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Fitness to Study Procedure
Metanoia Institute

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1. Introduction

1.1 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 procedure will be used where there are significant concerns about a student's mental or physical health whether or not there has been a formal diagnosis or the Institute has been notified of a diagnosis.

1.2 This Policy does not stand alone and should be read with the:

1.2.1 Student Code of Conduct;

1.3 Student Disciplinary Procedure;

1.3.1 Sexual Harassment and Misconduct Policy;

1.3.2 Fitness to Practice Procedure

1.3.3 Safeguarding Policy and Procedure.

1.3.4 Freedom of Speech and Freedom of Expression Policy.

2. Scope

2.1 This Procedure applies to all students at the Metanoia Institute including those on clinical and professional courses as well as students enrolled with limited tuition or without tuition.

2.2 The Fitness to Study policy is intended to address concerns that a student's health is impacting their behaviour to the extent that is disrupting their own studies; disrupting the studies of others and or is placing unreasonable demands on staff or other students.

2.3 The term "fitness to study" as used in this procedure encompasses all aspects of Institute life and not just the student's ability to engage with their studies and professional training. The Institute seeks to maintain an environment which is safe and conducive to teaching, learning and research and the well-being of all.

2.4 This procedure takes into account the Institution's obligations under the Equality Act 2010 to make reasonable accommodations and adjustments for students with a disability to enable their studies. As set out below, Metanoia will normally, in the first instance, explore available support with students experiencing health or mental health issues.

3. Principles

3.1 This procedure is intended to be supportive to students and should not be considered to be punitive.

- 3.2 This procedure allows for an agreed way for a student to continue their studies with appropriate support, to take a break without academic consequences until they are fit to return to their course, or in exceptional circumstances for their registration to be terminated.
- 3.3 This procedure will be invoked in instances of a serious, or potentially serious concern about a student's mental or physical wellbeing.
- 3.4 It is expected that students experiencing mental or physical ill-health will make use of the support and services available at Metanoia where appropriate or to request a Break In Study should they become too unwell to undertake all of the requirements of the course, including meeting professional competencies, for an extended period.

4. Confidentiality

- 4.1 When the Fitness to Study Procedure is invoked, staff will act with due regard for student confidentiality. Information related to the procedure and any information shared by the student regarding their health will be handled and stored as sensitive data in accordance with Metanoia Data Protection Policy and guidelines.
- 4.2 In the event that it is considered that there is an immediate risk of serious harm to a student or others, Metanoia may be required to break confidentiality. In such cases Metanoia may share limited information with a third party such as police or health services for the purposes of safeguarding. Please see the Safeguarding Policy and Procedure.

5. Initial Concerns

- 5.1 Normally, any concerns about a student who appears to be struggling should initially be raised by staff to the student to discuss the nature of the concerns and whether the student might benefit from accessing additional support either from Metanoia or externally.
- 5.2 Where the student continues to struggle and/or where they are disruptive or making unreasonable demands on staff or other students a Report of Conduct Cause for Concern should be completed (see Student Code of Conduct for further details).

6. Informal Intervention (Stage 1)

- 6.1 Where the Registrar receives a Report of Conduct Cause for Concern which they consider should be referred to the Fitness to Study Procedure they will normally first refer the matter to Stage 1, unless there are serious concerns regarding the safety of the student or other individuals, in which case the matter will be progressed straight to Stage 2 or Stage 3 depending upon the seriousness of the concerns and impact of the student's behaviour on other members of the community.

- 6.2 The Head of Programme (HoP) will be provided with the Report of Conduct Cause for Concern and they will nominate an experienced member of the course team, normally a senior tutor, module leader etc., who will invite the student in for a discussion of the concerns. The staff members may request advice from the Wellbeing and Disability Team regarding available support. The meeting should be held as soon as possible once the concerns have been raised at a time which is convenient to the student.
- 6.3 This discussion will be supportive in nature and will communicate to the student the precise nature of the behaviour that has caused concern. During the discussion the student will be given an opportunity to share any personal circumstances or previously undisclosed disability or medical history, and they will be provided with information on the support available within Metanoia and how it can be accessed, or they may be referred to external services or sources of support. Where it is appropriate, an action plan and a review period should be agreed.
- 6.4 A record of the meeting, issues discussed and agreed actions will be sent to the student within seven days of the meeting. A copy of this record will also be sent to the Registrar.
- 6.5 Where the nominated staff member finds the student shows a lack of insight into or acknowledgement of their behaviour or where they are unwilling to engage in appropriate actions to address the concerns, there should be an immediate referral to Stage 2 of Fitness to Study.
- 6.6 At the end of any agreed review period, the case should be reviewed by the nominated member of staff. If the concerns for the student's wellbeing have significantly reduced or been eliminated, then a decision of no further action can be agreed. This should be confirmed in writing to the student with a copy sent to the HoP and Registrar. If, however, the concerns remain, then the Registrar should be informed, and the case should be referred to Stage 2 of the Fitness to Study procedure

