Fitness to Practise Policy and Procedure

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') seeks to meet the workforce needs of our communities through our training, education, and graduates.

(2) Many courses of the University require students to develop and exhibit professional competence and standards in their practice on placement and in employment after graduation. The University supports students to understand their professional practice standards and provides opportunities for University employees, placement supervisors, placement clients, and others to raise concerns about students' fitness to practise.

Section 2 - Purpose

(3) This policy and procedure outlines how the University ensures students enrolled in a course or unit that is professionally accredited and/or has mandatory placement requirements maintain the required standards of conduct, compliance, and capacity for ongoing fitness to practise of the profession throughout their enrolment, appropriate to their level of study.

(4) This policy and procedure outlines the University's process for managing student fitness to practise concerns.

Section 3 - Scope

(5) This policy and procedure applies to students enrolled in a course or unit that is professionally accredited and/or has mandatory placement requirements.

(6) This policy and procedure does not apply to VET apprentices or trainees. Concerns about apprentice and trainee practice should be referred to the Manager Apprentice Enrolments.

(7) This policy and procedure applies to employees who manage issues of competence and concerns relating to the safety and wellbeing of employees, students, placement clients and providers, and the wider public.

(8) Behaviour that may constitute a breach of the Code of Conduct - Students is managed under that document.

Section 4 - Policy

Principles

(9) The objectives of this policy are to:

a. balance students' qualities, behaviours and competencies with the need to prevent harm to the student, placement clients, and other people with whom students interact in preparation for and while undertaking their professional placement;
b. support early identification of fitness to practise concerns and where possible support and guide students to

meet the acceptable standards, including through reasonable adjustments developed in conjunction with Access and Inclusion;

c. provide a framework for the management, including via intervention, of risks and/or concerns related to students undertaking professional placement activities, before or during a student's enrolment in placement unit; and
d. protect the reputation of the University and its placement providers.

(10) Several courses allow graduates to register with a professional body, either by application or automatically upon graduation, or to register as student practitioners while they are studying. The University has a responsibility to ensure students enrolled in these courses are educated about the expectations of professional behaviour and conduct and have opportunities to develop and meet the required standards of the student's intended profession.

(11) The fitness to practise requirements for higher education courses can be found at Inherent requirements.

(12) The consequences of failing to maintain fitness to practise vary depending on the profession but concerns may be raised where students:

a. engage in conduct that is inconsistent with the standards and ethical obligations of the profession;
b. exhibit disregard or fail to perform and meet the professional standards;
c. have an inability to demonstrate competent knowledge or skills – compliance – required by the profession;
d. display a disability or health condition which:
    i. cannot be supported to meet inherent requirements with reasonable adjustments; and
    ii. may impact the student's ability to practise at the standard required by the profession; or
e. may pose a risk to employees, other students, placement clients and providers, and the wider public.

(13) Where a student with a disability or health condition, or, based on other grounds is concerned about their ability to meet the course requirements, they are encouraged to discuss their concerns with their Course Coordinator or VET Team Leader, who may refer the student to Access and Inclusion. Requests for reasonable adjustments are managed in accordance with the Students with Disability Policy.

(14) If a student's behaviour or condition impacts others or is unreasonably disruptive, or results in an inability to meet the course inherent requirements, learning outcomes, and/or professional standards, the University may require the student's studies be interrupted or, in cases where remediation is not possible, discontinued.

(15) A student who has not met the fitness to practise requirements for their course may be excluded from their course. An excluded student may apply for entry in a different course for which they meet all of the entry requirements (and fitness to practise).

(16) A student found in breach of the code of conduct under the Code of Conduct - Students may have conditions applied including pausing their enrolment for a defined period or excluding them from the University.

Roles and Responsibilities

University

(17) The University will be responsible for:

a. ensuring that prospective and current students understand the fitness to practise requirements for their course, and their need to meet these standards throughout their enrolment;
b. ensuring the fitness to practise requirements encompass the professional standards necessary to fulfill the professional accreditation and registration requirements and/or unit of competency requirements of specific

courses;

c. supporting students to achieve the professional standards, knowledge, skills, and competencies required by their profession to be safe and ethical professionals;
d. ensuring students are aware of and understand this policy and procedure and student support services that may assist their fitness to practise compliance, such as Access and Inclusion.

Pro Vice-Chancellor

(18) The Pro Vice-Chancellor (or delegate):

a. approves and actions outcome recommendations;
b. communicates the outcome to the student; and
c. updates the student record.

