

Trainee Fitness to Practise Policy and Procedure

Introduction

At the Oxford Mindfulness Centre (**OMC**), we are committed to preparing trainees to become safe and effective mindfulness teachers. We aim to help trainees from the start of their teacher training programme to understand the requirements for completion, including the high standard of ethical behaviour required as set out in our Guiding Ethical Principles, and trainees are expected to be familiar with this professional ethical code from the outset of their training. The code is based on the core principle of working for the benefit and wellbeing of all trainees while avoiding, minimising, and mitigating harm (as well as other principles common to ethical codes across the world and other similar professions).

Scope and applicability

The Fitness to Practise Policy applies to trainees enrolled on any teacher training programme with the OMC.

OMC is the trading body of a not-for-profit charitable Trust, the Oxford Mindfulness Foundation (**OMF**), which provides training, public courses and research. Any fitness to practise concerns or issues will be overseen by the OMF Board of Trustees (**OMF Board**). The OMF may delegate the responsibilities for implementing and executing the procedures below to the CEO.

Under the OMF's Articles of Association, the OMF Board has the relevant powers to suspend trainees or discontinue training on fitness to practise grounds. The OMF Board may also delegate this responsibility to the CEO.

In a situation where it is believed that a trainee's behaviour presents a risk to themselves or others, appropriate action will be taken in line with the OMC's Safeguarding Policy and Procedures.

Fitness to Practise

Our use of the term 'Fitness to Practise' refers to having the skills, knowledge, health, and character to teach mindfulness safely, competently and with integrity. This policy was developed to meet our responsibilities in order to:

- Ensure that trainees are fit to practise and teach mindfulness in accordance with their specific training route.
- Upon full completion of their teacher training programme of study they will be able to safeguard the public's confidence in the mindfulness teaching profession in line with OMC's guiding ethics and principles.
- Ensure that only trainees who are considered fit to practise are eligible to apply for any form of certification.

Every effort will be made to ensure that the procedures laid out in this policy are delivered in a supportive and sensitive manner.

Fitness to practise may be a cause for concern as a result of a wide range of circumstances. Examples of issues that may lead to fitness to practise concerns include:

- Misconduct as referred to in our Disciplinary Policy and Procedure.
- Health and safety breaches.
- Failure to disclose criminal convictions or other information that the trainee is required to disclose.
- Inaccurate or falsified application information and supporting documents.
- Unsafe practice, incompetence or requiring too much supervision.
- Unprofessional behaviour during training sessions, which include but are not limited to: lack of respect, aggressive or poor attitude, laziness, lack of discipline, failure to dress appropriately, failure to fully engage with training sessions, poor time keeping, and poor attendance.
- Failure to self-reflect, lack of insight.
- Failure to engage, co-operate or comply with investigations into unprofessional behaviour.
- Poor self-management, lack of personal accountability.
- Breaking confidentiality.
- Behaviour outside of the training courses including: criminal conviction e.g. violent offence, any offences of dishonesty, disruptive behaviour in the community, inappropriate use of social media, and any safeguarding concerns.
- Poor mental or physical health, or serious physical impairment that interferes with the trainee's ability to practise safely.
- Concerns regarding language or communication skills that negatively impact learning, engagement with the training course, or competent teaching.

The indicators above may not necessarily always lead to the application of this policy, however in the event of an issue arising the OMF Board and/or CEO will decide whether there is a fitness to practise issue to pursue.

The Disciplinary Policy may be used as an alternative to deal with behaviour which is the result of physical or mental health issues depending on the individual circumstances of the case.

Fitness to Practise Procedure

The Fitness to Practise procedure can be entered into at any of the four stages depending on the level of concern and urgency, although it is hoped that most situations can be remedied by actions taken at stages 1 or 2.

We may consult independent experts at any stage to ensure the best understanding of the trainee's situation and how they can be best supported.

Information about a trainee's health is sensitive, and considered as personal information under the Data Protection Act 1998. The trainee must be asked to sign an explicit 'consent to share' form if the information being requested is in addition to the information given in the original application form to train.

The personal information gathered at any point in the process of assessing a trainee's fitness to practise must only be shared where and when it is reasonable and necessary.

Temporary suspension: In serious cases, the CEO and/or OMF Board is empowered to suspend a trainee for a set period of time with immediate effect provided that the matter is reviewed expeditiously. Written reasons for this suspension decision must be recorded and provided to all involved. A trainee who is subject to temporary suspension is prohibited from

participating in all OMC activities. The decision to suspend will normally be reviewed **within 4 weeks**.

Where the CEO and/or OMF Board has serious concerns about a trainee who is already a registered and practising teacher of mindfulness, they may be obliged to raise those concerns with any relevant professional body, the trainee's employer, or other interested party.

STAGE 1 - Initial support and guidance

A trainee with mental or physical health difficulties that may affect, or be affected by, their participation in an OMC programme of study is encouraged to seek support. A trainee is also encouraged to speak to a member of the training programme team (their mentor or a programme trainer) in the first instance about any problems they may be experiencing, or how the OMC team might be able to offer support.

