

# **Fitness to Study and Fitness to Practice Policy**

# **Fitness to Study**

## FITNESS TO STUDY POLICY

### 1. Purpose and Scope

- 1.1. The Fitness to Study policy is intended to address concerns that a student's health is:
  - 1.1.1. disrupting their own studies;
  - 1.1.2. the studies of others; or
  - 1.1.3. is placing unreasonable demands on staff or other students.
- 1.2. The term "fitness to study" as used in this policy encompasses all aspects of Institute life and not just the student's ability to engage with their studies. Metanoia Institute seeks to maintain an environment which is safe and conducive to teaching, learning and research and the well-being of all.
- 1.3. The policy allows for an agreed way for the student to continue their studies with appropriate support or to take a break from their studies without academic consequences until they are fit to return to study.
- 1.4. The Institute has a responsibility to ensure a safe and comfortable environment for staff and students and so in the rare circumstance in which a student is not in a position to identify their own deterioration in health *or* well-being, the policy will allow the Institute to intervene for the wellbeing of the student and the wider Institute community. The Fitness to Study policy may be used in cases where a health condition has not been diagnosed or when the Institute has not been notified of the diagnosis.
- 1.5. The policy will only be invoked in instances of a serious or potentially serious nature as it is recognised that the usual support services available to students will be used before any response is made in line with this policy.
- 1.6. Depending on the level of concern, the Cause for Concern procedure will invoke the Fitness to Study policy at any of the three levels detailed below.
- 1.7. All actions under the Fitness to Study policy will be guided by the following principles:
  - 1.7.1. To act in a fair and proportionate manner when dealing with vulnerable individuals;
  - 1.7.2. To consider relevant professional advice and guidance where appropriate;
  - 1.7.3. To comply with legal duties and responsibilities;
  - 1.7.4. To safeguard the needs of staff and students affected by inappropriate behaviours;
  - 1.7.5. To consider the impact of any breaks in study holistically and provide appropriate, advice, information and guidance to those concerned.
  - 1.7.6. This policy is complementary to but does not replace the Student Conduct and Disciplinary rules, the Safeguarding policy or the Fitness to Practice policy.

## **2. Support for students during the process**

- 2.1. Students with physical or mental health difficulties will be encouraged to avail themselves of support from the Institute Disability Support Service. Where possible this service will be accessed before the Support to Study meeting is called.
- 2.2. Students may invite a friend, family member or Student Representative to accompany them to the Support to Study meeting and / or the Fitness to Study Panel. The Institute welcomes relevant Healthcare or Social care professionals who wish to accompany students to Fitness to Study meetings. Any other representative (such as a Legal Adviser) would not usually be allowed without express advance permission. Students are required to inform the panel of anyone who will be accompanying them. To avoid a potential conflict of interest, members of staff may not accompany students or act as the student's representative during the Fitness to Study process. Students with disabilities may be accompanied by a Support Worker if required.

## **3. Confidentiality**

- 3.1. When the Fitness to Study Policy is invoked the Institute will take account of the rights of the student under the Equalities Act and the Data Protection Act. Staff will act with regard for the expectation of an appropriate level of student confidentiality. Any personal information that is disclosed will be handled and stored as sensitive data.
- 3.2. If the student chooses not to provide their consent, this decision should be respected in most instances. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, there exist rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:
  - 3.2.1. When the student's mental health has deteriorated to the extent of threatening his/her personal safety;
  - 3.2.2. When the student is at risk of serious abuse or exploitation;
  - 3.2.3. When the student's behaviour is adversely affecting the rights and safety of others;
  - 3.2.4. Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed);
  - 3.2.5. Where the student is either under 18 years or a vulnerable adult (see Institute Safeguarding Policy).
- 3.3. Staff should first consult with Wellbeing Services if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

## **4. Informal Intervention (Stage 1)**

- 4.1. Any concerns about a student's fitness to study should initially be raised through the [Cause for Concern procedure](#). This may result in a referral to Stage 1 of the Fitness to Study procedure.
- 4.2. At this level, the student's Programme Leader will be made aware of the concerns through the Cause for Concern procedure and will appoint the Primary Tutor or relevant module lead(s) to invite the student in for an informal discussion. The staff members can request advice from the Disability and Student Support Officer. The meeting should be held as soon as possible once the concerns have been raised.
- 4.3. This discussion will be supportive in nature and will communicate to the student the precise nature of the behaviour that has caused concern to have been raised.
- 4.4. During the discussion the student will be given an opportunity to share any mitigating circumstances or previously undisclosed medical history, and they will be provided with information on the support available within the institution and how it can be accessed. Where it is appropriate, an action plan and a review period should be agreed.
- 4.5. A letter recording the meeting, issues and agreed actions will be sent to the student within seven days of the meeting.
- 4.6. At the end of the agreed review period, the case should be reviewed by the Faculty Head or nominee. If the concerns for the student's fitness to study have significantly reduced or been eliminated, then a decision of no further action can be agreed. If however the concerns remain, then the case should be referred to Stage 2 of the Fitness to Study policy.

## **5. Support to Study meeting (Stage 2)**

- 5.1. The Deputy Head of Student Support and Wellbeing or nominee is responsible for chairing the Support to Study meeting (at stage 2) and ensuring a conclusion is reached at this level.
- 5.2. Stage 2 is a second level intervention to be used when:
  - 5.2.1. Stage 1 has not been successful;
  - 5.2.2. the student has not kept to the action plan agreed; or
  - 5.2.3. the student's conduct or circumstances indicates that further intervention is required.
- 5.3. Behaviours triggering a support to study meeting may include:
  - 5.3.1. complaints from other students regarding behaviour continued to be made;
  - 5.3.2. a significant concern for academic achievement is held;

- 5.3.3. instances where by the student refuses to access support and/or exhibits behaviour that gives increasing cause for concern e.g. repeated missed appointments, disengaging with study, social withdrawal.
- 5.4. A Stage 2 intervention normally comprises a formal Support to Study meeting with the student initiated by the Faculty Head or authorised nominee. The Faculty Head or authorised nominee should inform the Dean/Deputy Dean of the requirement to instigate Stage 2 of the Fitness to Study policy. The student shall be given reasonable written notice of the meeting. The letter or email shall inform the student:
  - 5.4.1. of the meeting under the Fitness to Study Policy, and the nature of the meeting being supportive;
  - 5.4.2. of the purpose of the meeting, and shall request any necessary detailed information and documentation including, if appropriate, medical evidence;
  - 5.4.3. that they can be accompanied by a friend/supporter/representative (per paragraph 2.2 above).
- 5.5. The meeting shall normally include the Faculty Head (or nominee), Head of Well Being Services and either the Disability and Student Support Officer or the safeguarding officer who is part of the Cause of Concern team. Other members of staff may be invited but attendance should be limited to those that can contribute to a possible solution or be there for the purpose of taking notes.
- 5.6. The meeting shall normally proceed if the student does not attend or engage in the process and the meeting may normally consider the case even if the student has not provided requested evidence.
- 5.7. The purpose of the meeting will be to ensure that: the student is made fully aware of the nature of the concerns which have been raised, the student's views are heard and taken account of; the best way to proceed is agreed upon and the student is fully aware of the possible outcomes if difficulties remain.
- 5.8. The conclusions drawn from the content and nature of the discussion shall determine possible outcomes. The outcome shall, if serious concerns remain, normally lead to an action plan to address and remove the serious concerns including the provision of any appropriate support articulated at the meeting. The meeting may, without prejudice to other conclusions, decide on one or more of the following:
  - 5.8.1. That no further action is necessary;
  - 5.8.2. That it is necessary to agree an Action Plan with the student;
  - 5.8.3. That, subject to the student's consent, it is necessary and appropriate for the Dean of School to consider an adjustment to hours of study;
  - 5.8.4. That, subject to the student's consent, it is necessary and appropriate to agree an interruption from the programme;