7. Support to Study meeting (Stage 2)

- 7.1 Stage 2 is a second level intervention to be used when Stage 1 has not been successful in resolving the concerns; the student has not kept to the action plan agreed at Stage 1; or the student's conduct or circumstances indicates that intervention is required at Stage 2.
- 7.2 Stage 2 comprises a formal Support to Study meeting with the student. The Support to Study Meeting will be arranged by the Registrar or their nominee.
- 7.3 The student shall be given a minimum of five working days written notice of the meeting, normally by email to their Metanoia email address or, for student on clinical or professional courses, to the email address held on file by the Registry. The email shall inform the student of the meeting under the Fitness to Study Policy, and the nature of the meeting being

supportive; the purpose of the meeting, and shall request any necessary detailed information and documentation including, if appropriate, medical evidence. The student should be informed that they may be accompanied to the meeting by a supporter who will normally be a staff or student at Metanoia. The supporter will not normally be able to speak on behalf of the student at the meeting but rather is there to provide them with assistance and support. Should the student wish to be accompanied by an external person or for the supporter to speak on their behalf, a request for this should be made to the Head of Programme as Chair at least two working days in advance of the meeting.

7.4 The meeting shall normally include the Head of Programme who will Chair the meeting and either the Disability Coordinator or the Designated Safeguarding Lead or a Safeguarding Officer. Other members of staff may be invited, but attendance should be limited to those that can contribute to a possible solution. A member of Registry and Academic Services (RAS) shall be appointed by the Registrar for the purpose of taking notes.

7.5 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.

7.6 The purpose of the meeting is to:

- Ensure that the student is made fully aware of the nature of the concerns which have been raised,
- That the student has the opportunity to share any relevant medical or other information,
- That the student's views of the concerns are heard,
- To consider what, if any, support, reasonable adjustments or other actions may resolve the concerns,
- That the student is made fully of the possible actions which may be taken by Metanoia if the concerning behaviour continues.

7.7 The conclusions drawn from the content and nature of the discussion shall determine possible outcomes. The outcome shall, normally be an action plan to address the 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:

- That there is no cause for concern and no further action is necessary;
- An Action Plan is agreed with the student;
- It is agreed with the student that a Break in Study is necessary and appropriate.
- That the matter is too serious to be managed at Stage 2 and/or that the student is unwilling to engage with the Stage 2 meeting and to make a referral to Stage 3 of the procedure;
- That it is necessary to make a referral to other Institute procedures, as appropriate, for example the Student Disciplinary Procedure or the Student Fitness to Practice Procedure;

- Where the student is on placement, to propose to the student suspending the placement or (if available) switching to a programme without a placement;
- Any other actions intended to support the student to successful completion of their studies permitted within the Academic Regulations and other Policies and Procedures.

7.8 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.

7.9 The Chair of the meeting shall, with the appointed note taker, 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.

7.10 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 by the Registrar.

7.11 Review meetings shall be convened as agreed. 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, either to the Chair or a nominee, on the student's progress against any action plan.

7.12 If after the final review of the agreed action plan the concerns about a student's fitness to study have been substantially reduced, and/or eliminated, no further action shall be taken. The Chair will inform the student in writing that the matter has been concluded and will copy it to the Registrar.

7.13 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 to Stage 3, as they consider appropriate. If there is insufficient improvement following the Stage 2 initial or review meetings and concerns remain, the Chair will refer the matter to Stage 3.

8. Fitness to Study Panel (Stage3)

8.1 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 had a

precautionary suspension, see Section 9 below, then the Fitness to Study procedure will start at Stage 3.

