



FITNESS TO PRACTISE POLICY AND PROCEDURE

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1. Introduction

- 1.1. The Institute has responsibilities to ensure that students on professionally recognised programmes meet certain expectations and maintain 'Fitness to Practise' (FtP). 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 FtP and in many subjects there is also a contractual responsibility to ensure that students, on registration, are employable at an appropriate level of practice. Thus, there are occasions when it is necessary to exercise professional judgement, outside of the normal assessment and/or disciplinary processes of the Institute, on whether an individual meets FtP 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 FtP.
- 1.2. This Policy and Procedure has been developed in accordance with the principles established by the "Good Practice Framework: fitness to practise" developed by the Office of the Independent Adjudicator (OIA) and by a selection of Professional, Statutory and Regulatory Bodies.

2. Scope

- 2.1. This policy covers all students on validated, non-validated and CPD courses at the Institute where there may be a current or future concern about their fitness to have contact with clients. This includes:
 - students on courses leading to professional qualification or recognition;
 - Students on courses which include placements involving clients or vulnerable individuals;
 - students who already hold a professional registration and/or are seeing clients in a therapeutic capacity.
- 2.2. Where there is an adverse finding regarding a student's fitness to practise, the Institute will consider whether it is necessary to disclose this to any external bodies. In the case where a student's fitness to practise is or has been considered to be impaired, the primary concern is client safety which goes beyond any right to confidentiality. In certain cases, the Institute will inform PSRBs, employers or placement providers of FtP outcomes. For more details see section 6
- 2.3. This policy operates in conjunction with other Institute policies regarding student conduct and behaviour. Adverse findings in terms of academic misconduct or behaviour may be subsequently reviewed as FtP issues and as such may lead to further sanctions beyond those originally imposed. Where a student has already been investigated, there will not normally be a further investigation. The outcome from the initial process will be used in making a decision regarding FtP.

3. Definitions

DoS	-	director of studies
FtP	-	fitness to practise
HR	-	human resources
Letter/in writing	-	communication either via physical letter or via email
Meeting	-	a meeting taking place either with all members present in the same location or with some or all joining via video link
PSRB	-	professional, statutory and regulatory body
The Institute	-	Metanoia Institute

4. Principles

- 4.1. A student's fitness to practise involves the Institute, their peers, other professionals and the public having confidence and trust in them. They need to show that they have ongoing good character and to abide by any codes of conduct or ethics as well as professional standards or practice

frameworks. These may be published by the Institute, the PSRB accrediting the student's programme, employers or placement providers.

- 4.2. A practitioner or a trainee practitioner who is fit to practise will have knowledge, skills, character and health to be able to see clients in a safe and effective manner. They will use supervision in an open and responsive way and will know the limits of their competence at any time.
- 4.3. Fitness to practise is different from academic performance or achievement. It is about approaching education, training and clinical work in a professional manner. It is studying and working in the knowledge that a failure to abide by codes, standards or laws could put at risk clients or members of the public. It could also bring the professional into disrepute and damage trust in peers or other practitioners.
- 4.4. Impaired fitness to practise is not necessarily a disciplinary issue and is different to student misconduct. Any outcomes of an adverse FtP finding are not primarily about punishment, rather they will be about mitigating risk. The Institute encourages open conversations about FtP. Any student with concerns about their own situation is encouraged to speak to their DoS or a course tutor.
- 4.5. Students are required to maintain good character and to be honest where their conduct falls below the standards which are expected. All students are required to declare any criminal convictions at the point of application to an Institute programme. They must comply with all requirements with regards to DBS or equivalent checks. Students should also disclose past FtP investigations which have resulted in some form of sanction. The requirement to disclose remains whilst the student has yet to complete their course and has not withdrawn. Any adverse criminal or legal finding or cautions must be reported as soon as possible. This would include any ongoing police action which has yet to be resolved. Students must also report any FtP investigations or findings carried out by organisations other than the Institute. Honesty is an important component of good character. If a student conceals or omits to disclose relevant information, the act of withholding this information will in itself raise an FtP concern.
- 4.6. Health is an area which may impact on a student's fitness to practise. Where students have disabilities or long-term conditions, the Institute will seek to make reasonable adjustments to allow students to study. Students are encouraged to disclose relevant health history at the time of application or first enrolment to ensure that the best support may be offered. Where health or disability impacts on fitness to practise, it is important that students disclose this information to the Institute. Such situations may include those where judgement is impaired or where a student has a significant infectious or communicable disease. Ongoing mental health concerns or substance abuse issues are examples of circumstances which should be disclosed. If health concerns emerge before a student has completed their programme, then they should disclose these to the Institute.
- 4.7. Students are expected to take responsibility of their own health and to seek medical consultation when necessary. Insight is an important part of health and FtP whereby students with specific or ongoing issues know when they are not fit to be seeing clients. At these times they should be able to ensure that they do not do clinical work until they are well enough to resume. Where students are aware that there may be times when they are unable to work due to health issues, they should have a plan to protect their clients which has been discussed with their supervisor and relevant tutor.
- 4.8. The Institute recognises that students can become unwell, maybe for the first time, and may not have insight into their condition or its safe management. FtP procedures can be used to minimise risk to clients or others and to ensure that the student withdraws from work with clients until their fitness to practice returns.