- 5.8.5. That it is necessary to make a referral to Stage 3 of the procedure;
  - 5.8.6. That it is necessary to make a referral to other Institute procedures, as appropriate, for example the Student Conduct and Discipline Policy procedure;
  - 5.8.7. Where the student is on placement, to propose to the student suspending the placement or (if available) switching to a programme without a placement;
  - 5.8.8. Any other actions intended to support the student to successful completion of their studies, for example assessment deferral if evidence has been provided
- 5.9. If the student does not agree to the discussed supportive proposed outcome, the member of staff should advise the student that Stage 3 action will normally be taken.
- 5.10. The Chair of the meeting shall ensure that there is a written record of the meeting and any determined actions. If an action plan is agreed, it shall normally include the specification of desirable behaviour and appropriate expectations, support mechanisms together with a date for a review meeting. If appropriate, it may also detail the consequences of no engagement by the student. The action plan may also include a request for the student to provide medical evidence as to fitness to study.
- 5.11. The record and action plan shall normally be sent to the student within 7 calendar days of the meeting. The student shall be asked to agree to the action plan by signing and returning one copy or, by confirming their agreement by Institute email. A copy of the documentation shall be held securely.
- 5.12. Review meetings shall be convened as agreed. Attendees at review meetings may be different to those at the original Stage 2 meeting. At a review meeting, the student shall have the opportunity to be accompanied by a friend or supporter. A written record of the meeting shall be made and this, together with the outcome shall be given to the student normally within 7 calendar days of the review meeting. For monitoring purposes, the Chair or nominee may request regular updates on the student's progress against any action plan.
- 5.13. If the concerns about a student's fitness to study have been substantially reduced, and/or eliminated, no further action shall be taken. If the student does not abide by the provisions of the action plan, the Chair may convene a review meeting before the planned date or escalate, as appropriate. If there is insufficient improvement following the Stage 2 initial or review meetings, or there is otherwise a failure to engage in the Institute's Fitness to Study Procedure or, finally the case is too serious to be addressed at Stage 2, Stage 3 of the procedure will normally be invoked.

## **6. Fitness to Study Panel (Stage 3)**

- 6.1. The Director of Student Affairs or nominee is responsible for chairing the Fitness to Study Panel (at stage 3) and ensuring a conclusion is reached at this level.

- 6.2. This stage of the procedure will only be implemented once Stage 1 (Informal Intervention) and Stage 2 (Support to Study meeting) have been followed, or if concerns are deemed to be sufficiently serious to warrant starting the procedure at Stage 3. If a student has been suspended under another Institute procedure, then the Fitness to Study process will start at Stage 3.
- 6.3. The initiation of Stage 3 will be the decision of the Head of Student Support, in consultation with the relevant Dean or Deputy Dean. The Head of Student Support will also discuss the case with relevant professional staff within Student Support Services.
- 6.4. Once it has been agreed to go to Stage 3, the Director of Student Affairs and/or the Head of Student Support will call the Fitness to Study Panel to determine more definitive action.
- 6.5. Those present at the Fitness to Study Panel will include:
  - 6.5.1. The Director of Student Affairs;
  - 6.5.2. The Head of Student Support;
  - 6.5.3. The Dean/Deputy Dean of the relevant academic school;
  - 6.5.4. The student, who may be accompanied by a friend or family member, a relevant health or social care professional, or a Student Representative (students should inform the panel of who is accompanying them prior to the panel meeting).
- 6.6. The primary purpose of the Fitness to Study Panel is to determine:
  - 6.6.1. Why the level 2 action plan has not been successful;
  - 6.6.2. Whether an alternative action plan is appropriate; or
  - 6.6.3. Whether or not a student is required to interrupt their studies for a period of time. Their return may be at the start of a subsequent academic year or, following a fixed-term period of suspension, within the same academic year.
- 6.7. Student Support services will provide appropriate information, advice and support to the student in either event. Where a student interrupts a course of study, arrangements will be made for the student to have a named member of Institute staff to keep in contact with, and with whom the student's case and circumstances can be reviewed regarding return to study (see below).
- 6.8. Another outcome to the Fitness to Study Panel could be to offer the student a compulsory part-time route to completing their programme if available.
- 6.9. If the Fitness to Study Panel suspends or interrupts a student's studies, they will be informed in writing. A student has the right to appeal against the decision of the Fitness to Study Panel. Students who withdraw or who are suspended will be given the opportunity to talk to named staff within professional services to discuss financial, support and study implications, and other issues that may arise. The student will also be informed of the

'Return to Study' procedure and process, and an agreement will be made about how the Institute will keep in contact with the student during any absence.

- 6.10. Fitness to Study Panels must keep a record of the outcome of their deliberations. The FFtS Servicing Officer will notify all necessary parties within the Institute as appropriate, particularly in the case of discontinuation (e.g. Academic Registry, MCPS).

## **7. Return to Study**

- 7.1. It is envisaged that, after whatever time is required and is allowable within the Institute's Regulations regarding completion of programme, a student covered by this policy will feel ready to return and engage with their studies. After a period of interruption or suspension on health grounds, the decision as to whether or not to permit the student to return to study will be made by the relevant faculty, having taken advice from professional services.
- 7.2. Each case will depend upon the specific circumstances and the context out of which concern arose, but in all cases return to study will be dependent upon:
- 7.2.1. satisfactory medical evidence of fitness to study;
  - 7.2.2. an assessment of need to determine what support is deemed necessary or of benefit and, whether this can be reasonably provided.
- 7.3. Evidence submitted should be from an independent and recognised health professional that has sufficient knowledge of the nature and extent of the student's medical situation and the concerns that led to the student's withdrawal or suspension, and who is able to make an informed statement of the student's fitness to study at Institute level and within its community.
- 7.4. Upon taking the decision to permit a student to return to study, the faculty is responsible for informing the Fitness to Study Panel. This is to allow professional services to engage the student in ensuring that the relevant financial and support arrangements are put in place for the student's return.
- 7.5. In the event that it is not immediately clear to the faculty that return to study is appropriate for the student, the decision should be re-referred to a Stage 3 Fitness to Study Panel.

