

## **FITNESS TO STUDY AND/OR PRACTISE POLICY AND PROCEDURE**

### **1. Introduction**

- 1.1 Reaseheath College and University Centre Reaseheath are committed to supporting student wellbeing and recognise that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement.
- 1.2 Fitness to Study/ Practise relates to an individual's capacity to participate fully as a student, in relation to academic studies, work placements and life generally.
- 1.3 In this policy University Centre Reaseheath will be referred to as UCR, and Reaseheath College as RHC. Where unspecified, or where 'we' or 'our' is used, the provisions of this policy apply to both UCR and RHC.
- 1.4 Where there is reference in the procedure to any role, this includes any person who is nominated by the role-holder or the executive team to carry out that role.

### **2. Purpose**

- 2.1 The purpose of this policy is to provide a suitable, co-ordinated response by academic and support staff in circumstances where a student's fitness to study/ practise is a cause for concern.

### **3. Fitness to Study and Fitness to Practise**

#### **3.1 *Fitness to Study***

A student's fitness to study may be a cause for concern because of a wide range of circumstances, including (but not limited to) the following:

- Where a student is affected by medical conditions that require long periods of absence and treatment.
- Where there are doubts from staff regarding a student's fitness to study due to a pre-existing medical condition.
- Where taking part in a programme related activity or assessment would put at risk the long-term health and wellbeing of a student due to a pre-existing medical condition.
- When teaching, learning and support of other students is disrupted, or where unreasonable demands are being made on staff or students because of the poor physical or mental health of a student, which is getting worse.
- Where there is a potential risk to a student or others due to the student's poor physical or mental health, which is getting worse.
- Behaviour which would usually be dealt with as a disciplinary matter, which may be known to be or suspected to be the result of an underlying physical or poor mental health difficulty.

- The student's academic performance or personal conduct in academic settings is not acceptable and may be known to be or suspected to be the result of an underlying physical or poor mental health problem.

### 3.2 *Fitness to Practise*

Fitness to practise is about professional conduct and competence in roles involving a high degree of trust and responsibility. A student must be capable of meeting the minimum standards to practise safely and effectively once becoming a registered professional.

At UCR specifically, this policy will cover work-based learning placements during the second year of study, and sandwich year placements, on professionally accredited programmes.

A student's fitness to practise may be a cause for concern because of a wide range of circumstances, including (but not limited to) the following:

- Where student behaviour leads to concerns over animal welfare.
- Where student behaviour leads to concerns over public protection or damages the wider public interest. "What would the ordinary member of the public think about what student X has done?"
- Behaviour outside of a profession's normal code of conduct.
- Non-compliance with relevant legislation.
- Where student behaviour leads to reduced public confidence in the profession.
- The student brings the profession into disrepute.

### 3.3 Fitness to practise problems are a cause for greater concern if the student:

- has a lack of insight into their actions and the consequences of those actions.
- is close to graduation.
- behaviour is deliberate or reckless.

### 3.4 This policy is intended for use where the situation is deemed serious and has not been resolved via the availability of the existing academic and student support resources within UCR or RHC. The procedure will be the same whether issues are caused by health problems bringing into doubt a student's fitness to study or caused by health/ performance/ conduct problems bringing into doubt a student's fitness to practise.

### 3.5 It is assumed that UCR and RHC will deal with all fitness to study/ practise concerns raised, whilst recognising that students are also subject to the specific codes of conduct and policies of their training provider whilst on placement or when employed.

### 3.6 Fitness to practise concerns or allegations may be raised by:

- The student themselves
- Fellow students
- Members of staff at the placement organisation (training practise), UCR (training provider), or the wider College
- Awarding bodies
- Relevant professional associations (e.g. RCVS and University of Chester)
- Paraprofessionals
- Members of the public
- The police
- Anonymous sources

- 3.7 This policy is intended for use where the academic and/or placement situation is deemed serious and has not been resolved via the availability of existing academic and student support resources.

