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**Student Fitness to Practise Procedure**  
**Metanoia Institute**

**Version Control**

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## Definitions and Abbreviations

HoP -	Head of Programme
DCT-	Director of Clinical Training
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

### 1. Introduction

1.1 Fitness to practise is the ability to meet professional standards. It is about character, professional competence and health. According to the Health and Care Professions Council (HCPC) someone is fit to practice if they have “knowledge, character and health to practise their profession safely and effectively” (HCPC). In that context Metanoia Institute has a duty:

- To ensure that students on a professional course are fit to practise in that profession or will be when they complete the course.
- To protect current or future patients, clients, service users and members of the public.
- To safeguard public confidence in the profession.
- To comply with the requirements of professional/regulatory bodies.
- To ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so.

1.2 Fitness to practise process is not a disciplinary process. The purpose of a fitness to practise process is not to punish the student for wrongdoing. It is to ensure the safety of the student and those around them, including members of the public, and to safeguard public confidence in the profession. The process should be supportive even when the outcome is that the student can't continue with their studies. This 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 (PSRBs).

### 2. Scope

2.1 This procedure covers all students on validated, non-validated and professional and clinical 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 on a break in study, enrolled without tuition (EWT) or enrolled with limited tuition(EWLT).
- 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 other appropriate 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 Where a student withdraws from Metanoia while a Fitness to Practice Procedure is ongoing Metanoia will inform relevant PSRBs that they have left training. Where the allegations made are serious and Metanoia considered it in the public interest to do so, the PSRB may also be informed that the student left training while undergoing a Fitness to Practice procedure. A student who withdraws during a Fitness to Practice Procedure will normally not be permitted re-entry to the Institute.

2.4 This procedure operates in conjunction with other Institute policies and procedures regarding student conduct and behaviour and should be read in conjunction with the following:

- Student Code of Conduct
- Student Sexual Harassment and Misconduct Policy
- Criminal Record Policy and Procedure
- Dual Relationship Policy
- Freedom of Speech Policy
- Academic Integrity and Misconduct Policy and Procedure
- Clinical Ethics Handbook
- Student Disciplinary Procedure
- Fitness to Study Procedure

2.5 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 at Stage 2 of this procedure.

### **3. Principles**

- 3.1 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 abide by professional codes of conduct or ethics as well as professional standards or practice frameworks to meet professional standards. These may be published by the Institute, the PSRB accrediting the student's programme, employers or placement providers.
- 3.2 A student who is fit to practise will have knowledge, skills, character and health to be able to see clients in a safe and effective manner and ensure professional standards and competencies are met. They will use supervision in an open and responsive way and are expected to monitor and, to the best of their ability, know the limits of their competence at any time.
- 3.3 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 profession into disrepute and damage trust in peers or other practitioners.
- 3.4 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 and providing appropriate support. The Institute encourages open conversations about FtP. Any student with concerns about their own situation is encouraged to speak to their HoP or a course tutor.
- 3.5 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 or as soon as possible as set out in the [Criminal Record Policy and Procedure](#). They must comply with all requirements with regards to Disclosure and Barring Service (DBS) or equivalent checks. Students should also disclose past ethics or 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 includes 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 a FtP concern.
- 3.6 Health is an area which may impact on a student's fitness to practise and professional competency. 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 or ability to meet professional competencies are 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.

3.7 Students are expected as a trainee professional to take responsibility for their own health and to seek medical consultation when necessary. Insight is an important part of 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 safely due to health issues, they should have a plan to protect their clients which has been discussed with their supervisor and relevant tutor.

3.8 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 or the Fitness to Study Procedure can be used to minimise risk to students, clients or others and to ensure that the student withdraws from work with clients until their fitness to practise returns.

3.9 Students as a part of their training will receive feedback from both programme teams and placement providers. At times this feedback may touch on areas related to fitness to practice. It will be up to the professional judgement of the teaching team and placement managers as to whether mistakes/misjudgements by a student are considered minor and a part of professional development to be recorded and addressed through teaching and learning and where such mistakes/misjudgements raise fitness to practice concerns which should be addressed through this procedure.

## **4. Procedures**

### **4.1 Submission of Allegations**

4.1.1 Anyone may contact the Institute to raise a concern about a student's professional conduct which raises a concern regarding their fitness to practise. Typically, such contact will come from Institute staff, other students, clients or placement providers or employers. Concerns may be raised by any member of the Institute by completing a Report Conduct Cause for Concern form (see [Student Code of Conduct](#) for further information). Individuals from outside of the Institute will be requested to complete a Report Conduct Cause for Concern, but the Registrar may accept emails or letters at their discretion. The identity of the reporting person will be treated as sensitive information, but in order to

enable fairness in the procedure, it will likely need to be disclosed to the student against whom the concern has been raised. Should a reporter request to remain anonymous, this will significantly limit, and may prevent Metanoia from being able to take action through this procedure.