## **8. Appeal's Procedure**

### Right of Appeal

- 8.1. A student aggrieved by a decision to recommend suspension shall have the right of appeal to the Chief Executive Officer or nominee within 10 working days from notification of the decision, giving the grounds for the appeal. The Chief Executive Officer or nominee shall consider the appeal and shall decide whether to uphold or amend the decision made.

- 8.2. The decision of the Chief Executive Officer or nominee shall be final. These procedures are now complete, opening the way for the student to approach the Office of the Independent Adjudicator.
- 8.3. In the event that the appellant wishes to lodge an external appeal with the Office of the Independent Adjudicator (OIA), the student should write, within three months of receiving notification that the internal procedures of the Institute have been completed, enclosing a copy of the final decision of the Institute and stating the reasons for seeking redress from the Higher Education Independent Adjudicator to the following address:

Office of the Independent Adjudicator for Higher Education  
Third floor, Kings Reach  
38-50 Kings Road  
Reading  
RG1 3AA  
United Kingdom

- 8.4. Email enquiries may be sent to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). For further information, please visit [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **9. Medical Evidence**

- 9.1. Before the Support to Study meeting, a student may be asked to provide evidence of a recent medical assessment so that the Institute can accurately assess their fitness to study.
- 9.2. This medical evidence should state:
  - 9.2.1. The nature and extent of any medical condition from which the student may be suffering;
  - 9.2.2. Their prognosis;
  - 9.2.3. The extent to which it may affect his/her fitness to study and the demands of student life;
  - 9.2.4. Any impact it may have or risk it may pose to others;
  - 9.2.5. Whether any additional steps should be taken by the Institute, in light of the medical condition, to enable the student to study effectively;
  - 9.2.6. Whether the student will be receiving any on-going medical treatment or support.
- 9.3. Any cost incurred in obtaining this medical evidence will be borne by the student. Exceptionally, the Institute may request that the student attend an independent medical assessment which will be arranged by and funded by the Institute. If the student declines to provide medical evidence, the Institute will come to a decision based on the available information or alternatively may address the issue under an alternative policy, for example, the Student Conduct and Discipline rules.

- 9.4. Should the medical evidence state that the student is fit to study, it will be the decision of the Case Review Panel or the Fitness to Study Panel how much weight is given to the medical report and to conclude based on all available evidence whether the student is fit to study.

## **10. Students on Placement**

- 10.1. Where concerns are raised about a student's fitness to study while they are on a placement, the Institute will discuss the possibility of alternative arrangements with the placement provider. If alternative arrangements are not possible the placement may be withdrawn, deferred or a switch to a placement free equivalent programme may be considered where possible.

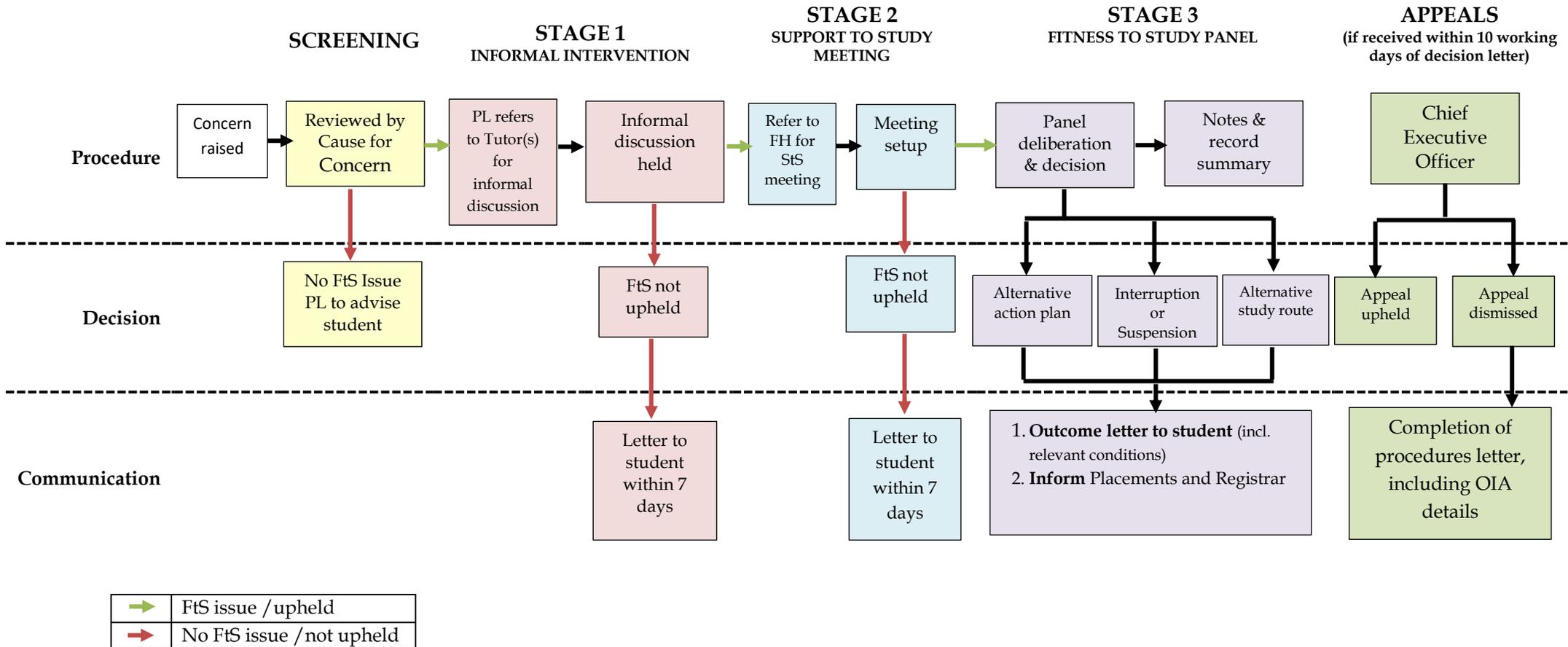
## **11. Notifiable Diseases**

- 11.1. Students are asked to disclose contagious/transferable infections/diseases to Disability and Student Support Services so that this may be managed in a safe way. Such disclosure will be treated confidentially at all times. In the event that the Institute becomes aware that a student has contracted a notifiable disease, the student will be suspended from the training with immediate effect. Re-admission to Metanoia Institute will be on the basis of certified medical evidence.

## **12. Student Finance and Suspension**

- 12.1. It shall be the student's responsibility to inform the Student Loans Company ([www.slc.co.uk/](http://www.slc.co.uk/)), sponsor, tutor or any other relevant person/group of any suspension, interruption or withdrawal.
- 12.2. If the student is required to undertake an interruption, suspension or withdrawal of their studies, they shall be referred to Registry and Finance professional staff. Students who are required to or choose to interrupt their studies need to be advised on the implications; on their liability to pay the tuition fees and the impact on their funding from the Students Loans Company.