5. Procedures

5.1. Submission of Allegations

- 5.1.1. Anyone may contact the Institute to raise an allegation about a student which raises a concern regarding their fitness to practise. Typically, such contact will come from Institute staff, other students, placement providers or employers. Concerns must be raised in writing and either sent to the Registrar (registrar@metanoia.ac.uk) or to the DoS for the course on which the student is studying. Any other Institute staff member receiving written allegations should immediately forward them to the Registrar. Anonymous communications will only be considered where there are exceptional circumstances. If it is determined that allegations are being made in a malicious or vexatious manner, the Institute will investigate where possible using its Student Conduct or HR procedures.
- 5.1.2. If the allegations are initially sent to the Registrar, they or their nominee will notify the DoS. The DoS will review the submission and consider whether any immediate action needs to be taken. They will also decide whether the allegations merit review in Stage 1 (5.3) or directly in Stage 2 (5.4) of this Procedure.
- 5.1.3. The Registrar or their nominee will inform the person(s) making the allegations that their communication has been received and that the information is being considered in the context of this Policy. Information about any investigation, hearing or outcome will not be released other than in the circumstances given in Section 6.

5.2. Immediate Suspension

- 5.2.1. The nature and severity of any allegation will determine the manner in which action is taken. If there are especially serious concerns which suggest that there is the possibility of harm to the student, other students, staff, clients or members of the public, then full or partial suspension may be imposed. The DoS will make a risk assessment based on the information immediately available and will make a recommendation which may include:
 - Suspension from clinical or placement activity;
 - Suspension from other selected activities on the student's course;
 - Suspension from all activities on the student's course;
 - Exclusion from some or all Institute premises or digital spaces.
- 5.2.2. The CEO or their nominee will review any request for suspension or exclusion. Where this is approved, the student will be notified in writing and will be informed of the reason(s) for the action being taken. This letter will notify the student of their right of appeal as set out in 5.2.4 on.
- 5.2.3. The student will be given a timescale for any suspension or exclusion which may be for a fixed period or until the FtP process has reached a conclusion. The Institute will review the necessity of suspension periodically and it may be lifted or extended. The Institute will be mindful throughout of the effect which this action will have on the student's ability to progress their studies and will work to ensure that the processes are completed as soon as possible.
- 5.2.4. The Institute will consider whether it needs to disclose its decision to suspend or exclude a student on the grounds of health and safety. It will consider immediate risks to the student, other students, Institute staff, external staff and clients. It may be necessary to inform employers, placement providers, PSRBs or others of the decision made at this stage. If there is no immediate risk then disclosure may not be made pending the outcome of the FtP process.
- 5.2.5. The student will have the right of appeal against any suspension or exclusion. They must set out the grounds for the appeal to the CEO in writing within five working days of receiving written notice. Appeals received beyond this time will only be considered if

there are exceptional reasons to do so.