#### **4. Scope**

- 4.1 This policy applies to all RHC or UCR students. It applies to students throughout the period of their registration. It applies to students on work experience or sandwich year placement, or otherwise representing RHC or UCR in the wider community.
- 4.2 This policy is not intended for use during the interview or admissions process. Established admissions policies provide for information, advice, guidance, and the assessment of individual needs on application to study. Admissions policies can be found on the UCR website at <https://ucreaseheath.ac.uk>, or on the RHC website at [www.reaseheath.ac.uk](http://www.reaseheath.ac.uk) as appropriate. RHC and UCR reserve the right to apply the admissions policies rather than this policy in the first six weeks of the start of the academic year.
- 4.3 This policy may also be used to manage situations where the student disciplinary procedure or other procedures are applicable, but not appropriate, due to a student's poor health or wellbeing. However, there may be situations where it is appropriate to use other policies and procedures, and we reserve the right to do so, even though there may be some concerns about the student's health or wellbeing.

#### **5. Overall Responsibility**

- 5.1 The Vice Principal (RHC) and the Assistant Principal and Dean of Higher Education (UCR) have overall responsibility for this policy.

#### **6. Equality and Diversity**

- 6.1 In responding to and managing situations where a student's fitness to study/ practise is a concern, we remain mindful of our duty of care and of our obligations under the Equality Act 2010, including our duty to make reasonable adjustments to teaching and learning, assessment and other activities, as appropriate.
- 6.2 In implementing the procedure we will ensure that we offer and encourage students to seek appropriate support from the outset, for example by referring students to their medical practitioner, or the Student Counselling Service, the Nurse, the Welfare team, the Chaplaincy, the HE Support Team (UCR), or Learning Support Services (RHC) as appropriate.
- 6.3 When implementing this procedure, each matter will be dealt with in a supportive manner and on an individual basis. Any decision reached about a student's fitness to study will be made, wherever possible, through a process involving the student and other relevant parties such as academic staff, and internal and/ or external agencies as appropriate under the circumstances.
- 6.4 RHC and UCR are committed to equal opportunities and our aim is to make our procedures easy to use and accessible. We will take reasonable steps to accommodate any reasonable adjustments to enable access to this procedure or receive responses in other formats, and provide such assistance as may be reasonably required.

## 7. General

- 7.1 All members of staff must consider safeguarding procedures alongside this procedure. If an incident occurs where there is critical concern regarding risk to self or others, the staff member must immediately notify the Designated Safeguarding Lead or Deputy and the emergency services must be called if necessary. The Head of Student Services, and the Dean of HE (UCR) must be informed in accordance with safeguarding procedures.
- 7.2 This policy and procedure will be carried out in line with our Data Protection Policy. Where a student is 18 years of age or above, parents may not be informed of or be involved in proceedings without the express written consent of the student, subject always to RHC and UCR's duty of care to safeguard the welfare of students and responsibilities under the safeguarding policies and procedures. We reserve the right to contact a student's parent/s or next of kin where we consider we have a responsibility to do so under our duty of care to safeguard students and our responsibilities in our safeguarding policies and procedures.
- 7.3 Any member of staff who has a concern about a student's fitness to study and/or practise, or has had a concern reported to them, should in the first instance, discuss those concerns with the student's Course Manager (RHC) or Personal Academic Tutor (UCR) and the Student Services team if appropriate, remaining mindful of the confidential and sensitive nature of the matter being discussed.
- 7.4 If the Course Manager/ Personal Academic Tutor feels initiation of this fitness to study/ practise procedure is appropriate, they must first seek approval from the HE Academic Services Officer (UCR), or Curriculum Area Manager/Assessor-Coordinator (RHC). The Course Manager/ Personal Academic Tutor must record their decision on ProMonitor. The HE Academic Services Officer will liaise with the Assistant Dean of HE and the Dean of HE to ensure that the correct policy and procedure is being used as appropriate to a UCR student's circumstances. For RHC, the Curriculum Area Manager/Assessor-Coordinator will liaise with the Vice-Principal to ensure that the correct policy and procedure is being used as appropriate to a RHC student's circumstances.
- 7.5 Where there is no critical concern of immediate risk to self or others, this fitness to study/ practise procedure has 3 stages. The student would usually enter the process at Stage 1. However, if the relevant Assistant Principal (RHC) or the Dean of HE (UCR) considers the level of concern to be serious and immediate they may decide that the student needs to immediately enter the process at stage 2 or 3, as appropriate.
- 7.6 RHC and UCR may be required, and reserves the right where required by regulation/law, to report to relevant professional body(ies) and/ or the Disclosure and Barring Service (DBS) the conduct of any student whose fitness to study has been subject to these procedures.
- 7.7 Where student behaviour may constitute a criminal offense, the Assistant Principal (RHC) or the Dean of HE (UCR) may decide that no action, other than a possible temporary suspension, be taken under these procedures until the criminal investigation and adjudication has been concluded. The outcome of that process can then be taken into account when resuming these procedures.
- 7.8 A UCR or RHC student subject to these procedures, pending the convening of a fitness to study/ practise hearing, may be removed from placement, excluded from specific activities,