# Appendix1: Fitness to Study Flowchart



# **Fitness for Practice Policy**

## FITNESS FOR PRACTICE POLICY

### 13. Purpose and Scope

- 13.1. In situations where there is a cause for concern for a student, Metanoia Institute has established a Cause for Concern Procedure to direct staff to the most appropriate route for consideration of further action: <http://www.metanoia.ac.uk/about/policies-and-procedures/>.
- 13.2. The Cause for Concern Procedure comprises three stages and acts as an over-arching procedure directing staff, following referral, to the most appropriate Institute policy or procedure, namely:
  - 13.2.1. Fitness to Study Policy;
  - 13.2.2. Fitness for Practice Policy and Procedures;
  - 13.2.3. Conduct and Discipline Procedure;
  - 13.2.4. Safeguarding Policy
- 13.3. For example, breaches of the regulations in relation to student conduct, discipline and behaviour will normally be considered within the auspices of the regulations, together with any specific academic programme policy. This includes any referral and/or complaint from an external party.
- 13.4. This document forms the Institute's Fitness for Practice Policy and Procedure.
- 13.5. The Institute has responsibilities to ensure that students on professionally recognised programmes meet certain expectations and are 'Fit for Practice' (FfP). This is particularly the case for programmes leading to registration or enhanced status with a professional body. For some disciplines, there is a statutory obligation to consider FfP and in many subjects there is also a contractual responsibility to ensure that our students, on registration, are employable at an appropriate level of practice. Thus there are occasions when we are required to exercise professional judgement, outside of the normal assessment and/or disciplinary processes of the Institute, on whether an individual meets FfP requirements. Such decisions need to be made either at recruitment, or during the programme when concerns might be raised and bring into question an individual's FfP.
- 13.6. There may be occasions when serious breaches of conduct or discipline expectations are referred to the FfP process directly. Such information is provided in the annexes to this document as relevant to each professional discipline. This may be additional to an Institute process. It should be noted that whilst the FfP panels will respect the outcomes of the Institute's processes, issues of FfP may well take precedence and result in additional or alternative action.

13.7. In order to manage this process Metanoia Institute has established various panels to consider FfP issues (see section 3.0):

13.7.1. The Institute *Fitness for Practice Panel* (FfPP) which considers strategic issues across the disciplines and receives regular reports of FfP cases.

13.7.2. Professional discipline *Sub-Panels* which allow for interpretation of professional requirements and expectations at a discipline level.

13.7.3. *Case Panels* which consider individual student cases.

13.8. This policy and associated procedures cover a diverse range of programmes at undergraduate, postgraduate, CPD and doctorate levels.

13.9. The policy and procedures include a main section that provides guidance as to how FfP issues are managed, monitored and audited within the Institute and annexes (attached A to C) which are discipline and professional area specific. Issues of FfP for registered practitioners of a non-academic nature, including those of post-qualifying courses, should be dealt with through the relevant employer professional body's FfP arrangements, where applicable. If non-academic related FfP issues arise, the relevant professional representatives within the Institute may refer the matter to the partner/employer or professional body.

## **14. Related processes and practices**

### **14.1. Recruitment**

14.1.1. In many cases, programmes will assess aspects of a student's FfP prior to admission to a qualifying programme of study. This might include, but not exclusively, an assessment of:

- a self-affirmation or self-declaration (as appropriate) of health and criminal record (which may also be required on an annual basis),
- references in support of an application,
- an interview,
- a subsequent Disclosure and Barring Service (DBS) and occupational health clearance which may form part of any offer of entry to a programme.

14.1.2. The Institute has adopted the guidance 'Principles for Recruiting to Professional Programmes' (Appendix 1) which sets-out an overview of our approach. In addition, there is further guidance available for each professional discipline area, including the relevant 'Student Code of Practice' which will be referred to in each Programme Handbook and is attached within the accompanying annexes to this document for each discipline area. Each 'Code' is likely to refer to additional guidance on expectations of students, including in some cases external binding professional obligations which go beyond those considered within the University's own regulations. Each professional programme area may also have separate guidance on dealing with disciplinary issues. Students will be made aware of these 'Codes' through the most appropriate

communication route at enrolment, 'welcome' and during their studies. Certain programmes have strict requirements for admission as specified in the programme's web site. In respect of an existing criminal record these must be declared, and the programme team will make a judgement. Failure to declare a criminal record that is subsequently revealed post enrolment on a DBS check could lead to disciplinary action and, in certain circumstances, result in discontinuation from the relevant programme.

14.1.3. Students on professional programmes are expected to alert the Institute to any changes in their criminal record during their studies and a professional judgement will then be made on whether the student can continue on the programme. Some programmes require an annual reaffirmation of good health and good character (Please see attached discipline related annexes for further information).

14.1.4. When there is a requirement for occupational health screening by an Occupational Health Practitioner (OHP), a report will be sent to the Institute confirming the student's clearance status. This report will detail any adjustments that need to be made in order to enable the student to undertake the programme. These issues are covered by separate policy statements for each professional programme area.

## 14.2. Assessment

14.2.1. In the context of this policy and procedures guide, the three main categories of FfP concerns are:

- **Competence** - this is in the main, judged through the assessment process. If issues of competency and/or safety occur within a practice placement prior to, or after, the final point of assessment, then a FfP investigation may be required.
- **Conduct** - if students do not follow their professional body code of conduct they may be guilty of misconduct - this may be reflected in a criminal conviction or caution, disciplinary action or complaint from service users, placement provider staff, Institute staff or other students.
- **Health** - for some programmes good health is necessary to undertake practice in a way that is safe and effective. Concerns may be raised if there is a long-term untreated or unacknowledged physical or mental health condition, including abuse of, or dependence on, drugs and alcohol.

14.2.2. FfP will be assessed on an on-going basis as an integral part of professional programme assessments. There will be specific requirements for the assessment of practice placements. Academic staff and information provided in the programme handbooks will clarify the precise requirements as practice assessments are usually built into the normal assessment process. Information provided to students will identify the circumstances where assessment issues may lead to referral on FfP issues. When concerns are raised about a student's FfP that lead to termination of their placement by the

placement provider, this may result in an investigation in order to collate evidence for any FfP proceedings. (Please see the relevant annexes for more discipline related information).

- 14.2.3. It should be noted that breaches of relevant professional programme codes of conduct related to assessment will be reported to the appropriate FfP panel for a decision regarding whether there is an issue of professional suitability of the student for continuation on their programme. For cases of plagiarism, such evaluation will take place following any investigation and a ruling by Academic Registry.

