

Fitness to Study Policy and Procedure

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Fitness to Study Policy and Procedure

1. Purpose and Scope

- 1.1 Whilst studying with the National Institute of Teaching (NIoT) all trainees should be able to study and perform to the best of their ability, in a safe and comfortable environment. This policy and procedure aim to support trainees to achieve their potential when there are concerns about their fitness to study. This policy can be applied from the point of offer of a place with the NIoT and will be in place until the completion of studies.
- 1.2 The term 'fitness to study' as used in this policy relates to the entire trainee experience, and not solely a trainee's ability to engage with their studies. For example, the NIoT expects its trainees to be able to live independently and in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them. This policy should not normally be used to address issues of academic performance or issues relating to attendance or individual mitigating circumstances as these are addressed in the Trainee and Apprentice handbook and Fitness to Practise policy respectively.
- 1.3 A trainee's fitness to study may be questioned if health problems are disrupting their own studies or the studies of others or result in unreasonable demands/adjustments being placed on staff or other trainees. In addition, the NIoT is bound by health and safety legislation and has a duty of care to its community. It is obliged to take action if a trainee presents a risk to themselves or to others.
- 1.4 This policy should be read in conjunction with relevant NIoT policies on safeguarding and fitness to practise. At all times it will be determined by the Head of ITE and/or the Director of Registry Services which policy should be followed in the best interests of the trainee and the pupils they interact with.
- 1.5 The level of risk posed by a trainee will be measured through the use of a risk assessment process, utilised throughout the process when this policy is enacted, to provide a consistent means of assessing the risk to the trainee, other individuals and the NIoT. This process will be led by those who oversee trainee support at the direction of the Director of Registry Service in close collaboration with Faculty and programme staff.
- 1.6 As a general rule this procedure is only intended for use in cases where the behaviour, disruption or risk presented by the trainee is perceived to be of a serious or potentially serious nature, particularly if the trainee seems unaware that their behaviour is inappropriate or is unprepared to engage in a discussion on the issue.
- 1.7 In order to maintain and enhance the NIoT community, trainees need to conform to certain standards of behaviour, and the NIoT has a Trainee Code of Conduct and non academic misconduct procedures in place to manage situations that involve trainees whose behaviour falls outside these standards. However, it is recognised that the cause of misconduct may include issues relating to a trainee's health and general wellbeing, where disciplinary action may not always be appropriate, and this policy

and procedure may be applied. The decision is made by those who oversee trainee support directed by the Director of Registry Services.

- 1.8 The NIoT reserves the right to take measures in line with its Non Academic Misconduct Policy and Procedure to deal with behaviour which is the result of physical or mental health issues, depending on the individual circumstances of the case, and in particular where a trainee's health or behaviour poses a risk to themselves or others or where the trainee fails to positively respond to more supportive interventions.
- 1.9 In order to address adverse circumstances that arise out of mental health conditions, the NIoT will be clear about any limits of support provision, particularly where little to no progress is made in the overall stability of the individual trainee concerned.

If concerns are raised while a trainee is on placement, where the NIoT's ability to engage with the trainee may be limited, if possible, the NIoT will discuss with the placement provider alternative arrangements that might address any concerns. If the concern is not appropriate for Fitness to Study procedures it may refer to the Fitness to Practise Policy. This decision will be made by the Director of Registry Services and/or Head of Faculty in consultation with any appropriate Faculty, programme or student support staff.

2. Definitions and Triggers for use of Fitness to Study Procedure

- 2.1 A trainee may be invited to engage with the Fitness to Study process for many reasons and circumstances. These include (but are not restricted to) the following:
 - A period of hospitalisation or sectioning.
 - Serious concerns about the trainee emerge from a third party.
 - The trainee's disposition is such that it indicates that there may be a condition which is having a significant adverse impact on their health, or which causes them to have difficulty making adjustments of a reasonable nature.
 - The trainee exhibits behaviour, which would otherwise be dealt with as a disciplinary matter, but which it is considered may be the result of an underlying physical or mental health problem.
- 2.2 In all cases, the trainee's Tutor and Head of Initial Teacher Education (ITE) should be notified so that the programme team is aware of the situation and can provide any necessary support.

3. Procedure

- 3.1 There are three stages of the process that are designed to support the trainee and provide every appropriate opportunity for engagement with the NIoT's services to address concerns in order to progress. These stages range from initial informal contact with a trainee presenting behaviour of concern, to a formal panel that makes a decision on whether or not a trainee may continue to study at the NIoT. At each stage the trainee is encouraged to participate fully, and all interactions will be taken seriously and recorded.