8.2 Once it has been determined that a case should go to Stage 3, the Registrar will call a Fitness to Study Panel.

8.3 The Fitness to Study Panel will include:

8.3.1 An Associate Director Education (Chair);

8.3.2 Two Independent Heads of Programme;

8.3.3 A secretary to the Panel appointed from Registry and Academic Services.

8.4 The members of the Panel should have had no previous involvement in the matter.

8.5 The student and their Head of Programme or their nominee will normally attend the Panel meeting. The student may be accompanied by a supporter who may be 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 **5 working days** prior to the panel meeting). Legal representation is not normally permitted. The supporter will not normally be permitted to participate directly in the meeting or speak on behalf of the student. The purpose of a supporter is to provide the support and assistance to the student during the meeting. Students may request for exceptions to the rules regarding supporters by writing to the Panel Chair at **least 5 working days** prior to the Panel meeting.

8.6 The student will be notified of the Panel meeting at least **10 working days** in advance of the meeting. They will be advised of the membership of the Panel and its purpose. The student will be offered the opportunity to submit any medical reports or other relevant evidence to the panel. Any documents should be provided no later than **5 working days** before the Panel meeting.

8.7 The primary purpose of the Fitness to Study Panel is to determine whether or not the student is fit to undertake their course of study. This will normally be done by consideration of:

8.7.1 Any medical or other evidence provided by the student regarding relevant diagnosed conditions and recommended support.

8.7.2 The original Report of Conduct of Concern and the meeting notes from the earlier stages of the procedure, if applicable.

8.7.3 Whether there is any further support or reasonable adjustments, in addition to those already in place, which could enable the student to continue to study.

8.7.4 The Panel will normally provide the student an opportunity to address the concerns raised and the Panel may ask them questions.

8.7.5 The Head of Programme may be asked questions by the Panel.

8.8 The Fitness to Study Panel, after careful consideration of the available evidence, may reach one of the following outcomes:

- 8.8.1 There is no impaired fitness to study and no further action should be taken.
- 8.8.2 There is no impaired fitness to study but there are concerns which should be referred for investigation to the Student Disciplinary Procedure or Fitness to Practice Procedure.
- 8.8.3 There is impaired fitness to study and an action plan is to be imposed. The action plan will detail all required actions with timeline and include one or more review points.
- 8.8.4 There is impaired fitness to study and the student will be required to interrupt their course of study. This interruption may be for a set period of time or may be indefinite, up to the date after which the student would be unable to complete their programme within the maximum registration period. The interruption will be subject to the student meeting certain conditions for them to be permitted to return to study. Should the student fail to meet the conditions required for return to study by the deadline set or by the point at which they can no longer complete within their registration period, the student will be withdrawn from their programme.
- 8.8.5 There is impaired fitness to study and the student's registration will be terminated. This outcome should only be used in exceptional cases where the Panel considers that the student is likely to remain unfit to study after all options for support and accommodations have been exhausted or the student's continuation of the course is likely to put themselves and/or other staff/students/clients at risk.

8.9 Wellbeing and Disability and Registry services will provide appropriate information, advice and support to aid the student in meeting any outcome requirements of the Panel. 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. The student will also be informed of the 'Return to Study' process, and an agreement will be made about how the Institute will keep in contact with the student during the interruption.

8.10 The decision of the Fitness to Study Panel will be communicated to the student in writing within five working days of the meeting. A student has the right to appeal against the decision of the Fitness to Study Panel.

8.11 The secretary to the Fitness to Study Panels will make a record of the Panel meeting and outcome of their deliberations which will be held by the Registry.

9. Precautionary Suspension/Exclusion

9.1 Where the nature of an alleged behaviour in a Report Conduct Cause for Concern suggests that there may be risk to the safety of others, or where the behaviour of the student reported indicates that they or others may be at risk of harm, the Registrar will request that the Designated Safeguarding Lead (or nominated Safeguarding Officer) undertake a risk

assessment to inform a decision by the Academic Registrar, or their nominee, which may result in precautionary action to be taken in advance of Stage 2 or Stage 3 meeting including but not limited to:

- 9.1.1 the student may be excluded from any part or all of the Institute's facilities, grounds and premises;
 - 9.1.2 the student may be suspended from their studies, including being prohibited from attending teaching, attending placement, and/or accessing the virtual learning environment.
 - 9.1.3 Any other conditions or restrictions as considered appropriate and proportionate in the circumstances to safeguard students, staff and/or the respondent.
- 9.2 The Designated Safeguarding Lead or nominee may seek information from the student's Head of Programme, the placement team or any other programme or service lead in order to understand the context of the situation and the practicality and/or impact of any conditions or restriction under consideration.
- 9.3 The Designated Safeguarding Lead or nominee will then make a recommendation for precautionary actions to the Academic Registrar, or their nominee. The Academic Registrar will make the final decision about any precautionary conditions, suspension or exclusion action.
- 9.4 Written confirmation of any precautionary action will be provided to the student by the Registrar (or nominee) by email to their Metanoia student email address, or for clinical course the personal email address held by Registry, as soon as is reasonably practicable and within **one working day** of the decision being taken.
- 9.5 A precautionary action should not be regarded as a penalty and does not indicate that the student is presumed to be unfit for study. Precautionary actions will be undertaken on the basis of the risk assessment and will be made on a case-by-case basis.
- 9.6 A review of precautionary actions will take place by the Academic Registrar, or nominee at least every **20 working days** until such times as the Stage 2 Support to Study Meeting or Stage 3 Fitness to Study Panel been concluded. The Academic Registrar may amend the precautionary action, with or without consultation with the Designated Safeguarding Lead in the event that further relevant information comes to light. The consequence of any breach of these conditions may result in additional precautionary action being taken and may also be considered as part of the Support to Study Meeting or Fitness to Study Panel.
- 9.7 A student who is subject to precautionary action has the right to request a review of the decision. The request for a review should be made in writing and clearly set out the reasons why it is felt the precautionary actions imposed are inappropriate. The request for review should be submitted to the Registrar who will refer the request to a Review Team.

9.8 A student who requests a review of the decision to suspended or excluded as a precaution during the Fitness to Study Procedure will have the opportunity for a suspension/exclusion review meeting by a Review Team within **10 working days** from the date of their requesting a review of their precautionary suspension/exclusion.

9.9 The Review Team will normally conduct a paper based review of the precautionary actions taken. However, at their discretion, they may request to meet with the student and Academic Registrar in order to clarify issues raised in their request for review. In the event that the Review Team choose to speak to the student they must not enter into discussion about the substance of the concerns which have led to the implementation of the Fitness to Study Procedure.

9.10 At a suspension/exclusion review meeting, the Review Team will consider:

9.10.1 The initial report of conduct cause for concern;

9.10.2 the Designated Safeguarding Lead's risk assessment

9.10.3 the correspondence from the Academic Registrar to the student implementing/ or revising the action

9.10.4 The student's request for review.

9.11 It is the Review Team's responsibility to determine the outcome of the suspension/exclusion review and to decide one or more of the following options:

9.11.1 to lift a suspension, exclusion and/or conditions in full.

9.11.2 to lift a suspension and instead impose exclusions.

9.11.3 to amend the imposed exclusion and/or conditions.

9.11.4 to keep the existing suspension/exclusion/conditions in place.

9.12 The Registrar will contact the student in writing thereafter regarding the Review Team decision.

10. Return to Study

10.1 After a period of interruption on health grounds, the decision as to whether or not to permit the student to return to study will be made dependent upon the circumstance of the interruption

10.2 Where a student has voluntarily agreed to an interruption at Stage 1 or Stage 2 of this procedure the HoP will make the decision regarding the student's return to study. Where a student has been required to take an interruption by a Fitness to Study Panel the Chair of the Panel or a nominated member of the Panel will make the decision regarding the student's return to study. The return to study, in either case, will be dependent upon:

10.2.1 satisfactory medical evidence of fitness to study;

- 10.2.2 an assessment of need to determine what support is deemed necessary or of benefit and, whether this can be reasonably provided;
- 10.2.3 Satisfactory evidence that the student has met any conditions set by a Fitness to Study Panel
- 10.3 Evidence submitted to the HoP or Chair to demonstrate fitness to study should be from an independent and 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 on their course including engaging in any placement requirements. Upon taking the decision to permit a student to return to study, the HoP or Chair is responsible for informing Registry and relevant support services. 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.
- 10.4 The HoP or Chair, if not satisfied that:
- 10.4.1 the student is fit to return and/or
- 10.4.2 the requested support to enable their return cannot be reasonably provided,
- 10.4.3 Conditions for return to study imposed by the Fitness to Study Panel have not been met.
- 10.5 They may refuse permission for the student to return to study. The student may appeal this decision.

11. Appeals Procedure

Right of Appeal

- 11.1 A student dissatisfied by a decision to require an interruption or termination study or a refusal to permit a return to study shall have the right of appeal. The student should submit their appeal to the Registrar (registrar@metanoia.ac.uk) within **10 working days** from notification of the decision, giving the grounds for the appeal.
- 11.2 Appeals may be made only on the following grounds:
- The student considers that the procedures were not followed properly;
 - The decision reached was unreasonable;
 - The student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
 - There is bias or reasonable perception of bias during the procedure;
 - The penalty imposed was disproportionate, or not permitted under the procedures.
- 11.3 The Appeal will be referred to the Director of Clinical Training or their nominee for consideration.