STAGE 2 – Emerging concerns

If valid (as considered by the OMC) concerns have been raised about a trainee, a member of the training programme team will approach the trainee and explain to them, in a supportive and understanding way, that concerns about their fitness to practise have emerged. The trainee will be made aware of the precise concern, and attempts will be made to resolve the matter by informal discussions. The trainee will be encouraged to share their views on the matter and if appropriate, should be encouraged to access support services. Consideration should be given to any specific support that could help the trainee with the concerns or issues raised. It is hoped that in most cases the matter can be resolved informally at this stage and that the trainee will engage to make this possible. Outcomes and time frames that are established through discussion should be set out in a letter via email to the trainee, so it is clear what has been agreed.

A review period should be established, by agreement, and sufficient time should be given to allow any agreements to be implemented. At review meetings any agreed steps taken to address concerns should be discussed. The general expectation is that the trainee will take total responsibility and fully engage with any support recommended by the OMC.

If concerns have not been addressed, support has not been sought, and the OMC feel that progress has not been made, the case can move on to the next stage.

STAGE 3 – Continuing or significant concerns

The third stage is for the CEO of OMC (or a nominee from the OMF Board) to consider the concerns.

If it is deemed necessary, it is possible that medical information may be sought, usually from the trainee's GP or a medical practitioner. In this case, the trainee will be asked to provide consent for the relevant medical information to be shared, and for the OMC to review the information provided in relation to the OMC's concerns. This information will be shared with all involved in the process and may be shared with the CEO and/or OMF Board.

The trainee will be asked to submit any other relevant information or supporting documents at this stage which will be taken into consideration in any decision.

The outcomes available to the CEO (and/or the nominee) are:

- No further action required.
- Trainee to be monitored formally for a specific period of time, with an agreed action plan and specific review meetings arranged between the trainee and a nominated member of the training programme team.
- If the action plan is breached, the case will normally move to stage 4.
- If necessary, temporary suspension will be in place until specific concerns are addressed and/or until a review of additional medical information takes place. If possible, the suspension will be reviewed, and lifted, within a short period of time.
- Referral to a Stage 4 Fitness to Practise Panel will be considered if the trainee has not agreed to a recommendation or a proposed action plan.
- Referral to Stage 4 will also be considered for serious cases, or when it is deemed that a longer suspension or permanent discontinuation of training or withdrawal from the programme may be the appropriate course of action.

STAGE 4 – Serious or Persistent Concerns

A panel will be convened by the Chair of the Board of OMF Trustees (usually with two other trustees of the OMF Board). The panel will review the fitness to practise concerns and the CEO's response.

It is possible that (further) medical information and a formal assessment may be sought, usually from the trainee's GP or medical practitioner. In this case, the trainee will be asked to provide consent for the medical assessment and consent to share it with the CEO and/or OMF Board.

The panel may also ask for additional information from the trainee, and the trainee will be invited to submit any further relevant information. The trainee is entitled to request a meeting with the panel, and if granted, is entitled to bring a friend or representative.

The outcomes available to the OMF panel under this stage are:

- Suspension with conditions: The terms of the suspension, including the conditions, will be provided to the trainee in writing, depending on the circumstances of the case, and the decision to suspend a trainee shall be reviewed as necessary by the panel.
- Exclusion or requirement to withdraw: Taking into account the individual circumstances of the case and any supporting medical evidence, the panel may conclude there is no reasonable prospect of the trainee re-engaging with their programme in the short to medium term. In this case a recommendation can be made that the trainee is required to discontinue their training.
This recommendation should only be made in the most serious cases.
- Any other action considered to be appropriate and proportionate.

When these internal procedures have been concluded, a Completion of Procedures letter will be sent (via email).

Return to Training/Practice

The CEO or OMF panel that made the recommendation regarding a suspension is the correct party to consider whether the trainee is fit to return to study. Further evidence (including additional medical evidence) may be requested from the trainee which considers their ability to fully engage with their studies and meet the requirements of the programme. A trainee will only be permitted to return if, after receiving the evidence, the CEO or OMF Panel is satisfied that the individual is fit to study. It is the responsibility of the trainee to provide the evidence that they are fit to resume study.

Where a trainee returns to study after a temporary suspension under this policy the CEO or relevant OMF Panel will consider any support that the trainee may require to return to studies, such as regular review meetings or a return to study action plan. The general expectation is that the trainee will take personal responsibility for fully engaging with this support, catching up on any missed learning and agreeing to any terms associated to return to study as set by the OMC.

RIGHT OF APPEAL

If the trainee wishes to appeal the Board of Trustee's Stage 4 response and their Completion of Procedure outcome, they can do this in writing to the CEO within 5 working days following written receipt of the Completion of Procedures letter. The appeal should include reasons for appealing, and what the trainee wishes to achieve from the appeal. An independent person or organisation will review the complaint, their findings will be final in respect of the Fitness to Practice procedure.

Appeals at this level require a £5,000 advance escrow payment to the OMC legal team. If the appeal is dismissed, the trainee appealing (via the escrow payment) will bear all costs involved in this process. If the appeal is upheld, full escrow payment will be returned with OMC bearing associated costs.

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