- 5.2.6. Appeals will be considered by the CEO or their nominee and will need to demonstrate one or more of the following:
 - A procedural irregularity which would have made a material difference to the decision made;
 - The suspension or exclusion is unreasonable given the evidence available at the time;
 - There is new evidence for which there is a valid reason why it was not available at the time and this evidence makes a material difference to the decision made.
 - 5.2.7. The student may request a meeting with the CEO or their nominee as part of the appeal. The decision to agree a meeting will depend on the reasons for suspension and the grounds set out for the appeal. If the request to meet is declined this decision will be final.
 - 5.2.8. The outcome of the appeal may be:
 - decision to suspend/exclude stands;
 - terms of the suspension/exclusion are modified;
 - the decision to suspend/exclude is overturned.
 - 5.2.9. The student will normally be notified in writing of the outcome of the appeal and the reasons for reaching it within 10 working days of the Institute receiving it. This timescale may need to be extended in the event that a meeting is scheduled. As this completes the Institute's process for review the suspension, a Completion of Proceedings letter will be issued for this stage of the process.
 - 5.2.10. The Institute will support students who return from a period of suspension to re-join their programme of study. Students need to be aware that necessarily prolonged periods of suspension may necessitate re-joining the course in the following academic year and may have implications for the possibility of completion within registration time limits.
- 5.3. Stage 1 – Cause for Concern
- 5.3.1. This constitutes a preliminary stage and may be employed where there is a minor issue regarding behaviour or if there is concern that a student may be heading towards a situation where their fitness to practise is impaired. It may also be used to establish whether the formal stage 2 needs to be involved or if there is a separate issue, for example one of competency.
 - 5.3.2. Stage 1 may be omitted where a serious allegation has been made, where there is already substantive evidence regarding impaired fitness to practise or where there has been repeated minor concerns. In these cases, the process begins with the Stage 2 investigation.
 - 5.3.3. Where there is an immediate or emerging cause for concern, the DoS will arrange to meet with the student in the first instance. The discussion will explore the concern and how the student will respond to it. The meeting will include an independent note taker who will produce a summary of the discussion which will be shared with the DoS and the student. The student may bring someone to accompany them to the meeting. This person may not be a legal representative nor a student who is currently part of the FtP process.
 - 5.3.4. If it is felt to be appropriate, the DoS may require the student to write a reflective piece regarding what they have understood about their actions with regards to professional conduct and what impact this has had on their future behaviour.
 - 5.3.5. Where a student refuses to meet or to constructively engage with discussion or other requirements regarding FtP, then this in itself is a concern and the process should move directly to Stage 2.
 - 5.3.6. If the DoS feels that there is a substantial ongoing concern or that the student displays a lack of insight regarding their situation and its effect on their fitness, then the case will be

- moved to Stage 2. The student will be informed of this decision in writing.
- 5.3.7. If the DoS feels that there is an emerging concern but the student has shown insight and has agreed steps to ensure that it does not develop, then no further action may be made at this time. The student will receive a letter outlining the concerns and the way in which they are required to act in the future. This will not constitute a finding of impaired fitness to practise but will serve as a warning regarding future conduct. The letter and supporting documents regarding Stage 1 will be sent to the Registrar and will remain on the student's record for the duration of their registration on their current course. These documents may be used as evidence in any subsequent investigation of FtP.
- 5.3.8. If the DoS feels that there is no case to answer then the student will be informed in writing and there will be no further action.
- 5.4. Stage 2 – Fitness to Practise Investigation and Hearing
- 5.4.1. Where a student is referred to Stage 2, it will be necessary to decide initially if there needs to be an investigation. Where the source of concern arises from a previous procedure outside of this one, there should not normally be another investigation. The outcome of the previous procedure should be sufficient to establish the facts. Examples of situations where it would not be appropriate to conduct an investigation include:
- Criminal conviction or caution;
 - Penalty due to academic misconduct or breach of student conduct regulations;
 - Finding of impaired fitness to practise by another organisation.
- 5.4.2. Where there has not been a previous investigation, the Registrar or their nominee will appoint an investigator to attempt to establish the facts relating to the allegations. The investigator will be someone who has no previous involvement in the case and has no close involvement with the student (for example supervisor or tutor).
- 5.4.3. The investigator should meet with the student as soon as possible to discuss the concerns and the FtP process. Where the student has not already been informed of any allegations, these should be provided prior to the meeting to enable the student to be prepared to respond. The meeting will include an independent note taker who will produce a summary of the discussion which will be shared with the student. The student may bring someone to accompany them to the meeting. This person may not be a legal representative nor a student who is currently part of the FtP process.
- 5.4.4. The investigator will consider all documents submitted to support the allegation as well as any provided by the student (for example medical evidence). They will be able to speak with anyone else who can provide information which will allow the facts behind the allegations to be determined. This may include Institute students or staff as well as staff in outside placement or employment locations.
- 5.4.5. The investigator must contact the Registrar to establish whether the student has any previous fitness to practise or disciplinary issues on their Institute record. This information should be recorded in the investigator's report.
- 5.4.6. The investigator will produce a report to summarise their findings and conclusions. They will identify if any of the facts of the case are disputed by the student. The report and supporting documents (for example summaries of meetings) will be made available to the student and will be provided to the FtP Panel. These documents will anonymise personal information of those mentioned as far as possible.
- 5.4.7. If the student fails to engage with the investigator or is reluctant or difficult in their communication, then this should be noted in the report as it may in itself constitute an adverse behaviour. Likewise, an open and reflective approach should be noted as being positive.