## **15. Principles on which the FfPP and its Sub-Panels Operate**

- 15.1. The FfPP has a strategic overview of all FfP issues raised across its professional programme portfolio. Given that there are many specific, discipline and profession related requirements within that portfolio, the FfPP will delegate responsibility to investigate and determine referrals on its behalf to FfP Sub-Panels who will consider FfP issues at an operational level specific to a particular professional area. The Sub-Panel will establish 'Case Panels' in order to consider individual referred cases. Sub-Panels and Case Panels will normally be chaired by the relevant designated professional lead or a nominee from the relevant professional programme.

- 15.2. The purpose of the FfP procedures is to:

- 15.2.1. Allow a proper investigation of any FfP concerns that may be raised.
- 15.2.2. Promote, uphold and ensure compliance with appropriate codes of conduct for students.
- 15.2.3. Provide the opportunity for referral of a student to an established FfP process or for the provision of advice and guidance from the relevant FfP Sub-panel.
- 15.2.4. Protect users within clinical/practice settings (and users of the future).
- 15.2.5. Maintain public confidence in the profession.

- 15.3. The FfPP, the discipline related FfP Sub-panels and Case-panels will operate to the following principles in that they will:

- 15.3.1. Be transparent, fair and consistent in the way in which professional judgements on FfP are made.
- 15.3.2. Work in conjunction with the Regulations of the Institute.
- 15.3.3. Make judgements with the assistance of representatives of the academic community and stakeholder partners where possible.
- 15.3.4. Make judgement on the basis of any externally published guidance on professional conduct for students from specific professional bodies.
- 15.3.5. Utilise as a standard of proof 'balance of probability' in that a fact will be established if it is more likely than not to have happened.
- 15.3.6. Enable decisions to be made in a timely manner.
- 15.3.7. In normal circumstances allow any disciplinary processes to be complete before considering FfP issues.

15.3.8. Allow for students to receive appropriate advice and guidance throughout any FfP procedures and, where appropriate, allow for an appropriate appeals process. (See student guidance in Appendix 2).

## **16. Membership of the FfPP**

- Deputy Dean as Chair
- Chair of each FfP Sub-Panel
- At least 1 and no more than 3 stakeholder partner representatives
- A service user representative
- Contract Operations Manager
- School Executive Administrator
- Student Union Representative
- Up to 2 academic staff may be co-opted as necessary

### **16.1. Membership of Sub-Panels and Case Panels**

16.1.1. The Sub-panels will be required to reflect the needs of a professional area, including the requirements of professional bodies if these are specified. Each Sub-Panel will appoint a Chair and at least one deputy Chair. The appointment of the Chair may be determined by the requirements of a professional body. Membership of Sub-panels and Case Panels will vary according to professional requirements. Details of such membership can be found in the attached annexe.

16.1.2. As a matter of principle, investigators and referrers to a FfP panel will not be part of any further decision-making process, save for their report, statements and recommendations submitted as evidence.

### **16.2. Terms of Reference**

16.2.1. With the support of key colleagues with responsibility to professional bodies for student FfP, the FfPP and Sub-Panels together are responsible for:

- Providing professional judgements on applicants' / students' fitness for practice where issues falling outside of existing admissions, assessment and disciplinary procedures are identified.
- Recording and monitoring the cases that are dealt with by the panel and sub-panels.
- Advising on policy and/or procedural amendments as appropriate.
- Providing professional advice on FfP issues to Faculty staff.

16.2.2. Additionally, the FfP Sub-Panels will be required to report and review on their activities to the FfPP. The FfPP will then use these reports to undertake a review of the appropriateness of this policy and procedures, normally for September of each year.

16.2.3. As an annexe to this document, each FfP Sub-Panel shall provide a separate document which clarifies further:

- Details of membership of the FfP Sub-group and how Case Panels are constituted.
- Any additional Terms of Reference required by relevant professional bodies (as approved by the FfPP).
- Any specific modes of operation as required by professional bodies.
- Arrangements for reporting and review of activities, as required by professional bodies or internal good practice. Copies of such reviews should be included within the Faculty action plans.
- Who within the professional area is responsible for determining whether a referral falls under the auspices of the FfP arrangements and guidance as to how such decisions are made.
- Any particular additional requirements of the professional body in assessing FfP (e.g. plagiarism within Psychotherapy).
- A copy of the relevant Student Code of Conduct.

### 16.3. Mode of Operation

16.3.1. Students may be passed on to the FfP process from a variety of sources (academic staff, clinical staff, administrative support staff, members of the public, fellow students etc.). Information alleging a FfP matter will not normally be accepted if made on an anonymous basis.

16.3.2. FfP matters will be considered according to a number of phases (see Appendix 3 for a flow-chart of the process)

#### **Screening**

16.3.3. Initial screening will be undertaken by the Cause for Concern team of the Institute who will make an initial decision as to whether the referral constitutes a FfP matter.

16.3.4. If a FfP matter is not confirmed, the Cause for Concern team, in conjunction with the Programme Leader (PL), will advise the student of the matter and provide any guidance in terms of future conduct as appropriate. Any written informal guidance that has been provided will be retained for the duration of the student's studies.

#### **Investigation**

16.3.5. If a FfP matter is confirmed, the programme PL will undertake a full investigation (or allocate a named individual to do so), obtaining appropriate statements and other forms of evidence as appropriate.

16.3.6. Prior to the commencement of the investigation, a 'Raising Concerns' letter will be sent to the student advising them that a concern has been raised regarding their FfP. This will outline the concern, the next steps and include guidance and support that will be available to the student (see Appendix 2).

- 16.3.7. The investigation may include interviewing of students and witnesses. The PL will arrange for a note-taker at interviews who will provide a summary for agreement between the parties. Students will be given reasonable time to agree to the content of the notes of any meeting/interview. A nil response will be taken as acceptance that they are a true record.
- 16.3.8. Students may be accompanied at any interviews by a friend, representative of a professional body or a student representative. Legal representation is not normally allowed.
- 16.3.9. As part of the investigation, any statements obtained must include the full name of the witness, their role, a concise but detailed explanation of their evidence and be signed and dated. A pro-forma Statement of Evidence is provided in Appendix 4 and guidance on a useful investigative approach is provided in Appendix 5 (a).
- 16.3.10. The investigator will then supply an evidence report (Report template in Appendix 5(b)) normally to the relevant Faculty Head (or other appropriate person as detailed in the relevant discipline appendix), who will not have been engaged in the investigation and who will review the report and make a decision as to whether to refer to the relevant FfP Sub-Panel.
- 16.3.11. The intent will be to complete the screening, investigation and review by the Faculty Head within 20 working days of the initial notification to the student of the matter whereupon the student will be informed of the next steps. Certain complex cases, or where there are circumstances beyond the control of the investigator, may require longer. If there is a delay, the student will be notified of the expected date of completion of this stage.