or temporarily suspended, including from on-site accommodation by the Vice Principal or Dean of HE. This would occur where the action is urgent and necessary in order to protect the student, other student or the RHC or UCR community generally. The student will be able to collect on-site belongings by arrangement, and will retain access to the VLE. The student will be informed of such a decision by email and letter within 5 working days.

7.9 Whilst it is envisaged that such cases will be exceptional, we reserve the right, at any stage and level of this procedure, to vary the process we follow in the interests of fairness and/ or health and safety. For example, this might occur where there are concerns that the attendance of a student at a meeting, or the provision of information to the student, could have a detrimental effect on the student e.g. if the student is self-harming or the student is in hospital.

7.10 Should a student be unwilling or unable to take part at any stage of the procedure or to attend a meeting, we may nevertheless follow the procedure where it is reasonable to do so. In addition, we will consider any request from a student to proceed with a meeting in his or her absence based on written reports and/ or a written statement from them.

7.11 **This process applies to FE, Apprenticeships and HE. The following terms are used for ease of reference:**

Role	Responsibility
<b>Fitness to Study/ Practise Initiator</b>	<b>Course Manager, Assessor, or Personal Academic Tutor</b>
<b>Fitness to Study/ Practise Manager</b>	<b>Curriculum Area Manager or Assessor Co-ordinator or HE Academic Services Officer/Assistant Dean of HE</b>

## 8. Stage 1 – Initial Concern (action within departments)

8.1 Concerns at this stage may include deterioration in health, appearance, behaviour, attendance, or the ability to meet deadlines, succeed academically or participate in normal student life. This may be picked up in tutorials or other conversations with the student, reported by another member of staff, reported by a member of the public whilst the student is on placement, or raised as a concern by the student themselves. Students raising concerns about peers should be offered support.

8.2 **The Fitness to Study/ Practise Initiator must notify the Fitness to Study/ Practise Manager to obtain their approval to initiate the Fitness to Study/ Practise Policy and the Stage 1 action.** The **Fitness to Study/ Practise Manager** should ensure liaison with all relevant parties such as academic staff, the HE Support Team, student services, employers and/ or other internal and external agencies as appropriate in relation to the student’s individual circumstances.

8.3 The **Fitness to Study/ Practise Initiator** will discuss initial concerns with the student using one to one support. The student should be made aware that a Fitness to Study/ Practise process has been initiated and of the substance of the concerns.

8.4 The student should be encouraged to use one or more of the support services, e.g. Student Welfare. Specific academic arrangements, or reasonable adjustments, should be considered where appropriate. Actions plans should be agreed with the student where appropriate.

