9. Urgent Responses to an Emergency Situation

- 9.1 A situation may arise when it becomes necessary to temporarily suspend a student with immediate effect. Such a rapid summary decision would be taken as an emergency measure when the risk, at face value, is considered high. The purpose of this rapid response measure is strictly to safeguard the safety of a student and to protect the security and well-being of others. The decision to temporarily suspend a student in these circumstances is a precautionary one and not a measure of a disciplinary nature.
- 9.2 Any decision of temporary suspension will need to be accompanied by the appropriate remedial action when this is indicated. It would also need to be followed up without undue delay by:
1. Informing the Academic Registrar and the Pro-Rector for Student Affairs; and
 2. The start of the procedural due process by the FFTP Committee. In instances where there is no constituted FFTP, this process will be carried out by the UFTP.

10. Appendices

This Policy consists of the main sections stipulated above and the following appendices:

- Appendix I: Protocol and Guidelines for the Fitness to Practise Committees and the UM Fitness to Practise Board (including flow-chart)
- Appendix II: Examples related to questioning Fitness to Study, Train and Practise
- Appendix III: Self-Declaration Form regarding Fitness to Study, Train and Practise (Initial and Annual Form)
- Appendix IV: Statement of Concern regarding Fitness to Study, Train and Practise
- Appendix V: Process for formulation of the FTP Policy

UM Fitness to Practise Policy - Protocol and Guidelines for the Fitness to Practise Committees and the UM Fitness to Practise Board

1. Objective

- 1.1 The purpose of this Protocol and Guidelines document is to guide members of the Faculty Fitness to Practise Committees (FFTP Committees) and of UM Fitness to Practise Board (UFTP Board) in their functions.
- 1.2 The objective hereof is to ensure that the FFTP Committees and the UFTP Board follow a clear and efficient *modus operandi* as a safeguard to students and the general public. It also details the means of observance of the Policy.
- 1.3 This protocol and guidelines do not primarily address a disciplinary process, although decisions of a disciplinary nature may result from the due process.
- 1.4 This document is specifically drawn up to ensure that the respective professional standards are met and that students are supported in doing so as far as this is possible.

2. Communications with the Student

- 2.1 Communications with the student under the Policy shall only take place by the Dean, or the secretary of the FFTP Committee or UFTP Board, as applicable. All communications shall be made by e-mail to the student's UM e-mail account.
- 2.2 Every effort should be made to ensure that any such e-mail communication is effectively delivered to the student. Should the student, after being duly notified with a communication made under the Policy without giving a good and sufficient reason, persists in ignoring the said communication, the Dean, Committee or Board, as applicable, shall proceed to consider the statement of concern, examine the matter and take a decision.

3. Procedure (Flow-chart attached for ease of reference)

- 3.1 A statement of concern is a document, drawn up by an academic member of staff, an administrator or other interested person, formally registering an allegation and/or concern about a student's fitness to practice. This document shall be submitted to the Dean of the respective Faculty.
- 3.2 Within seven (7) working days from the date of receipt of the statement of concern by the Dean of the respective Faculty, a meeting of the FFTP Committee shall be convened.

- 3.3 At the FFTP initial meeting, the FFTP Committee shall decide whether the statement of concern:
- (i) Warrants an investigation by the FFTP Committee; or
 - (ii) Does not warrant further investigation; or
 - (iii) Refer the matter to the UFTP Board.