Fitness to Practise Committee

(19) The FFTPC is responsible for:

a. formally investigating the concerns raised regarding the student's alleged failure to meet the fitness to practise requirements;
b. managing the right-of-reply from the student; and
c. recommending to the Pro Vice-Chancellor (or delegate) the appropriate outcome, such as:
    i. no action required;
    ii. management plan; or
    iii. failure to meet fitness to practise requirements.

Course Coordinator or VET Team Leader

(20) The Course Coordinator or VET Team Leader is responsible for:

a. ensuring enrolled students are aware of the fitness to practise requirements;
b. ensuring enrolled students understand what constitutes not being compliant with the professional standards and the implications of this;
c. ensuring external stakeholders supervising students are notified of this policy and the course or unit fitness to practise requirements before accepting students;
d. receiving complaints and concerns regarding a student's fitness to practise based on the course's professional standards and:
    i. managing them in accordance with this policy and procedure; and
    ii. keeping appropriate records.

Unit Coordinator or TAFE Placements Officer

(21) The Unit Coordinator or TAFE Placements Officer responds to reports of concern and ensures that:

a. students enrolled in the unit understand the fitness to practise requirements and consequences;
b. students at risk are identified based on evidence, are notified of fitness to practise concerns, and are referred to support services;
c. the performance of at-risk students is monitored, including the progress of any support strategies;
d. they notify the Course Coordinator or VET Team Leader if they have concerns regarding a student meeting the fitness to practise requirements; and

e. appropriate records are maintained.

Students

(22) Students are responsible for:

a. conducting themselves in a manner consistent with the Code of Conduct - Students, professional standards, and placement organisation expectations, requirements, behaviours, agreements, and standards;
b. ensuring they are aware of, and meet, the fitness to practise requirements that apply to their course throughout their enrolment;
c. demonstrating they have the required knowledge, skills, and attitude of a professional based on their level of study within their profession;
d. identifying and seeking support when there is a risk of not meeting the fitness to practise requirements; and
e. engaging with support services and strategies.

Complaints

(23) A student can appeal a decision under this document in accordance with step 3 of the Complaints Policy - Students.

Records and Confidentiality

(24) Records will be kept and maintained in accordance with the Records and Information Management Policy and Procedure and the Privacy and Confidentiality Policy.

(25) Confidential records relating to actions and outcomes of student enrolments will be retained and held separately from student academic records. Records will be disposed of according to the relevant University Retention and Disposal Schedules.

Monitoring and Review

(26) Fitness to practise is subject to review as part of the Work Integrated Learning Policy and Course Review requirements in the Higher Education Course and Unit Accreditation Procedure and VET Course Registration Procedure.

Reporting

(27) The University will aggregate data to monitor, review and report on fitness to practise. Reporting will occur in accordance with the Comprehensive Reporting Framework, and every effort will be made not to disclose any details that could identify individual students.

Section 5 - Procedure

(28) Student misconduct proceedings take precedence over this policy and procedure and are managed in accordance with the Code of Conduct - Students and Academic Integrity Policy. If a University employee believes concerns that have been raised about fitness to practise relate to possible student misconduct, the fitness to practise process will cease and they must refer the matter for consideration under the Code of Conduct - Students.

Raising a Fitness to Practise Concern

(29) Any person may raise a concern with University employees regarding a student's fitness to practise.

(30) University employees who receive the concern(s) must either:

a. direct the person to raise the concern in writing with the relevant Course Coordinator or VET Team Leader; or
b. inform the relevant Course Coordinator or VET Team Leader themselves.

(31) Upon receiving the fitness to practise concern, the Course Coordinator or VET Team Leader must review the matter. They are required to:

a. informally discuss and address the fitness to practise concern(s) with the student;
b. where the concerns raised are deemed valid, advise on remedial action the student can take, if possible, to meet the fitness to practise requirements; and
c. maintain confidentiality and keep records in accordance with the Privacy and Confidentiality Policy and Records and Information Management Policy and Procedure.

(32) The Course Coordinator or VET Team Leader will:

a. assess whether the matter should be referred to the FFTPC, where they have a reasonable belief that a student may potentially breach, or has breached one or more of the fitness to practise rules for the course or unit, or has breached the level of professionalism expected of the vocation; or
b. if the concern aligns with student general or academic misconduct, refer the matter for investigation under the Code of Conduct - Students; or
c. not action the concern if they do not believe that the student will potentially breach, or has breached, one or more fitness to practise requirements for the course or unit.