### **Referral**

- 16.3.12. Upon receipt of a referral, the FfP Administrative Officer for the relevant FfP Sub-Panel will liaise with the Chair to establish a suitable Case Panel. The FfP Administrative Officer will collate the evidence to be reviewed, normally within 5 working days of receipt, before sending a letter to the student (the 'notification') which will clearly state the matters that constitute the FfP referral linked to the appropriate professional codes and guidance and will request;
- A reflective statement and any evidence that he/she wishes to be considered.
  - Identification of any evidence that will be challenged.
  - Identification of any supporting witnesses that could give evidence.
  - Confirmation of acceptance of any evidence that is not being challenged.
- 16.3.13. If appropriate, and on a case by case basis, the student may be removed from attending practice pending the outcome of any determination.

16.3.14. Once the evidence from both parties has been collated it will be sent electronically and password protected to the student and members of the Case-panel.

### **Hearing**

16.3.15. The Chair of any panel will not have been involved in the investigation process. The investigator will set-out the Institute's position in terms of the FfP matter. The investigator will then be available for factual evidence enquiries but will not be part of any deliberations nor the decision-making process.

16.3.16. The Case Panel will consider the evidence provided against the standards, Codes of Practice and any additional guidance as indicated in the annexe to this document which might be professional/discipline specific.

16.3.17. Where there is a need for a panel to meet, the student will be invited to attend and may wish to be accompanied by a representative who may be a friend, a representative of a professional union or a student representative. Legal representation is not normally permitted. (The guidance in Appendix 2 provides further information on the nature of support that can be sourced). A date will be set for the student to respond, not less than 10 working days from the notification letter as sent to their Institute e-mail account. A panel will not normally accept further evidence from the student following this date.

16.3.18. If a student chooses not to attend a hearing, it will proceed to a conclusion in their absence. The student can apply for a deferral by providing reasons to the FfP Administrative Officer at least 48 hours prior to the hearing. It will be at the Chair's discretion whether to grant a deferral.

16.3.19. For all panels, virtual and actual, members and students will be provided with the same information and documentation which will be circulated in advance of any hearing. The hearing will consider evidence provided related to the referral but may also consider new evidence that emerges and that has a bearing on the FfP of the student. The student will be given an opportunity to address any such emergent evidence.

16.3.20. It will not be expected for witnesses to an alleged FfP issue(s) to attend the panel hearing, unless there has been notification that their evidence has been challenged. Normally, their signed statements will suffice. A panel meeting will be held within 15 working days of their receipt of the case documents, but this is subject to member availability and witness management arrangements should the student contest the case. Students will be advised if this period needs to be extended. Following a panel hearing, a formal outcome letter will be issued to the student within 5 working days.

16.3.21. The Chair will retain a casting vote should the panel be unable to agree a unanimous or majority decision.

16.3.22. All case outcomes are reported back to, and monitored by, the FfP Sub-panel to aid consistency of approach.

## **17. Outcomes of Referrals to FfP**

17.1. Panels will follow the general principle of proportionality for decision-making, imposing sanctions on the basis of the nature of any FfP determination.

17.2. A FfP Case Panel who is considering whether the FfP of an applicant for a professional programme is impaired can make one of two decisions:

- To recommend that a place on a professional programme is offered, this offer will be made conditional on all other entry requirements being met, or
- To recommend that a place on a professional programme is refused.

17.3. A FfP Case Panel who is considering whether the FfP of a student who has not yet fully met the conditions of their offer is impaired, can make one of two decisions:

- To recommend that the conditional offer of a place on the professional programme is withdrawn. In this case the applicant/student will be invited to discuss their options for transferring to another non-professional programme, or
- To recommend that the conditional offer of a place on the professional programme is upheld. In this case the applicant may enrol, or the student may continue with their programme of studies. There may be conditions attached to this decision.

17.4. A FfP Case Panel who are considering:

- Whether the FfP of a student who has been referred to the panel is impaired on the grounds of inappropriate conduct and/or competence or other reasonable grounds such as are covered by this policy and accompanying annexes, or
- Whether the FfP of a student is impaired due to health/disability and they have had independent verification of that health or disability issue.

17.5. The FfP Case Panel described in 5.4 above can make one of following decisions based on the principles of proportionality, and with sanctions considered on a stepped approach increasing in severity according to the nature of the determination:

- That the student may continue without any further action.
- To recommend that the student is allowed to continue on the professional programme with specified conditions and review dates.
- To suspend and/or interrupt the student pending specified conditions are met within a defined time-line.

- To recommend that the student is withdrawn from the professional programme. In this case the applicant/student will be invited to discuss their options for transferring to another non-professional programme.
- 17.6. In certain circumstances, when conditions have been attached to continuation on the programme, students may be asked for their permission to share these conditions with a placement provider. If such permission is not granted, the student should be aware that they may not be able to continue on the programme at the discretion of the placement provider.
- 17.7. Where it is in the student's interest, following completion of the panel procedure, the Chair of the Case Panel may choose to provide a brief verbal summary of the determination of the hearing but is not obliged to do so. A determination letter will follow, normally within 5 working days of the panel meeting which will provide detail of the panel's findings related to the relevant professional codes and guidance, providing reasons for their judgements.
- 17.8. Case Panel Chairs should provide a summary of the outcome of their deliberations to the Chair of the relevant FfP Sub-Panel. The FfP Administrative Officer of the FfP Sub-Panel will notify all necessary parties within the Institute as appropriate, particularly in the case of discontinuation (e.g. Academic Registry).
- 17.9. The FfP Sub-Panel Administrative Officer should also keep due records of all decisions and actions taken. The FfP Sub-Panel will be required to provide a formal annual report to the Faculty FfPP on the number, nature and decisions made by Case Panels under its remit.
- 17.10. Students will have the right of appeal against any determination of FfP (in accordance with guidance in section 6.0 below).

## **18. Appeals**

- 18.1. A student has the right to appeal against a decision of a FfP Case Panel. The Chair of the Faculty FfPP, or a member of the Executive Committee, will determine if the grounds for appeal are justified. All appeals must be made through the FfP Sub-Panel Administrative Officer of the FfPP. An appeal must be submitted within 15 working days of the date that the outcome letter was e-mailed/sent to the student.
- 18.2. An appeal against a decision of a FfP Case Panel can only be made on the grounds that:
  - 18.2.1. The FfP process, including any consideration of proportionality in the determination, was not run in accordance with the agreed policy.
  - 18.2.2. There was an administrative error affecting the outcome.
  - 18.2.3. There is additional and relevant evidence that was not seen or was not available at the time the decision was made.