4. Faculty Fitness to Practise Committee:

- 4.1 Within five (5) working days from the date of the FFTP initial meeting, the Secretary of the FFTP Committee shall inform the student about:
- (a) The formal report of the allegation and/or concern;
 - (b) The date, time and venue of the meeting of the FFTP Committee;
 - (c) The possibility to be accompanied by a family member or a trusted friend to the FFTP Committee meeting, advising the student to inform the secretary of the intention to be duly accompanied, and of the identity of the accompanying person prior to the date of the FFTP Committee Meeting; and
 - (d) The possibility to call one or more witnesses, advising the student (i) to inform the secretary of his intention to call any such witnesses and of the identity of any witnesses at least two (2) working days before the meeting, and (ii) to make all necessary arrangements for any such witnesses to attend.
- 4.2 At the start of the meeting, the Chair of the FFTP Committee shall introduce the members. The student may lodge any objection to the composition of the FFTP Committee at the start of the meeting following the said introduction and shall be considered by the FFTP on grounds of procedure.
- 4.3 Where a student is accompanied by another person, the latter may be present during the entire meeting, provided that where the accompanying person is to be called as a witness, that person shall only be called to the FFTP Committee meeting at the appropriate time.
- 4.4 The Chair of the FFTP shall read out the factual description of the concern as described in the statement of concern.
- 4.5 The student shall thereafter be invited to make a statement and to produce evidence concerning the said statement of concern.
- 4.6 When all written and verbal submissions have been submitted, the Chair of the FFTP Committee shall inform the student that the Committee shall take a decision which shall be communicated to the student as soon as possible, but in any case not later

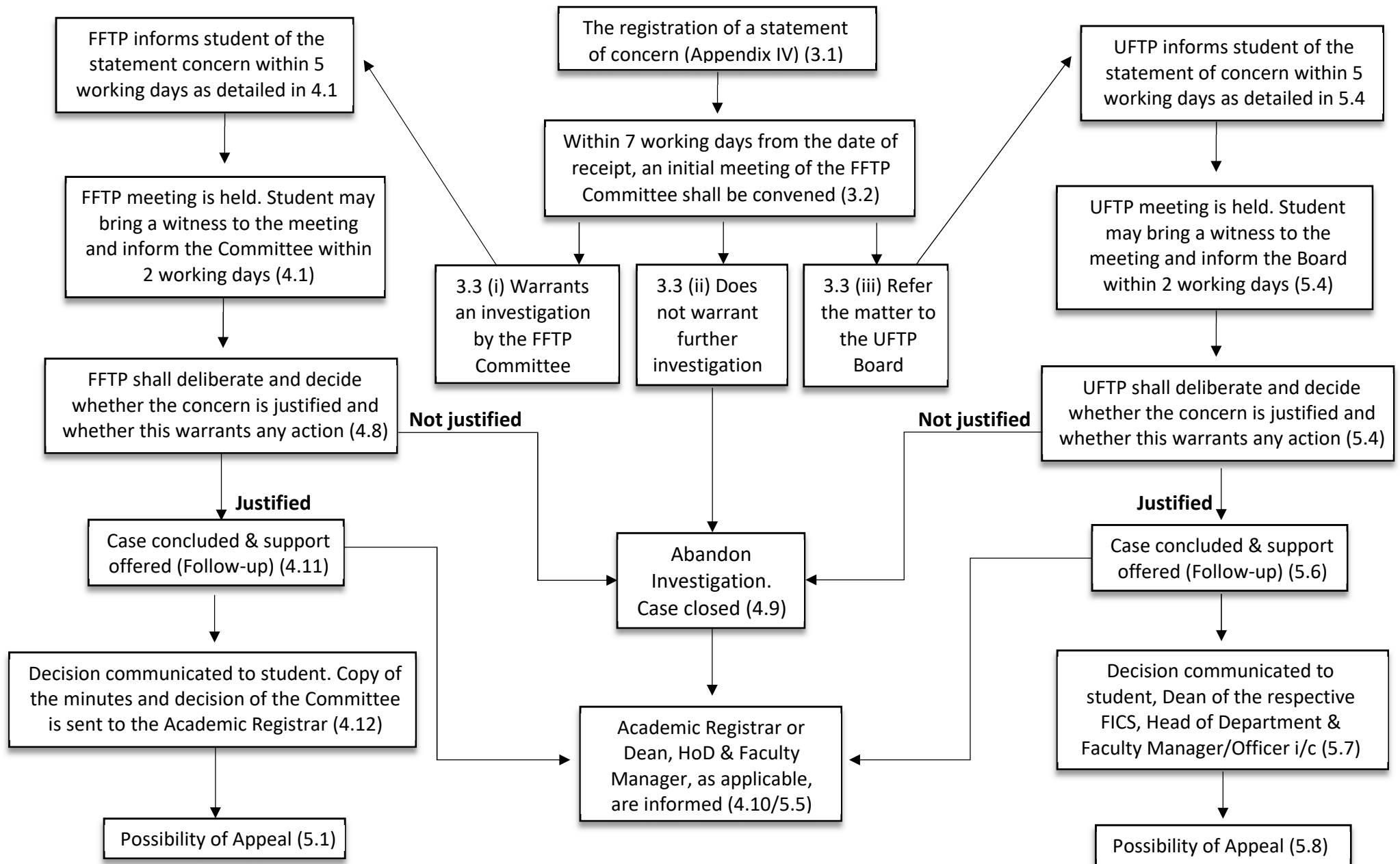
than seven (7) working days from the date of the meeting. Should the FFTP need to deliberate further, the student shall be informed and shall be given an indication of when a final decision will be communicated.