(33) Where the Course Coordinator or VET Team Leader determines the matter does not need to be referred to the FFTPC for investigation:

a. the concern will not result in further investigation;
b. the Course Coordinator or VET Team Leader may discuss the concern with the student and relevant University employees to facilitate appropriate remediation; and
c. the Course Coordinator or VET Team Leader will provide a summary to the faculty or CDU TAFE to include in fitness to practise reporting.

(34) Where the Course Coordinator or VET Team Leader determines that a formal investigation is required, they will refer the matter to the FFTPC and advise the student of the referral.

(35) If necessary while a matter is investigated, the Course Coordinator, VET Team Leader, or workplace may action temporary measures to address the risks posed by the student's non-compliance with fitness to practise, including halting or postponing a student's placement or moving them to a different workplace as deemed appropriate. Placement hosts may have limited capacity to delay or reschedule placements and halting or postponing a placement may lead to the revocation of the placement offer.

(36) Students have the right to:

a. have the concern investigated as promptly as possible;
b. receive a copy of, or an opportunity to inspect, all relevant information;
c. be given an opportunity to discuss the concern with the investigators;
d. invite a Student Advocacy Officer or another named support person to attend meetings relating to the investigation of a concern; and
e. appeal any outcome resulting from formal investigation of a concern in accordance with this procedure.

Faculty Fitness to Practise Committee

(37) The Faculty Fitness to Practise Committee (FFTPC) will investigate a matter under this policy and procedure. The committee will hear and decide by majority whether the student is likely to breach, or has breached, one or more of the fitness to practise requirements for a course or unit.

(38) The FFTPC comprises at least four (4) voting members including:

a. the Associate Dean Work Integrated Learning (HE faculties) or VET Placements Officer (CDU TAFE) (chair);
b. a senior academic employee from a different discipline (higher education faculties) or an alternative team leader (CDU TAFE);
c. the Course Coordinator or VET Team Leader (or delegate); and
d. at least one member from the relevant profession, who may be:
    i. a currently practising professional in the profession; or
    ii. an academic who is currently practising, or has practised, within the last five years, in the profession.

(39) The chair will nominate a professional employee as non-voting secretary to record in writing the proceedings and decisions of the committee.

(40) Where fitness to practise involves a First Nations student, the FFTPC must consult First Nations Student Support throughout the fitness to practise process.

Investigation

(41) The FFTPC will commence an investigation within five (5) working days of receiving the fitness to practise concern. The FFTPC should aim to complete the investigation within twenty (20) working days of its commencement. The investigation may collect information such as:

a. documented reported incidents and concerns (times, dates, reporter details);
b. any previous informal remediation efforts or risk assessments
c. consult with stakeholders such as the Course Coordinator or VET Team Leader, unit coordinator or VET lecturer/work placement assessor, TAFE Placements Officer, and a member of the profession to assist in the assessment.
d. seek additional information from Advocacy, Legal, or the relevant professional body, to determine an appropriate outcome.

(42) If the investigation exceeds twenty (20) working days, the chair will write to the student and provide advice around why.

(43) The FFTPC must consider the following:

a. are the fitness to practise concerns valid;
b. the student's year and level of experience in their course;
c. any previous reported incidents or concerns regarding the student's compliance with fitness to practise;
d. the frequency or any contributory factors of the student's behaviour or lack of capacity;
e. whether the student is entitled to reasonable adjustments under the Disability Standards for Education 2005;
f. the student's intent, including evidence of deliberate and premeditated decisions to engage in unprofessional behaviour;
g. the student's perceived ability to respond positively to support and remediation;
h. the student's degree of compliance with previous informal attempts to resolve the fitness to practise concern;

i. the level of risk potentially posed to any person, organisation, or profession, including placement clients, by the student's alleged non-compliance with fitness to practise;
j. any insight or action the student has taken to address the concern, or prevent the concern in question from reoccurring; and
k. if further advice is required from within or outside the University.