- 18.3. In the case of an appeal being allowed by the Executive Committee, the relevant FfP Sub-panel will convene an appeals panel to review the original decision in the light of any new information. The membership of the appeals panel will include those with appropriate professional knowledge, external parties, a chair of a non-professionally relevant Sub-Panel and one representative of the original Case Panel responsible for the decision who will be expected to provide clarification for that original decision.
- 18.4. Documentation from the first FfP Case Ppanel will be reviewed alongside any new evidence. The student will be invited to attend, but attendance is not mandatory. The student may be accompanied by a friend, professional union representative or student representative. Legal representation is not normally permitted. If the student chooses not to attend, then the panel will make a decision based solely on the evidence submitted. It should be noted that an appeal panel may uphold the original decision.
- 18.5. Where there is any potential conflict of interest, the FfP Sub-Panel for the appeal process will be independently chaired by the Chair of the FfPP or an equivalent senior academic manager.
- 18.6. Following the outcomes of the appeal, unless there are further outstanding matters to consider under the Institute's regulations, a Completion of Procedures letter will be provided as required by the Office of the Independent Adjudicator (OIA).
- 18.7. Information regarding the role and support provided via the OIA can be found at <http://www.oiahe.org.uk/>

## Appendix 1:

### Principles of Recruitment to Professional Programmes

#### 1. Introduction

- 1.1. Recruiting to programmes that prepare students for professional practice require that professional as well as academic requirements are met when selecting students, to ensure that all students on professional programmes are fit to practise. Each programme needs to specify the underpinning Recruitment Policy and the Recruitment Process informing the way in which selection decisions are made. These can be seen to fall into 5 clear stages, information available to applicants, short-listing, testing, interviewing and selection.

#### 2. Information available to applicants

- 2.1. In addition to the information available to students across all programmes, clear information must be provided to students applying for professional in relation to the following:

- Academic requirements for entry to the programme (and whether this is specified by any professional body)
- Requirements for Institute testing of applicants
- Requirement for full disclosure of criminal record
- Requirement for enhanced disclosure through the Disclosure and Barring Service (DBS, formerly CRB) and Overseas police checks
- Requirement to meet professional standards of conduct, and where these are not specified by a professional body they must be articulated by the programme team
- Requirement for health screening
- Opportunity to discuss these requirements in confidence

#### 3. Short-listing

- 3.1. Clear criteria for short-listing must be set and documented. A consistent process for short-listing must be clearly stated in the Recruitment Policy.

#### 4. Testing

- 4.1. If there is a requirement for pre-interview testing the process must be clearly stated in the Recruitment Policy, and should include:

- The type of test, when and where it will be carried out and who is responsible for coordinating this
- Any requirement for involvement of service providers and service users
- The development and renewal of test papers
- Clear marking criteria and identification of pass mark
- Provision of feedback to applicants

## **5. Interviewing**

- 5.1. This should be preceded by the applicant completing a disclosure form (accompanied by guidance for disclosure) which will be provided to the interviewer/s. The Recruitment Policy should clearly identify:
- The type of interview e.g. individual/group/both
  - Who will be involved in the interview e.g. academic/service providers/service users
  - Development and renewal of interview guidelines and person specifications

## **6. Selection of Students**

- 6.1. The Recruitment Policy should state how selection decisions are made and documented, to include:
- The method of selection e.g. interviewers or panel decision
  - Recruitment of ex-offenders – acceptability criteria – what cases require referral to Fitness for Practice
  - Health screening – process and adjustments
  - Making conditional offers
  - The point at which a conditional offer becomes unconditional
  - Penalties for non-disclosure e.g. withdrawal of offer

## **7. Post-enrolment**

- 7.1. On some programme students may be allowed to enrol before all conditions are met, and the Recruitment Policy must state how this is followed up to completion of the recruitment process. Fitness to practice issues are investigated in relation to university and professional body requirements as required.

## Appendix 2:

### Guidance for Students about whom Fitness for Practice Concerns Have Been Raised

#### 1. Introduction

1.1. The Institute's expectations regarding student conduct is clearly outlined in the Institute Regulations, but additional requirements apply to students on professional programmes. Students on these programmes must also meet the requirements of the relevant professional body – for example, the British Association for Counselling and Psychotherapy (BACP), the UK Council for Psychotherapy (UKCP), and the Health Care Professions Council (HCPC). The Institute has established a 'Fitness for Practice' panel that oversees the fitness for practice of students on professional programmes. A sub-panel of this committee is responsible for managing fitness for practice concerns raised about students studying on professional programmes. The aims of the Fitness for practice process are to:

- Protect the public
- Uphold professional standards
- Maintain public confidence in the profession
- Support the student

#### 2. Categories of Fitness for practice concerns

2.1. The three main categories of Fitness for Practice concerns are:

- **Competence** – this is, in the main, judged through the assessment process. If issues of competency and/or unsafe practice occurs within a practice placement prior to the final point of assessment, then a fitness for practice investigation may be required.
- **Conduct** – if students do not follow their professional body code of conduct they may be guilty of misconduct – this may be reflected in a criminal conviction or caution, disciplinary action or complaint from service users, placement provider staff, university staff or other students.
- **Health** – good health is necessary to undertake practice in a way that is safe or effective. Concerns may be raised if there is a long-term untreated or unacknowledged physical or mental health condition, including abuse of or dependence on drugs and alcohol.

### **3. The Fitness for Practice Process**

#### **3.1. Screening**

3.1.1. Any Fitness for Practice (FfP) issues that have been raised will be considered within the Institute's Cause for Concern procedures. If it is considered that a FfP investigation is appropriate, rather than another Institute procedure, the details will be passed to the relevant Programme Leader for their consideration. In such cases, a 'Letter of Concern' will be sent to you which will provide information as to the next steps in the process and further information about help that can be sourced.

3.1.2. If a concern has been raised regarding your Fitness for practice, you will be told exactly what that concern is.

#### **3.2. Investigation**

3.2.1. The investigation will be undertaken, usually by your programme leader, but possibly another member of the academic team or as appropriate to the professional discipline. If there are any concerns about your health, this may require an occupational health assessment. You will have the opportunity to discuss the concerns that have been made, provide your own statement and/or any supporting evidence you wish to be considered. You will be advised on the sources of support you can access during the investigation and will be given a copy of the report. In almost all cases you would be allowed to continue on your programme during the investigation. In exceptional cases, we may require you to defer your placement if there is a risk to you or others.

3.2.2. The investigation report will be reviewed, normally by a relevant Faculty Head or another academic as appropriate. At this stage, it will be confirmed whether the reviewer considers the investigation report confirms a FfP matter or whether it should be dealt with by an alternative process e.g. complaints or disciplinary procedures. You will be informed of the decision by the reviewer. We aim to complete both investigation and screening within 20 working days, but if this is not possible, we will write to you and inform you when we expect the investigation and screening stages to be completed and inform you of the next steps.

#### **3.3. Referral**

3.3.1. If a formal referral is made to the FfP Sub-Panel, you will receive a formal notification within 5 working days from the Administrative Officer to the Sub-panel outlining the matter, the evidence that will be considered and identifying the date of your case-panel meeting and the panel members. You will be asked to submit a reflective statement, any other evidence you wish the panel to review and to confirm if you wish to challenge any of the evidence you have been sent, by a date to be set by the Institute, not less than 10 working days after the referral notification being made via your Institute email account. We will also send a letter by post to the address we have recorded for you.