- 4.7 The student and any accompanying person shall thereafter be asked to withdraw from the meeting.
- 4.8 The FFTP shall thereafter deliberate and decide whether the concern is justified and whether this warrants any action in respect of the student.
- 4.9 Should the FFTP Committee decide that the concern is not justified, it shall abandon the case in respect of the student.
- 4.10 The FFTP Committee shall inform the Academic Registrar of its decision in this regard.
- 4.11 Should the FFTP Committee decide that the concern is justified, it shall decide on a course of action including the provision of all necessary support to the student. The Committee shall also make arrangements for follow-up with regard to the support offered to the student.
- 4.12 The FFTP will communicate its decision in writing to the student with a copy forwarded to the Academic Registrar, together with minutes of the relevant meeting.

5. Appeal from Decisions of the FFTP Committee

- 5.1 The student may appeal the decision of the FFTP Committee by initiating a process before the UFTP Board within five (5) working days from the date of receipt of the decision of the FFTP Committee. The appeal should be directed to the secretary of the UFTP Board.
- 5.2 Should the FFTP Committee decide to refer the case to the UFTP Board, the UFTP shall take over the case and conduct the necessary investigation.
- 5.3 An appeal from the decision of the FFTP Committee as stipulated in section 5.1 hereof, shall only be permissible on the following grounds:
 - (a) The availability of fresh evidence to the student which was not available at the time of the FFTP Committee meeting at which the original concern was assessed and decided upon.
- 5.4 The provisions of sections 4.1 to 4.9 of these P&G shall apply, *mutatis mutandis*, to the UFTP Board in consideration of the student's appeal.
- 5.5 The UFTP Board shall inform the Dean of the respective FICS, Head of Department and Faculty Manager/Officer i/c of its decision in this regard.

- 5.6 Should the UFTP Board decide that the concern is justified, it shall decide on a course of action including the provision of all necessary support to the student. The Board shall also make arrangements for follow-up with regard to the support offered to the student.
- 5.7 The UFTP will communicate its decision in writing to the student with a copy forwarded to the Dean of the respective FICS, Head of Department and Faculty Manager/Officer i/c.
- 5.8 The student has the right to appeal the decision of the UFTP Board within five (5) working days through a letter addressed to Rector in his role as Chair of Senate.



Examples related to questioning Fitness to Study, Train and Practise

Every case has its own merits and therefore unique. The following are some issues that may lead to an investigation questioning a student's fitness to study, train and practise:

1. Not being able to understand or process information, such that would be a barrier to learning, application or practising essential skills and competences related to the particular chosen profession.
2. Not being able to carry out, with assistive means in place, essential functions and duties related to a particular profession due to physical disability, psychological disturbance or emotional issues e.g. sensory problems, disorders leading to limitation or disturbance of movement and inability to communicate effectively.
3. Not willing to seek and follow appropriate medical and/or other support to effectively manage a medical condition, physical, sensory or mental impairment or specific learning difficulty that could lead to unfitness to practise.
4. Behaves and/or communicates with patients, clients, students and service users in ways which have a negative impact on their health and wellbeing.
5. Behaves in a manner that exploits vulnerable persons and their families. This would include children, persons with intellectual disabilities and older persons.
6. Misuses substances including alcohol, illegal drugs, prescription or over-the counter medicines, such that may interfere with professional practice and judgement.
7. Acts in a violent or intimidating manner with regard to fellow students, UM staff, service users and their families.
8. Undertakes acts of misrepresentation or falsification of records or another person's signature.
9. Being charged with or convicted of a criminal offence in any jurisdiction.
10. Failing to rectify behaviour that was subject to UM disciplinary sanctions, or to correct behaviour that was identified as unacceptable by the student's Faculty.
11. Actions and behaviour that would be in breach of applicable codes of conduct, practice or ethics regulating the profession that the student aspires to practise.