Interview

(44) For a matter to be heard by the FFTPC, the chair must notify the student in writing:

a. that the student has or has potentially breached one or more of the fitness to practise requirements for the course or unit;
b. that the student's case has been referred to a FFTPC for an interview;
c. in what course or unit the alleged potential or actual breach of fitness to practise occurred;
d. the place, time and date of the FFTPC interview, which must be at least 10 University business days from the notice date;
e. the student's right to respond to the allegation in advance of the interview in writing, or in person at the interview, or both;
f. of the student's obligation to notify the FFTPC if they will be supported by a Student Advocacy Officer or another named support person; and
g. of this policy and the relevant course or unit fitness to practise statement made under this policy.

Outcomes

(45) The FFTPC will determine an appropriate outcome based upon all relevant evidence provided.

(46) Following an interview, and before making a recommendation, the FFTPC may require the student to undertake specified medical/health assessment with:

a. the assessment to occur within a specified time and with a chosen health professional; and
b. the University to pay the assessment costs.

(47) If the FFTPC requires the student to undertake an assessment, the FFTPC must:

a. acknowledge there is no other way that the person can be assessed;
b. share the results of the assessment with the student before a decision is made by the committee; and
c. comply with the Privacy and Confidentiality Policy and Records and Information Management Policy and Procedure.

(48) The FFTPC will provide a copy of the draft recommendation to the student and give them 5 working days to respond.

(49) The FFTPC will submit their recommendation to the Pro Vice-Chancellor for approval and action. The Pro Vice-Chancellor will notify the following people of the outcome:

a. the student;
b. the Unit Coordinator. If the student is on placement, then the Unit Coordinator may inform the placement organisation, as required;
c. the person who raised the concern (via the Course Coordinator or VET Team Leader); and
d. the Course Coordinator or VET Team Leader, to review the need for unit/course changes.

(50) If required by law, the Pro Vice-Chancellor will submit a report on the fitness to practise findings to the relevant regulatory bodies. Individual members of the committee still have a mandatory reporting responsibility.

(51) The faculty Pro Vice-Chancellor must notify the student within five (5) business days of the committee's decision and any right of appeal. The actions can include:

a. No action;
b. Management plan (including reasonable adjustment, pause in studies, and/or remedial action); or
c. Failure.

No action

(52) If the faculty FFTPC determines any of the following, then no further action is taken:

a. a failure of fitness to practise requirements is not deemed by the committee to have occurred;
b. there is insufficient evidence to determine if failure of fitness to practise has occurred; or
c. after the student's right of reply, the committee deems no further action is necessary.

(53) In the event of no action, the Pro Vice-Chancellor must inform the Course Coordinator or VET Team Leader so that any temporary measures can be removed.

Management plan

(54) A management plan will result from an investigation where:

a. a failure of fitness to practise requirements has been confirmed; and
b. the student's behaviour is not due to misconduct; and
c. there are remedial actions that may enable the student to meet the fitness to practise requirements or regain fitness to practise compliance.

(55) A management plan may include implementing one or more of the following:

a. reasonable adjustment;
b. a pause in studies; or
c. remedial action.

Reasonable adjustment

(56) Where non-compliance with fitness to practise requirements is due to a health condition or disability impacting the student's capacity, a learning access plan (LAP) and/or placement plan may be developed in consultation with Access and Inclusion and other appropriate support services.

(57) Where the non-compliance with fitness to practise requirements is due to factors other than capacity, other reasonable adjustments may be adopted. These could include, but are not limited to:

a. additional supervision or mentoring;
b. attending support meetings;
c. increased monitoring of student performance;
d. attending additional workshops;
e. completing an additional assessment task; and
f. completing an additional period of supervised practice.

(58) Where reasonable adjustment can remediate a student's fitness to practise, the student's study will not be paused.

(59) For placements with reasonable adjustments, the student will:

a. remain in the current placement or be rescheduled into a new placement if needed;
b. retain time completed in the current placement, wherever possible; and
c. continue to be placed into future placement(s) where the reasonable adjustment is agreed.

Pause in study

(60) For units where a student is non-compliant with fitness to practise requirements and poses an unacceptable level of risk that cannot be addressed through reasonable adjustments, the FFTPC may recommend the Pro Vice-Chancellor pause the student's study by:

a. prohibiting the student from engaging in learning activities in units specified as part of the Management Plan. This may mean preventing a student from attending placements; and/or
b. prohibiting the student from enrolling in units specified as part of remediation.

(61) Where the student is currently enrolled in a placement unit that has been paused:

a. the student's placement will be cancelled;
b. the student will lose the hours of the placement; and
c. the student's future placement will be put on hold.