- 4.1.2 Anonymous reports will not normally be considered as this can impede investigation and prevent a resolution. It may also potentially create unfairness in relation to the institute's ability to properly investigate any allegations made in the report. Exceptionally, anonymous reports may be investigated where there is a compelling (public interest) reason to do so, and there is sufficient evidence.
- 4.1.3 Where a report is based substantially on the same events and behaviours have already been considered by another professional organisation and not upheld, it will not be accepted.
- 4.1.4 If evidence emerges that a report by a student or member of staff has been made in a malicious or vexatious manner, the Institute may take action against the reporter through the Student Disciplinary Procedure or HR procedures.
- 4.1.5 When a report is received, the Registrar or their nominee will notify the student's HoP. The HoP will review the submission and consider whether any immediate action needs to be taken (see Section 4 below). They will also decide whether the allegations merit review in Stage 1 or directly in Stage 2 of this Procedure.
- 4.1.6 The Registrar or their nominee will inform the person(s) making the report 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.
- 4.1.7 Should the reporter withdraw their Report at any time during the procedure, Metanoia may continue with the procedure where it considers that it is appropriate to do so in the public interest and there is still sufficient evidence.

## **4.2 Stage 1. Formal or Facilitated Meeting**

4.2.1 This constitutes a preliminary stage and may be employed where:

- There is a minor issue regarding behaviour.
- There is concern that a student may be heading towards a situation where their fitness to practise is impaired.
- To obtain further information to establish whether the matter reported needs to be escalated Stage 2.
- The issue is minor and relational and may be resolved through a facilitated meeting between the student and the reporter

4.2.2 Stage 1 may be bypassed where:

- a serious allegation has been made which indicates a possible risk to the student, clients or other individuals or could bring the profession into disrepute.
- there is already substantive evidence regarding impaired fitness to practise.
- where there is a record of repeated minor fitness to practice concerns.

In these cases, the process begins with the Stage 2 investigation.

4.2.3 Where there is an immediate or emerging cause for concern, the HoP or their nominee will arrange to meet with the student in the first instance to understand the substance of the issues reported in the cause for concern. Depending upon the nature of the cause for concern the HoP or their nominee may recommend that the matter either be managed within the programme team as set out in 4.2.4 to 4.2.5 below or, where the issue is relational, through a facilitated meeting as set out in 4.2.7 to 4.2.11.

4.2.4 Where it is determined that the matter should be managed within the programme team, the HoP or another suitable member of the team will meet with the student and attempt to resolve the issues. The discussion will explore the concern and how the student may be able to respond to them. The meeting will include an independent note taker who will produce a summary of the discussion which will be shared with the HoP and the student. The student may bring someone to accompany them to the meeting for personal support, normally a member of staff or fellow student. This support person may not normally be a legal representative nor a student who is currently part of the FtP process.

4.2.5 If it is felt to be appropriate, the HoP may agree with the student actions to remedy the situation. This may include a requirement to write a reflective piece regarding what they have understood about their actions with regards to professional conduct and what impact this will have on their future behaviour. The HP will provide explicit guidelines and areas for reflection to focus this reflexive learning enquiry.

4.2.6 Where a student refuses to meet or, in the view of the HoP, 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.

4.2.7 Where it is determined by the HoP that the matter is relational and is appropriate to be managed through a facilitated meeting, both the student and the reporter must agree to participate. If either does not agree, the matter will be managed within the programme as set out above.

4.2.8 The HoP will inform the Registry of a need for a facilitator. The facilitator will normally be someone from outside the student's programme and independent of both parties. The role of the facilitator is to bring together the student and the reporter in order to facilitate a dialogue to support each of the parties to be fully heard, to resolve differences and misunderstandings between them and to find a resolution to the issues raised in the cause for concern.