Self-Declaration Form regarding Fitness to Study, Train and Practise (Initial and Annual Form)

In accordance with the UM Fitness to Practise Policy, all students following Professional Programmes are required to declare any issues related to health status, competence, behaviour, character, or a combination of these factors, which can raise concern to the student’s fitness to study, train and practise. This information helps UM to provide all necessary support to enable you to follow the course of studies successfully.

The information provided below is of a confidential nature. It shall only be processed by such persons at UM strictly on a need-to-know basis, and shall not be shared with third parties.

Read the following and mark each statement with an ‘X’, as applicable:

	YES	NO
1. Do you have any health condition (physical or psychological) or disability-related needs that require consideration or support for you to be able to undertake your studies at the university?		
2. Have you ever been under investigation by a professional body?		
3. Are you currently subject to a criminal inquiry before the Courts of Magistrates (Malta) or other similar process or police investigation in any other jurisdiction?		
4. Are you currently facing criminal charges in Malta or in any other jurisdiction?		
5. Have you ever been convicted of any criminal offence (other than an offence under any road traffic legislation for which a fine or non-custodial penalty is imposed)?		

If you have answered YES to any question, please provide details below. (Please continue on an additional sheet if necessary).

Student Declaration:

I hereby confirm the above information to be true and correct as at the date indicated here-below. I understand that the omission of information, or the provision of false or misleading information may lead to the UM instituting disciplinary proceedings in my regard.

I also undertake to inform the Faculty of any changes to the above information. I understand that failure to do so within a reasonable time from such changes arising may lead to the UM instituting disciplinary proceedings in my regard.

Name: _____ Signature: _____

ID Number: _____ Date: _____

Email: _____

Course: _____

Statement of Concern regarding Fitness to Study, Train and Practise

To: Dean

Section 1: To be filled in by the person raising the concern and passed on to the Dean.

Student's Name: _____

Course: _____

Faculty: _____

Description of the Concern:

Include a factual description of the concern. Specific examples/observations are particularly helpful. (Please continue on an additional sheet if required and/or append supporting pertinent documentation).

Concern raised by: _____

Date: _____

Signature: _____

For office use only

Received by: _____

Date: _____

Signature: _____

Process for formulation of the FTP Policy

1. A Committee convened and chaired by Professor Carmen Sammut drew up a set of documents relating to Fitness to Practise regarding students following Professional Programmes. A summary of the documents was presented to Senate at its meeting on 25th June 2020, which in turn appointed an *ad hoc* working group tasked with formulating a Policy addressing Fitness to Practise for use across UM. This was composed of:

Professor Joseph Cacciottolo (Pro-Rector and Chair)
Dr Trevor Abela Fiorentino (representing the Faculty of Health Sciences)
Dr Anne Marie Callus (representing the ACCESS Disability Support Committee)
Dr Colin Calleja (representing the Faculty of Education)
Professor Kevin Cassar (representing the Faculty of Medicine and Surgery)
Mr Noel Caruana (representing the Student Advisory Services)
Dr Gabriella Gatt (representing the Faculty of Dental Surgery)
Ms Carmen Mangion (Deputy Registrar)
Dr Dione Mifsud (representing the Faculty for Social Wellbeing)
Mr Matthew Xuereb (President, Kunsill Studenti Universitarji)

Secretary: Ms Kelly Vassallo

2. The process of internal discussion, drafting and review of the Policy was completed on 23rd February 2021.
3. The consultation process with persons outside the working group, and external review of the Policy document was completed on 30th March 2021.
4. The revised text of the Policy document was agreed to by the working group on 30th April 2021.
5. The final text of the Policy document was addressed to Senate on 4th May 2021.
6. Senate's final decision on the Policy was taken on 13th May 2021.
7. The UM Fitness to Practise Policy is reviewed and if necessary revised every four (4) years. The next scheduled review process shall be completed by the end of May 2025.