(62) Where a FFTPC recommends a pause in study, they must provide an appropriate justification and ensure they are limited to only those units that need fitness to practise requirements.

(63) Students are required to submit, in writing, any requests to remove a pause in study to the FFTPC, before each semester. Once the FFTPC is satisfied that the student has met the fitness to practise requirements the pause in study will be lifted.

Remedial action

(64) The FFTPC may define remedial actions or tasks the student must complete to meet fitness to practise requirements, such as:

a. attending external counselling or psychological therapy;
b. completing a specified treatment;
c. taking leave;
d. completing further education or assessment;
e. writing a letter of apology to required parties; and/or
f. attending support meetings.

(65) Remedial actions defined by the FFTPC are mandatory.

(66) Students who refuse to engage with the remedial actions may be considered as failing to meet fitness to practise compliance and actioned as a failure outcome.

(67) Remedial action must include a defined timeframe, not exceeding 12 months, where a student's compliance with fitness to practise requirements will be assessed by the FFTPC.

(68) The student must request the review by the FFTPC once the remedial action timeframe has ended. Where the committee requires additional information to determine an outcome, the committee may require the student to undergo an independent assessment, at the expense of the University, by a person or persons nominated by the committee.

(69) Where the review determines the student has regained compliance with fitness to practise:

a. study pauses and enrolment restrictions will be removed;
b. the FFTPC may specify additional skills refresher content the student must complete; and
c. where an un-finalised grade has been assigned to the student, the committee will determine whether the student can complete the unit or must re-enrol in the unit. The student's final grade will be updated accordingly.

Failure

(70) A failure will result when the student has not met the fitness to practise requirements through remedial action within the specified timeframes.

(71) The outcome for an enrolled placement in which the student has failed to maintain the fitness to practise requirements will include:

a. all placement(s) associated to the unit being cancelled;
b. any completed placement time is lost; and
c. a Fail (F) grade (for HE) or NYC (for VET) grade will be applied to the unit.

(72) Students may not request a Supplementary Assessment. Where the unit is a compulsory component of the student's course, the student will be offered an alternative exit or course transfer, if available. If none are available or the student refuses, the student will be withdrawn from the course.

(73) Where a process under the Code of Conduct - Students has found that a student has breached conduct rules in a placement unit, the student's placement(s) associated with that unit will be cancelled and the student will lose any completed placement time.

Annual Review

(74) The Course Coordinator or VET Team Leader must include fitness to practise concerns and outcomes as part of the Annual Course Review process, to inform:

a. the need for a variation to fitness to practise, learning outcomes, placement requirements or other relevant requirements;
b. systems and processes through which prospective and current students are informed of, and reminded of, fitness to practise requirements of their course;
c. the process of assessing prospective students' ability to maintain fitness to practise; and
d. requirements throughout their enrolment in their course.

Section 6 - Non-Compliance

(75) Non-compliance with Governance Documents is considered a breach of the Code of Conduct - Employees or the Code of Conduct - Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin

University and Union Enterprise Agreement 2025 and the Code of Conduct - Students.

(76) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(77) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

Status	Current
Effective Date	20th June 2025
Review Date	20th June 2026
Approval Authority	Academic Board
Approval Date	5th June 2025
Expiry Date	Not Applicable
Responsible Executive	Louise King Provost
Implementation Officer	Louise King Provost
Enquiries Contact	Louise King Provost

Glossary Terms and Definitions

"Course Coordinator" - An academic staff member who is responsible for the academic management of a course.

"Reasonable adjustments" - Adjustments that can be made to enable a student with disability to participate in education on the same basis as students without a disability. An adjustment is reasonable if it successfully balances the interests of all parties affected and does not compromise the academic standards or inherent requirements of a unit or course.

"Faculty" - An organisational and academic unit in the University that delivers courses and conducts research.

"University" - Charles Darwin University, a body corporate established under section 4 of the Charles Darwin University Act 2003. The University is comprised of the various faculties, CDU TAFE, organisational units, and formal committees, including the governing University Council and Academic Board.

"VET lecturer" - an employee of the University or a third-party partner who is a trainer and/or assessor for vocational education and training (VET) units of competency. VET lecturers include VET Team Leaders and higher education lecturers training or assessing in VET units.

"Placement client" - A person who a student of the University interacts with and provides services to while on placement. Placement clients include patients, school and childcare students, customers, and other clients of the student and/or their placement provider.