- 3.2 Relevant staff will be involved in each stage of the process. Support will be tailored to the unique needs of each individual trainee and the NIoT may take action to ensure trainee safety in line with any of the three stages of the policy and procedure.
- 3.3 The NIoT acknowledges that as a result of implementing this policy it will receive Special Category Data pertaining to the trainee and other third parties, and shall ensure that all such data is handled, processed and stored according to the NIoT's Data Protection Policy. There are a number of lawful reasons for disclosing data in order to protect harm to self or others.

4. Preliminary Suspension

- 4.1 When there is potential or actual risk to self or others, the NIoT has the power to take immediate precautionary action pending careful consideration under this policy and procedure. The decision to enforce temporary suspension under this policy is made by the NIoT's Chief Executive, NIoT's Chief Operating Officer or Director of Registry Services or their appropriate nominee.
- 4.2 The trainee has a right to request a review of this decision by an impartial member of the NIoT's staff.
- 4.3 The trainee will be given reasons for the suspension in writing by the decision-making officer, unless in the interests of their safety it would be more appropriate to discuss this with them in person. The relevant decision-maker will consider utilising the emergency contact procedure.

5. The Office of the Independent Adjudicator (OIA)

- 5.1 The Office of the Independent Adjudicator (OIA) is an independent body set up to review student complaints. The OIA provides a free and independent scheme for the review of student complaints. Upon receipt of a Completion of Procedures Letter issued as part of this procedure, you can make an application to the OIA to review your complaint within 12 months of the date of the letter. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>.

6. STAGE 1 – (Informal) Mapping Out a Support Pathway

- 6.1 The first step in the informal process, is for a member of staff to approach the trainee and explain to them, in a supportive and understanding manner that concerns about their wellbeing have emerged. This would ordinarily be a member of staff from the programme team with primary responsibility and/or knowledge of the trainee concerned (e.g. their Tutor or Head of ITE) together with a member of the NIoT's support team as directed by the Director of Registry Services. However, if concerns arise outside of the teaching environment, then the NIoT's trainee support (under the direction of the Director of Registry Services) should take the lead, in consultation with the trainee's Head of ITE. The purpose of this stage is to understand the trainee's needs and to refer to the NIoT's support (as directed by the Director of Registry Services) to put the support in place.

- 6.2 The trainee should be made aware of the precise nature of the behaviour that has caused these concerns to be raised, including, if appropriate, reference to the level of perceived risk presented by the trainee as measured by the risk assessment process. The member of staff will attempt to resolve the matter through discussions with the trainee. The trainee should be given the opportunity to explain their own views on the matter and be encouraged to think about using one or more of the support services offered by the NIoT or available outside the NIoT. The trainee will be encouraged to see their GP. It may also be appropriate to look into the possibility of making special arrangements to enable the trainee to study effectively.
- 6.3 It is hoped that in most cases issues can be resolved at this level, and that trainees will respond positively, cooperating fully with the process and taking advantage of the support available.
- 6.4 If appropriate, the trainee will be referred to Occupational Health for their advice regarding what support can be provided, and to signpost the trainee to any external support. This would include any external services e.g. BUPA which is open to all trainees.
- 6.5 A review period should be determined between appropriate staff and the trainee to note progress made. If concerns have been addressed satisfactorily, this will be noted. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the procedure.
- 6.6 The informal discussions, advice and any undertakings made by the programme team and/or the trainee should be documented for the benefit of both the programme team and the trainee. The NIoT's trainee support under the direction of the Director of Registry Services should be provided with the notes in order to update risk assessments and ensure that all follow-up procedures are in place.
- 6.7 If a trainee does not engage with support or if concerns cannot be addressed through the informal route, they should be informed that more formal action under Stage 2 of this policy and procedure may be considered appropriate.

7. STAGE 2 – Enhanced Support Panel

- 7.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the policy will be invoked. A meeting of an Enhanced Support Panel shall be convened by the Director of Registry Services (or appropriate nominee). The group is led by a leader as directed by the Director of Registry Services. and can comprise of appropriate representatives of the trainee's programme. The panel will usually be made up of a minimum of three panel members. Regardless of who makes up the Enhanced Support Panel, the Head of ITE should be alerted to the activation of Stage 2.
- 7.2 As part of this process, a medical assessment or a medical history will be sought and this will be done via Occupational Health. The trainee will be strongly encouraged to consent to this, as it will ultimately enable the NIoT to address the trainee's difficulties in the most effective manner possible and make an accurate assessment of risk. The medical assessment will be used to determine the following matters:

- the nature and extent of any medical condition from which the trainee may be experiencing challenges.
 - their prognosis.
 - the extent to which it may affect their fitness to study and manage the demands of trainee life.
 - any impact it may have or risk it may pose to others.
 - whether any additional steps should be taken by the NIoT in light of the medical condition to enable the trainee to study effectively.
 - whether the trainee will be receiving any ongoing medical treatment or support.
- 7.3 The trainee will be asked to authorise full disclosure to the NIoT of the results of any Occupational Health referral. The NIoT recognises that any such information disclosed will constitute “Special Category Data” for the purposes of the Data Protection Act 2018, and will be handled, processed and stored appropriately.
- 7.4 Should the trainee refuse to a referral to Occupational Health, the NIoT will continue this process based on the information already available, which may limit outcome options due to lack of information.
- 7.5 The trainee will normally be given at least 5 working days’ notice of the Enhanced Support Panel and informed of the purpose of the meeting. They will also be provided with any documents which will be considered by the panel and asked to provide any documentation they may wish the panel to consider within 48 hours prior to the meeting. In emergency situations it may be necessary to hold a meeting with less than 5 working days’ notice. It may be appropriate to consider alternative working arrangements for the trainee during this time.
- 7.6 The trainee may be accompanied at the meeting by a supportive representative of their choice. The role of the supporter is to provide advice and emotional support but is not normally an advocacy role. Neither the NIoT nor the trainee will normally be permitted to be represented by a legal practitioner at meetings or hearings held under this policy. A supporter cannot act both as a witness and as a supporter.
- 7.7 The purpose of the meeting will be:
- to make the trainee aware of the nature of the concerns that have been raised.
 - to hear and consider the trainee’s views and to identify what support needs are present.
 - to agree the best way to proceed and to map out a supportive plan.
 - to ensure that the trainee is fully aware of the possible outcomes if risk remains.
- 7.8 The Enhanced Support Panel will order its proceedings at its own discretion and may invite other staff to attend, including NIoT or partner staff working with the trainee, and make enquiries to assist its deliberations. If the trainee is unwilling to engage with the process or does not attend the initial meeting, the hearing can take place in the absence of the trainee.
- 7.9 The Enhanced Support Panel may decide:

- To formally monitor the trainee's progress for a specified period of time. In this case an action plan will be agreed with the trainee, outlining any steps which the trainee will need to take and/or any support to be provided to the trainee to address the concerns identified. Regular review meetings with the trainee will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the trainee to study effectively is being provided). The trainee will also need to be informed of the consequences of any breaches of the action plan, which will normally involve their fitness to study being escalated to Stage 3 review.
- To recommend part-time study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the trainee's Head of ITE and by the trainee, and appropriately processed. The trainee should also be advised to seek guidance regarding the possible financial implications of moving to part-time study before agreeing to this change. The trainee will be informed that unless these arrangements remedy the concerns to the NIoT's satisfaction, an interruption will be recommended or their fitness to study may be considered at Stage 3.
- Where the trainee is on placement, to propose to the trainee suspending the placement. Trainees may be suspended from the placement component of the course if they are unable to meet the requirements of professional regulatory bodies. Reference to the 'Fitness to Practise' Policy can be used if the individual case cannot be appropriately managed by Fitness to Study procedures.
- To recommend that the trainee's studies be interrupted or suspended for a period of time.
- To refer the case to the NIoT Chief Operating Officer to be considered under Stage 3 of this procedure. This will only be appropriate in the most serious of cases, where, for example, evidence of a serious risk to either the health and safety of the trainee or others has been identified, and it is thought that suspension, exclusion or expulsion of the trainee may be the appropriate course of action, or where a particular course of action has been recommended (such as part-time study or suspending a placement) but the trainee does not agree.

7.10 The decision of the Enhanced Support Panel, together with a concise record of the meeting, should be sent to the trainee within 7 working days from the date of the meeting, and a copy kept on the trainee's record.

8. STAGE 3 – Formal Review Panel

8.1 This stage of the procedure will normally be implemented following a referral from a Stage 2 Enhanced Support Panel, but Stage 3 could also be triggered in exceptional circumstances where there is heightened risk or urgency. In some exceptional circumstances, both the NIoT Chief Operating Officer and CEO will consider if the concerns raised are of a nature sufficiently serious to warrant the trainee's interruption/suspension, exclusion or expulsion (e.g. if they pose a potential threat to

the health and safety of themselves or others, or disruption to the working of the institution).