- 4.2.9 The role of the facilitator is to arrange (one or more) facilitated meetings and to support and assist the parties to have a productive conversation. The facilitator may ask questions and make suggestions to help the parties reach their own agreed resolution. The facilitator will not act as an arbitrator and is not able to propose or impose an outcome. There should be no record or recording made of the discussions themselves.
- 4.2.10 The facilitator has the discretion to end the meeting at any time should they consider it appropriate, for example where the parties continually talk over each other or where one or more of the parties becomes highly distressed. In this case the facilitator will inform the Registrar that the facilitated meeting has been unsuccessful, and the matter should be referred back to the HoP.
- 4.2.11 If after discussions the parties are unable to reach a resolution, the facilitator should discuss with them whether or not they would be satisfied to end the matter at this stage. If both parties agree to end the matter without an agreed resolution the facilitator will record this, with the signature of both parties, and notify the Registrar that the matter can be closed. Should either party not agree to the closure of the matter the facilitator will notify the Registrar that facilitated meeting has been unsuccessful, and the matter should be referred back to the HoP.
- 4.2.12 If the HoP, following Stage 1 feels that there is an ongoing concern or that the student displays a lack of insight regarding their situation and its effect on their fitness to practice, then the case will be moved to Stage 2. The student will be informed of this decision in writing.
- 4.2.13 If at the end of Stage 1, the HoP feels that there was no case to answer and there were no legitimate concerns about fitness to practice, then the student will be informed in writing of this, there will be no further action and the Registrar will be copied
- 4.2.14 If at the end of Stage 1 the HoP is satisfied that, while there were legitimate concerns, these have now been addressed either through the facilitated meeting or programme led discussions, they will inform the student in writing that the matter has been addressed, and the case closed. The student should also be advised that a record will be kept and may be considered should concerns about fitness to practice arise again in the future. The HoP will provide a summary report to the Registrar about the case and the actions taken to resolve the matter and will copy the Registrar into the outcome sent to the student. This will remain on the student's record for the remainder of their course and may be considered in the event of a further Fitness to Practice concern being raised.

### **4.3 Stage 2. Fitness to Practise Investigation and Hearing**

- 4.3.1 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:

- A criminal conviction or caution.
- A finding of misconduct through the Academic Misconduct Procedure.
- A finding of misconduct through the Student Disciplinary Procedures.
- An action taken through the Fitness to Study Procedure.
- A finding of impaired fitness to practise by another organisation.

4.3.2 The Registrar will advise the student of the referral to Stage 2 of the Fitness to Practice procedure and inform the student of the nature of the reported concerns.

4.3.3 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 is from outside of the student's programme of study.

4.3.4 The investigator should meet with the student as soon as possible to discuss the concerns and the FtP process. 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 to act as a supporter. This person should be a member of staff or another student. The supporter may not normally be a legal representative nor a student who is currently part of the FtP process. Where a student would wish to have a legal representative or disallowed student, they should make this request in writing to the Academic Registrar setting out their reasons.

4.3.5 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. The investigator should take notes of any such discussions and check these with the individual spoken to in order to ensure their accuracy. The identity of individuals spoken to cannot normally be kept confidential within the procedure. This is to ensure transparency and fairness in the process.

4.3.6 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.

4.3.7 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.

4.3.8 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. Likewise, an open and reflective approach should be noted.

4.3.9 Once the investigation has been completed, a Fitness to Practise Panel will be convened. This Panel has the remit:

- to establish the validity of any disputed facts on the balance of probability.
- to decide whether the student's fitness to practise is or was impaired.
- to decide on any actions or conditions to be applied.

4.3.10 The Panel will be composed of individuals who have not been previously involved in the case being presented and who are from outside the student's programme of study. The panel will consist of at least:

- a Chair from a different programme or from the senior academic team within the Institute
- a member from a different programme who is familiar with the regulatory and professional standards relevant to the student's course,
- another member who has experience of professional standards (this person may be external to the Institute),
- a secretary (in attendance).

4.3.11 The constitution of the Panel may be varied depending on PSRB requirements for the student's programme of study.

4.3.12 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 Academic Registrar or their nominee will make a decision.

4.3.13 Where the facts of the case are in dispute the investigator and the student will be permitted to call witnesses. The names and roles of all witnesses (and anyone attending with them) must be supplied to the Chair, via the secretary, for approval not less than five working days before the hearing. Witnesses will appear individually and be questioned by the Panel during the hearing, normally in the presence of the investigator and the student. In exceptional cases, where there is good reason, the Chair may permit a

witness to appear for questioning before the Panel only. Witnesses will attend only the part of the hearing as necessary to answer questions. They may bring someone with them as a supporter, normally a member of staff or a student who is not connected with the case and who is not a legal representative.

4.3.14 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 to prepare for the hearing
- Panel introduces themselves and explain their purpose to the student.
- Where the facts are disputed the investigator then the student will in turn to present their cases and be questioned by the Panel.
- The Panel will call any witnesses and ask them questions.
- The Panel will withdraw and meet in private to reach a decision.
- Where the facts are not disputed and there is no need for the investigator or witnesses, the Panel will meet with the student to allow them to reflect on their significance with regards to their fitness to practise.