- 8.5 The **Fitness to Study/ Practise Initiator** must record the one to one support and any agreed actions on ProMonitor, with an agreed review date (ProMonitor templates are provided). A record of the discussion (template from ProMonitor), with any agreed actions and review date, must be sent to the student within 5 working days of the discussion.
9. **Stage 2 – Continuing concern or sudden deterioration: Case Review Meeting**
- 9.1 Stage 2 will be initiated where concerns are continuing or the review date agreed at the stage 1 discussion has passed and the student is still experiencing difficulties. It may also be initiated when there is a significant initial concern which is felt to be too serious to be handled at Stage 1.
- 9.2 The **Fitness to Study/ Practise Initiator** should inform the **Fitness to Study/ Practise Manager** of the continuing concern. It is the responsibility of the **Fitness to Study/ Practise Manager** to ensure that Stage 2 of this procedure is followed. They must notify the Head of Student Services that a Stage 2 Case Review meeting is being set up.
- 9.3 The **Fitness to Study/ Practise Manager** will arrange a Case Review meeting with the student's Course Manager/ tutor and any other staff from the department and/ or support services as is considered appropriate in the individual circumstances. The meeting will be chaired by the **Fitness to Study/ Practise Manager**.
- 9.4 The **Fitness to Study/ Practise Manager** will notify the student of the meeting at least 5 working days prior to the meeting date by email and letter. This notification should make the student aware of the purpose of the meeting and its possible outcomes, and that they may be accompanied at the meeting by a relative, friend, student representative, or support worker (but not by a legal or other professional adviser unless the Dean of HE (UCR) or Vice Principal (RHC) agrees). In the event that the student is unable or unwilling to attend, the meeting may go ahead in their absence, if the Chair of the meeting considers it reasonable to do so.
- 9.5 The Chair of the meeting must consider whether any others should also be informed and/ or invited to attend based on their ability to provide expert advice, or those who need to be there because of their relationship with the student. Depending on the circumstances, this could include other members of staff, parents, carers and/ or representatives of internal and/ or external agencies. Where the student is 18 years of age or above, parents may not be involved in or informed of proceedings without the express written consent of the student, subject to Clause 7.2 of this policy.
- 9.6 In the case of a looked-after student or a student with an Education, Health and Care Plan, the Case Review will be in consultation with the Local Authority.
- 9.7 The Chair may request a medical assessment for the purpose of obtaining evidence to inform the Case Review, usually from the student's GP or medical practitioner, or other medical evidence. The student will be encouraged to consent to such an assessment and be given reasonable time to comply prior to the meeting.
- 9.8 The Case Review meeting will consider whether the student is able to participate as a student, in relation to academic studies and student life generally, and whether any support needs can be met by support services.

- 9.9 If this is not considered possible, stage 3 of the procedure will be initiated. Otherwise, an action plan will be agreed with the student detailing any steps the student will need to take and the support to be provided to the student. This action plan will normally detail different actions to any actions already agreed by the department. Regular review meetings will be arranged with the student and a nominated member of staff. The student should be made aware of what will happen if the action plan is breached, which will normally involve their case moving to stage 3.
- 9.10 The outcome of the Case Review meeting must be recorded on Pro-Monitor by the **Fitness to Study/ Practise Manager** (Pro-Monitor Templates provided). A record of the outcome, with any agreed actions and timescale, will be sent to the student by the **Fitness to Study/ Practise Manager** within 5 working days of the Case Review meeting.
- 10. Stage 3 – Serious, persistent and/ or critical concerns: Fitness to Study/ Practise Panel**
- 10.1 The most serious level of concern can be reached either through progression from Stages 1 and 2, or directly if the concerns identified by a member of staff are serious, persistent or have become critical i.e. the student’s behaviour is putting health and safety, well-being or academic progression of self or others at risk.
- 10.2 **All members of staff must consider safeguarding procedures alongside this procedure. If an incident occurs where there is critical concern regarding risk to self or others, the staff member must immediately notify the Designated Safeguarding Lead or Deputy and the emergency services must be called if necessary. The Head of Student Services, and the Dean of HE (UCR) must be informed in accordance with safeguarding procedures.**
- 10.3 The **Fitness to Study/ Practise Manager** will call a Stage 3 Fitness to Study/ Practise Panel meeting. The Assistant Principal or Training Manager (RHC) or the Dean of HE (UCR) will chair the Panel. The membership of the panel will be at the discretion of the Chair, including relevant members of academic staff as well as support staff such as the Head of Student Services or their nominees. A minute taker will also be present.
- 10.4 The **Fitness to Study/ Practise Manager** will notify the student of the panel meeting at least 5 working days prior to the panel meeting date by email and letter. This notification should make the student aware of the purpose of the panel meeting and its possible outcomes, and that they may be accompanied at the meeting by a relative, friend, student representative, or support worker (but not by a legal or other professional adviser unless the Dean of HE (UCR) or Vice Principal (RHC) agrees). In the event that the student is unable or unwilling to attend, the panel meeting may go ahead in their absence, if the Chair of the meeting considers it reasonable to do so.
- 10.5 The Chair must consider whether others should also be invited to attend based on their ability to provide expert advice or those who need to be there because of their relationship with the student. Depending on the circumstances, this could include other members of staff, parents, carers and/or representatives of internal and/or external agencies. Where the student is 18 years of age or above, parents may not be informed of or invited to the meeting without the express written consent of the student, subject to clause 7.2 of this policy.
- 10.6 In the case of a looked after student or a student with an Education, Health and Care Plan, the Fitness to Study/ Practise Panel will be in consultation with the Local Authority.