- 8.2 The NIoT's Chief Operating Officer shall then convene a Formal Review Panel which shall normally be chaired by the NIoT's Chief Executive or appropriate member of the Executive Team. The panel will usually be made up of three panel members, but can convene a panel of two if this will delay in the process.
- 8.3 The NIoT's Chief Operating Officer will arrange a date for a meeting of the Formal Review Panel to hear the case and invite the trainee to attend to discuss the concerns and all relevant issues. A member of professional services will act as Secretary to the panel.
- 8.4 The trainee will normally be given at least 7 days' notice of the meeting of the Formal Review Panel. The purpose of the hearing will be explained and any documents to be considered at the meeting will be provided.
- 8.5 The trainee may be accompanied at the meeting by a supporter. The role of the supporter is not to advocate for the trainee. The NIoT will not normally permit the trainee to be represented by a legal advisor.
- 8.6 The purpose of the meeting will be to consider the evidence available, including the trainee's perception of these concerns, and for the panel to reach an appropriate decision, action plan or other outcome.
- 8.7 The Formal Review Panel will order its proceedings at its discretion and may call witnesses and NIoT enquiries to assist its deliberations, including staff working with the trainee, which may include requesting further medical assessments of the trainee's fitness to study. It will also consider an updated risk assessment where appropriate.
- 8.8 The trainee shall be notified of the decision in writing within 10 working days' of the meeting of the Formal Review Panel. This may include one or more of the following:
 - To convert from full-time to part-time study with support; special academic arrangements are put in place; or an interruption/suspension of studies occurs. The trainee should be advised to seek guidance regarding the implications of such a measure. The trainee will be informed of the consequences should these arrangements fail to remedy the concerns identified to the NIoT's satisfaction.
 - That the trainee's studies be interrupted or suspended, agreed by the student or exceptionally enforced by the NIoT
 - That the trainee be withdrawn from their studies, agreed by the student or exceptionally enforced by the NIoT
 - Any other action considered to be appropriate and proportionate.
- 8.9 The trainee shall be informed of the right to appeal against the decision in accordance with section 9 of this policy.

9. Right to Appeal

- 9.1 A trainee wishing to appeal against a Stage 3 decision may do so in writing to the NIoT.

9.2 Appeals may only be based on one or more of the following grounds:

- That relevant material new evidence which was not reasonably available at the time of the Stage 3 Panel can be provided;
- That there has been a failure of due process; and/or
- That the decision was unreasonable and/or the outcome disproportionate.

9.3 A trainee should make a request to appeal in writing to the Director of Registry Services within 10 working days of the date of the Stage 3 decision letter referred to at Section 8.8 above.

9.4 The notice of appeal must be accompanied by a concise written statement from the trainee that identifies precisely the grounds upon which the appeal is based, and a summary of the appeal case itself. A request to appeal submitted without this information will not be taken further.

9.5 The NIoT's Chief Operating Officer will determine whether grounds for appeal have been met and will advise the trainee within 10 working days of receipt of notification.

9.6 If grounds for appeal have been met, the NIoT's Chief Operating Officer will convene an Appeal Panel.

9.7 If no grounds for appeal have been met, the appeal will be dismissed, and a Completion of Procedures Letter will be issued.

9.8 If the Chief Operating Officer determines the grounds have been met, they will convene the Appeal Panel and it will be chaired by a member of the NIoT Executive and will consist of other senior members of NIoT staff who have had no previous involvement in the case.

9.9 Once the Panel has been convened, the trainee will receive an invite to the Appeal Panel.

9.10 A Clerk to the Appeal Panel will be appointed by the NIoT's Chief Operating Officer.

9.11 Following its consideration of the case, the Appeal Panel will take one of the following actions:

- Uphold the decision of the Stage 3 Panel in full
- Uphold the decision of the Stage 3 Panel but substitute the original outcome
- Set the decision aside and determine that the case should be dismissed
- Set the decision aside and require the Stage 3 Panel to reconsider its decision

9.12 The decision of the original Panel shall remain in effect until an appeal has been considered by an Appeal Panel, and only varied if so decided by that Panel.

9.13 The Clerk to the Appeal Panel will notify the student in writing of the decision of the Panel within 7 days of the hearing and will issue the trainee with a Completion of Procedures Letter.

9.14 The decision of the Appeal Panel is final

10. Return to Study

- 10.1 After a period of interruption/suspension on health grounds reached by mutual consent, the decision as to whether to permit the trainee to return to study will be made by the Head of ITE, with support from a Regional Principal. There will also be a fitness to return review following a mental health section.
- 10.2 To this end, the Director of Registry Services (or appropriate nominee) along with the Head of ITE will identify the issues of concern the NIoT has in respect of the trainee's fitness to study. The support services at the NIoT will contact the relevant medical professional for an assessment of the trainee's ability to manage the demands of studying at NIoT, drawing attention to the nature and extent of the trainee's previous problems and the NIoT's concerns about them.
- 10.3 Trainees will only be permitted to return if, after receiving medical advice, the NIoT is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return.
- 10.4 In cases where the NIoT has any continuing concerns about the individual's fitness to study, an Occupational Health Referral will be made in order to properly evaluate the trainee's current state and provide a second medical opinion.
- 10.5 In any case where a trainee returns to study following the implementation of the fitness to study procedure, the NIoT may decide that there should be regular review meetings with the trainee that can be used to monitor and support a return to study plan. If so, the trainee must provide their continued cooperation in this respect, and such review meetings may continue for part or all of their remaining time at NIoT.