4.3.15 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.

4.3.16 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.

4.3.17 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.

4.3.18 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.

4.3.19 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 within a timeframe.
- It is recommended that the student is suspended from their course and/or clinical or placement activities. The suspension may be set for a period of time or conditions may be given for the student to meet prior to return to study, placement and/or clinical activities.
- It is recommended that the student's registration at the Institute is terminated.

4.3.20 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.

4.3.21 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 the set period of time. Failure to adhere to conditions would lead to a further hearing by the Panel or a new Panel.

4.3.22 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 students fitness to practise.

4.3.23 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.

4.3.24 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.

#### **4.4 Stage 3 – Appeal**

4.4.1 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 upon 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.

- 4.4.2 The appeal must specify which of these grounds apply and must include supporting evidence.
- 4.4.3 The appeal will be considered by the Director of Clinical Training and a senior member of teaching staff from outside the student's programme, 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.
- 4.4.4 All documents and communications with respect to the FtP process will be reviewed in light of the appeal. The student may also be interviewed, but only 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.
- 4.4.5 If those considering the appeal are unable to agree, the DCT will nominate a third person with experience of practise standards in the relevant discipline. The outcome will be decided by the majority.
- 4.4.6 Where 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 DCT will oversee its formation. At this stage it may be necessary to use external practitioners with experience of FtP assessments.
- 4.4.7 If the appeal is rejected, the Institute will inform the student of the reasons.

#### **4.5 Office of the Independent Adjudicator for Higher Education**

- 4.5.1 Following the conclusion of the procedure the respondent, if on a programme eligible for external review, will be provided with written confirmation of the outcome and a Completion of Procedures letter, opening the way for the student to approach the Office of the Independent Adjudicator (OIA) for Higher Education.
- 4.5.2 Information and eligibility rules for review by the OIA are available at [www.oiahe.org.uk](http://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,

## **5. Precautionary Suspension**

5.1 In cases where there are serious concerns which suggest that there is the possibility of harm to the student, other students, staff, clients or members of the public, then precautionary action may be taken in the form of a full or partial suspension or exclusion. The student's HoP will make a risk assessment based on the information immediately available. The HoP will, where practical, consult with the Designated Safeguarding Lead. The HoP then may make a recommendation for precautionary action 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 The Academic Registrar will make the final decision about any precautionary conditions, suspension or exclusion action. 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 as soon as is reasonably practicable and within one working day of the decision being taken. The email will notify the student of their right of appeal.

5.3 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 Academic Registrar will review the precautionary action every 20 working days and it may be lifted on advice of the HoP in the event that there is good reason to believe the assessed risk(s) have been reduced. 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.

5.4 The Institute will consider whether it needs to disclose its decision to take a precautionary action on safeguarding grounds. 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 safeguarding risk then disclosure will not normally be made prior to the outcome of the FtP process.

5.5 The student who is subject to precautionary action will have the right to request a review of any suspension or exclusion. 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.

5.6 A student who requests a review of any precautionary action 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.

5.7 The Review Team will be formed of a Head of Programme from outside the students own course and a member of the Senior Management Group. 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 respondent in order to clarify issues raised in their request for review. In the event that the Review Team choose to speak to the respondent they must not enter into discussion about the substance of the allegations or potential outcomes whilst the Fitness to Practice procedures are ongoing.

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

- The initial Report of Conduct Cause for Concern;
- the Head of Programme's risk assessment
- The respondent's request for review.

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

- to lift a suspension, exclusion and/or conditions in full.
- to lift a suspension and instead impose exclusions;
- to amend the imposed exclusion and/or conditions
- to keep the existing suspension/exclusion/conditions in place.

5.10 The Registrar will contact the student in writing thereafter regarding the Review Team decision as set out in 5.9 above. Where at the end of the Fitness to Practice procedure a student is permitted to return to normal study The Institute will support students to re-join their programme of study. Students need to be aware that a prolonged periods of suspension may necessitate re-joining the course in the following academic year.

## **6. Confidentiality and Disclosure**

6.1 The Institute is committed to complying fully with data protection legislation including Data Protection (Amendment) Regulations 2023 and the General Data Protection Regulations. In the handling of FtP investigations, information will only be 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 the HoP 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 Director of Clinical Training 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.

#### References:

*HCPC Health & Care Professional Council – Fitness to practise*, <https://www.hcpc-uk.org/concerns/what-we-investigate/fitness-to-practise/>

*Office of the Independent Adjudicator, “Good Practice Framework: fitness to practise”*, <https://www.oiahe.org.uk/media/2373/fitness-to-practise.pdf>