3.3.2. You will also be advised on the sources of support available to you to prepare for the panel meeting and present your case, either in writing or in person. The relevant policy will be enclosed with this notification letter, and you will be informed of your right to be represented by your union, or be accompanied by a friend, or a student representative. Legal representation is not normally permitted. In certain cases, when the referral has been made following either an upheld allegation of academic misconduct or a disciplinary, you will have already had the opportunity to present your case and you will not need to attend the panel, although you can still submit any documentary evidence you wish the panel to consider. However, you have the right to request that you attend the panel in person and if you wish to do so you must state this at the time you respond to your notification letter.

### 3.4. Panel hearing

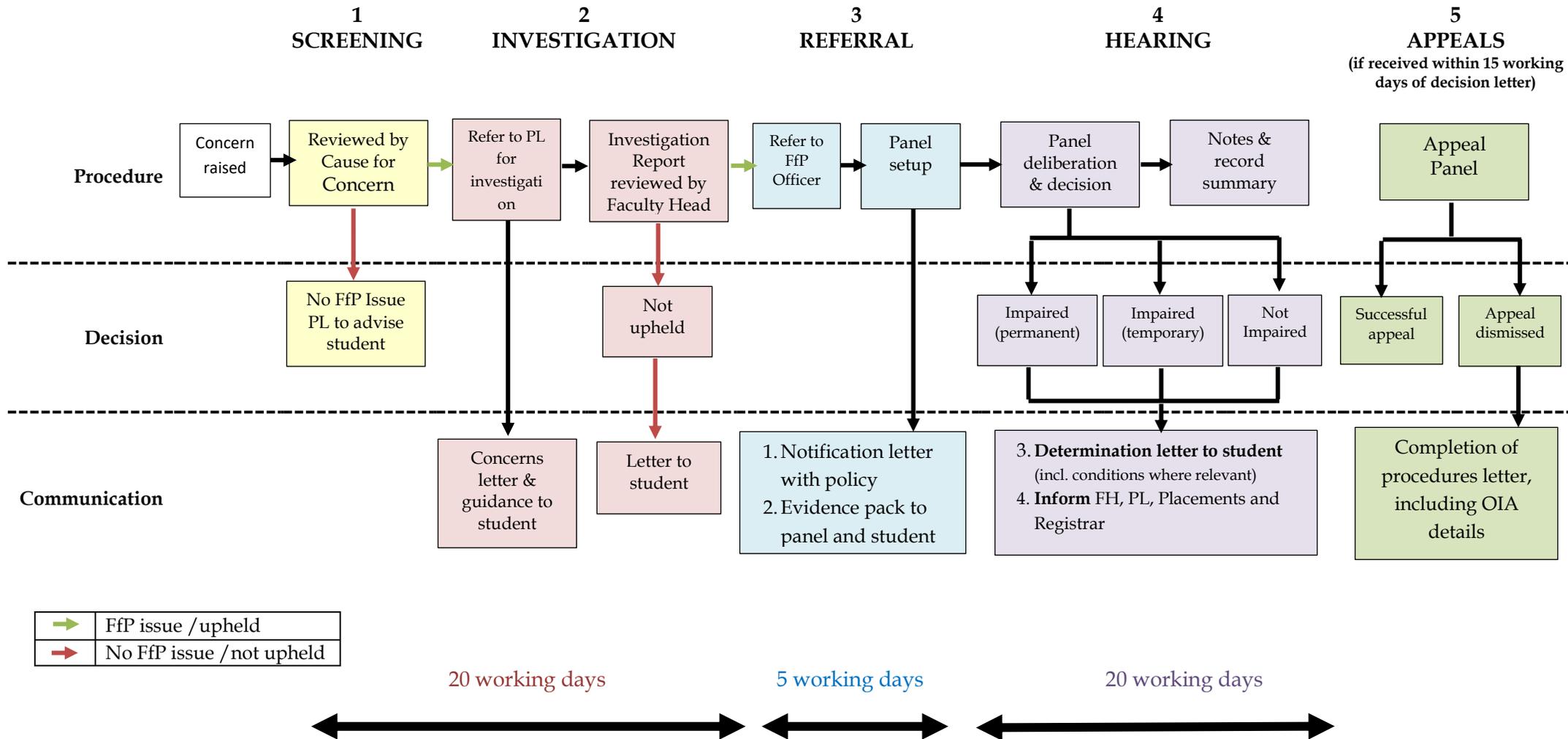
3.4.1. If a panel hearing is arranged, and should you choose to attend, you will be introduced to the panel members, and the investigator will outline the cause for concern and the evidence to support this. You will be given the opportunity to state your case, and your representative can support you in doing this. The panel members will ask questions to explore and clarify issues relating to the cause for concern. Following the panel meeting the panel will make a decision which will be explained to you in a determination letter that will be sent as soon as possible, no longer than 5 working days after the panel meeting. The possible outcomes of any Fitness for Practice panel meeting are:

- Your Fitness for Practice is not impaired, and you will continue on your programme. In some cases, there may be conditions to be met within a given timescale.
- Your Fitness for Practice is temporarily impaired, this may require a temporary interruption from your programme, with conditions to be met prior to your return to the programme.
- Your Fitness for Practice is permanently impaired, and you will be discontinued from your programme. You may be advised on options for transferring to a non-professional programme.

3.4.2. In certain circumstances, when conditions have been attached to continuing on the programme, you may be asked for your permission to share these conditions with a placement provider, and if permission is not granted, then you may not be able to continue the programme.

Appendix 3:

Fitness to Practice Flow-chart



**Appendix 4:**

**Fitness for Practice - Statement of Evidence Pro-Forma**

Student Name to which this Evidence Refers:	
Student Number (if known):	
Full Name of Witness Making Statement:	
Position / Role:	
Contact E-mail:	
Contact Telephone Number:	

**The 'Statement'**

(Please provide a concise statement of your evidence focusing on the Fitness for Practice issue of concern. Please be aware that this statement could be used in any Fitness for Practice case).

Signature:

Date:

## Appendix 5:

### 5(a) **Investigative approach**

(With acknowledgement to Manchester University and Field Fisher law firm)

The following key stages of **ASPIRIN** are recommended as part of any investigation:

<b>A</b>	Assess the situation and gather initial evidential materials
<b>S</b>	Subject interviews - establish first hand evidence if possible
<b>P</b>	Pose appropriate questions - seek to establish both evidence for and against the matters being of relevant for a FfP referral
<b>I</b>	Information collection
<b>R</b>	Review the information that has been collected and re-investigate as need
<b>I</b>	Initiate a referral
<b>N</b>	Notify relevant people in the organisation

### 5 (b) **Investigation Report Template**

The following headings could be used to create an investigation report:

1.	An outline of the student, their programme stage of study, past results, attendance and other relevant academic background.
2.	Details of the alleged Fitness for Practice matter
3.	A review of the evidence collated, witnesses interviewed, and statements received with a summary of the key elements
4.	Contributory and mitigating factors on behalf of the student which may be considered as part of any determination.
5.	The implications for the student's study pathway.
6.	Recommendations to the Case Panel.
7.	Suggested communication process to all interested parties.