- 5.4.8. Once the investigation has been completed, a Fitness to Practise Panel will be convened. This Panel has the following remit:
- to establish the validity of any disputed facts on the balance of probability;
 - to decide whether the student's fitness to practise has or is impaired;
 - to decide on any sanctions or conditions to be applied.
- 5.4.9. The Panel will be composed of individuals who have not been previously involved in the case being presented and who do not have a direct relationship with the student, for example a supervisor or tutor. The panel will consist of at least:
- A Chair from a different Faculty or from the Institute Executive;
 - A member of the same Faculty as the student who is familiar with the regulatory and professional standards relevant to the student's course;
 - One other member who has experience of professional standards (this person may be external to the Institute);
 - A clerk (in attendance).
- 5.4.10. The constitution of the Panel may be varied depending on PSRB requirements.
- 5.4.11. The student will be given 15 working days' notice of the time and date of the Panel meeting. They will also be provided with the names and job titles of the members of the panel. Should the student be unable to make the date or if they wish to object to any of the panel member then they should contact the Chair in writing at least 10 working days before the date of the Panel hearing. Any objections should be clearly set out and, where appropriate, be supported by evidence. The Chair will consider the objections and make a decision regarding any changes as a consequence. Due to the serious nature of fitness to practice, it is expected that the student will make every effort to attend the hearing on the specified date. This will only be changed where they can demonstrate exceptional circumstances. Where an objection is made regarding the Chair, the Registrar or their nominee will make a decision.
- 5.4.12. Where the facts of the case are in dispute the investigator and the student will be able to call witnesses. The names and roles of all witnesses (and anyone attending with them) must be supplied to the Chair not less than five working days before the hearing. Witnesses will be questioned by the Panel during the hearing in the absence of the investigator or the student. Witnesses may attend with someone who is not connected with the case and who is not a legal representative.
- 5.4.13. The conduct of the Panel hearing will be at the discretion of the Chair, however the proceedings would likely be as follows:
- Panel meets in private;
 - Panel introduces themselves and explain their purpose to the student;
 - Where the facts are disputed the investigator then the student meet with the Panel in turn to present their cases and to be questioned;
 - The Panel questions witnesses;
 - Where the facts are not disputed (or once they have been established) the Panel will meet with the student to allow them to reflect on their significance with regards to their fitness to practise.
- 5.4.14. Fitness to Practise Hearings at Metanoia Institute are not public proceedings and as such would not require the student to have legal representation. Students are permitted to meet the panel with someone to support them who is not in a legal capacity and who is not involved with the case. Should the student feel that there are good reasons for them to have legal representation, they should inform the Chair of this at least 10 working days prior to the hearing date. The request will be considered on the basis of the reasoning

provided by the student and the Chair will respond in writing with a decision. If it is agreed that the student may have legal representation, the Institute reserves the right to include their own legal representative in the hearing. In such a case the student must be aware that the date of the hearing is likely to be delayed.