- 11.4 The Director of Clinical Training will conduct a paper review of the case taking into account the records from the procedure and the student's appeal.
- 11.5 The Director of Clinical Training may reach the following decisions:
- 11.5.1 To reject the appeal and the original decision stands.
- 11.5.2 To accept the appeal and refer the matter back with guidance to the decision maker for further consideration. This will normally be the case where it is considered that relevant new evidence is available or there were minor but material flaws in the conduct of the procedure.
- 11.5.3 To accept the appeal and refer the matter to a fresh Fitness to Practice Panel for reconsideration. This will normally be the case where it is considered that there were major material flaws in the conduct of the procedure, bias or a reasonable perception of bias.
- 11.6 The decision of the Director of Clinical Training or nominee shall be final. There are no further stages and the student should be issued with a Completion of Procedures Letter by the Registry.

Office of the Independent Adjudicator for Higher Education

- 11.7 In the event that the student remains dissatisfied with the outcome, they may be eligible to make an appeal to Office of the Independent Adjudicator (OIA).
- 11.8 Information and eligibility rules for review by the OIA are available at www.oiahe.org.uk. An appeal to the OIA should be made in writing to the address below within one year of the student receiving notification that the internal procedures of the Institute have been completed. Students should enclose a copy of the final decision of the Institute and state the reasons for seeking redress from the OIA.

Office of the Independent Adjudicator for Higher Education,
Second floor, Abbey Gate,
57-75 Kings Road, Reading,
RG1 3AB,
United Kingdom

- 11.9 Email enquiries may be sent to enquiries@oiahe.org.uk. For further information, please visit www.oiahe.org.uk.

12. Medical Evidence

- 12.1 Before a Stage 2 Support to Study meeting or Stage 3 Support to Study Panel a student may be asked to provide evidence of a recent medical assessment so that the Institute can accurately assess their fitness to study.
- 12.2 This medical evidence should state:
- 12.2.1 The nature and extent of any diagnosed medical/mental health condition.

- 12.2.2 Their prognosis.
 - 12.2.3 The extent to which it may affect his/her fitness to study and the demands of student life including any clinical placements.
 - 12.2.4 Any impact it may have or risk it may pose to others.
 - 12.2.5 Recommend any additional steps which could be taken by the Institute, in light of the medical condition, to enable the student to study effectively.
 - 12.2.6 Whether the student will be receiving any on-going medical treatment or support.
- 12.3 Any cost incurred in obtaining this medical evidence will be borne by the student. 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 Disciplinary Procedure or Fitness to Practice Procedure.
- 12.4 Any medical evidence submitted by the student shall be considered advisory. It is the decision of the Chair of the Fitness to Study meeting or the Fitness to Study Panel how much weight is given to the medical report in light of all the available evidence.

13. Students on Placement

- 13.1 Where concerns are raised about a student's fitness to study while they are on a placement, the actions taken will depend upon the severity of the concerns and the stage of the procedure to which it is referred. Where it is considered that the student should not see clients the Head of Programme or nominee 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.

14. Notifiable Diseases

- 14.1 Students should have awareness of the risk associated with attending in person teaching or placements while unwell or contagious. Students are asked to disclose contagious/transferable infections and diseases to their Head of Department and the manager at any placement so that this may be managed in a safe way. Such disclosure will be treated confidentially at all times by Metanoia. In the event that the Institute becomes aware that a student has contracted a notifiable disease and has failed to inform their Head of Programme, the student will be precautionarily suspended from the training with immediate effect. Re-admission to Metanoia Institute will be on the basis of certified medical evidence of the student no longer being ill and/or contagious. Where it is considered that a student may have acted in a manner that put others a risk the matter may be referred to the Fitness to Practice Procedure.

15. Student Finance and Interruption/Termination of registration

- 15.1 Metanoia must report student attendance to the Student Loan Company (SLC). Where a student is not attending due to an interruption or termination of registration, the Registry will inform the SLC. It is strongly recommended that the student also inform the SLC at the earliest point to ensure that a payment is not made in error. It will be the student's responsibility to resolve any payment/repayment issues which may arise due to their change or status.