- 5.4.15. The Panel is required to reach a decision regarding the student's fitness to practise given the balance of probabilities. Where the Panel members are in disagreement, the decision will be with the majority. In the event of a deadlock the Chair will make the final decision, taking into account the arguments of fellow Panel members.
 - 5.4.16. The findings of the Panel are likely to be in the form of a narrative, however they should be clear whether:
 - there are no concerns regarding fitness to practise;
 - there are emerging or minor concerns, however at this time fitness to practise has not been impaired;
 - fitness to practise has been impaired.
 - 5.4.17. Where there are concerns or adverse findings, the Panel must agree on outcomes. Where there are no concerns they should confirm that no action is to be taken. Outcomes will fit into one of the following categories, listed here starting from the least severe:
 - the student is advised about their future conduct;
 - the student received a written warning;
 - the student is required to meet certain conditions;
 - it is recommended that the student is suspended from their course and/or clinical or placement activities;
 - it is recommended that the student is expelled from their course.
 - 5.4.18. In making a decision, it is good practice for the panel to start from the least severe and to move down the list whilst they think each penalty is insufficient.
 - 5.4.19. Conditions may require the student to complete a certain task, for example write a letter of apology or a reflective piece. They may also require the student to behave in a certain way, for example meet attendance requirements or attend additional tutorials. The Panel must specify who will monitor compliance with any conditions. The Panel may nominate a member to interview the student again after an agreed period of time. Failure to adhere to conditions would lead to a further Panel hearing.
 - 5.4.20. Where the Panel is recommending suspension or exclusion, they need to be clear why they think that these options are necessary. In the case of suspension they should be clear as to what purpose this will serve in terms of the student's fitness to practise. The CEO of the Institute will receive a report from the Chair and will either approve or reject the Panel's recommendation. Where this is rejected, the Panel will need to reconvene to revise the outcome. The CEO may also convene a new Panel to consider the case and outcome.
 - 5.4.21. In the event of any adverse findings, the Panel should make recommendations where there needs to be disclosure to persons or bodies external to the Institute. These should be made with reference to Section 6.
 - 5.4.22. The student will be informed of the outcome in writing and they will also receive the report from the hearing. They will be informed of their right to appeal.
- 5.5. Stage 3 - Appeal
- The student may appeal the decision and/or the outcome from the FtP process. Any appeal must be received by the Registrar no more than 10 working days after the student receives the outcome in writing. An appeal will only be considered against one or more of the following grounds:
- A procedural irregularity which would have made a material difference to the decisions made;

The decision and/or outcome is unreasonable given the evidence available at the time;

There is new evidence for which there is a valid reason why it was not available at the time and this evidence makes a material difference to the decision made.

- 5.5.1. The appeal must specify which of these grounds apply and must include supporting evidence.
- 5.5.2. The appeal will be passed to the Head of Policy, Planning and Compliance or their nominee from the Institute's Executive for consideration together with one other member of the same Faculty as the student who is familiar with the regulatory and professional standards relevant to the student's course. Neither person considering the appeal will have been involved in the investigation or the Panel Hearing.
- 5.5.3. All documents and communications with respect to the FtP process will be reviewed in light of the appeal. The student may also be interviewed if it is deemed necessary. Those considering the appeal will not re-visit the evidence or the facts but are limited to deciding whether due process was followed. The outcome will be one of the following:
 - No grounds for appeal – the decision and outcomes stand;
 - Appeal upheld – the Panel must re-convene and reconsider the case;
 - Appeal upheld – recommendation that a new Panel is convened.
- 5.5.4. If those considering the appeal are unable to agree, the CEO will nominate a third person with experience of practise standards in the relevant discipline. The outcome will be decided by the majority.
- 5.5.5. Where there the appeal is upheld, a summary of the reasons will be passed to the Panel and will be provided to the student. If there is the recommendation that a new Panel is convened, then the CEO will oversee its formation. At this stage it may be necessary to use external practitioners with experience of FtP assessments.
- 5.5.6. If the appeal is rejected, the Institute will inform the student of the reasons. If the student is on a programme which is eligible for external review by the OIA, the student will receive a CoP letter. This will set out the circumstances under which the student may bring a complaint to the OIA.

6. Confidentiality and Disclosure

- 6.1. The Institute is committed to complying fully with data protection legislation including the Data Protection Act 2018 and the General Data Protection Regulations. In the handling of FtP investigations, efforts will be made to ensure that information is only shared with those directly involved with the process or who have a need to know.
- 6.2. Where concerns are raised or where there is an adverse finding with regards to FtP, there may be circumstances where it is both necessary and proportionate to share information which would otherwise be confidential. These circumstances will be where there is considered to be a risk to the student or to others and this risk is considered to outweigh the rights of the individual. Any disclosure would be strictly around mitigating this risk and would include the minimum amount of information necessary to explain the situation.
- 6.3. Wherever possible, the Institute will begin by seeking consent from a student to make a disclosure. If it is appropriate and possible, the student will be supported to make the disclosure themselves. An example of this might be communication to a placement provider.
- 6.4. Where a student is unable or unwilling to agree for a disclosure to be made, permission will be sought from the CEO of the Institute to release the information without consent. The student will be provided with details of what information has been provided to whom.
- 6.5. Where there is a finding that FtP is or has been impaired, there is an expectation that this information will be shared with any PSRB with which the student is registered or who will

register the student upon successful completion of their programme of study. A student will be informed such a disclosure as describe above.