- 10.7 The Chair may request a medical assessment for the purpose of obtaining evidence to inform the Fitness to Study/ Practise Panel, usually from the student's GP or medical practitioner, or other medical evidence. The student will be encouraged to consent to such an assessment if required, and given reasonable time to comply prior to the meeting.
- 10.8 At the Fitness to Study/ Practise Panel, the student's support needs will be discussed and various options considered including, but not limited to, a break from study, study from home, a period of suspension or postponement or a recommendation for withdrawal of the student from their programme of study.
- 10.9 In cases where a suspension or postponement of studies is agreed, a clear time frame must be given to the student. The provision of appropriate documentation/ medical evidence within that time frame will be a condition of re-entry to the programme of study.
- 10.10 In cases where the student remains on their course of study, regular review meetings will be arranged with the student and a nominated member of staff.
- 10.11 The decision made by the Fitness to Study/ Practise Panel will be notified to the student by the **Fitness to Study/ Practise Manager** within 5 working days of the meeting by email and letter. The student will be advised of their right to appeal against the decision, informed how that appeal should be lodged, and in what time scale (see below).

## **11. Right of appeal**

- 11.1 The student may appeal against a decision of the Fitness to Study/ Practise Panel on the following grounds:
- Failure to follow RHC/UCR's own procedure
  - There is further material evidence which could not reasonably have been expected to have been submitted for consideration by the panel.
  - The decision taken by the panel was so manifestly unreasonable that it was not a possible decision that a similar panel could have reached.
- 11.2 Any request for an appeal should set out the grounds for appeal and be submitted within 10 working days of notification in writing to the Vice Principal. An appeal hearing with the Vice Principal or their nominee will be arranged to take place normally within 21 working days of receiving notice of the request for an appeal. The student will normally be given at least 5 working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser unless the Vice Principal agrees otherwise, having been given notice before the day of the hearing). The Vice Principal or their nominee will chair the hearing.
- 11.3 The right of appeal in the case of a looked after student or a student with an Education, Health and Care Plan will be in consultation with the Local Authority.
- 11.4 At the appeal hearing the student or companion will explain his or her case and any special circumstances which may exist. The hearing will review the case, taking into account the original Fitness to Study/ Practise Panel decision and the student's representations from the appeal hearing.



11.5 The decision by the Vice Principal or their nominee will be confirmed in writing to the student normally within 5 working days by email and letter.

11.6 This appeal stage concludes the Fitness to Study/ Practise policy and procedure. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education ([www.oiahe.org.uk](http://www.oiahe.org.uk)) (UCR), or the DfE Education and Skills Funding Agency (ESFA).

## **12. Return to Study/ Practise**

12.1 In all circumstances, when a suspension or postponement of studies has been recommended or agreed, the process for considering a return to study/ practise should be made clear to the student at the time of suspension. The particular process to be followed will be at the discretion of the Dean of HE (UCR) or the Vice Principal (RHC) and will depend upon the context and specific circumstances of the original concern.

12.2 In all cases, return to study/ practise will depend on evidence of fitness to study/ practise. The precise nature of the evidence required from the student will depend on the individual circumstances of each case, but in all cases it is expected that this will involve a report from a recognised independent health professional with sufficient knowledge about the health and wellbeing of the student during the period of suspension and, specifically, the student's capacity to return to study/ practise. A second medical opinion may be required by the Dean of HE (UCR) or the Vice Principal (RHC).

12.3 The decision to allow a student to return will be made by the Dean of HE (UCR) or the Vice Principal (RHC) in compliance with academic regulations and availability of support upon return. Their decision is final and will be communicated in writing to the student prior to his or her return, clarifying any necessary requirements and special arrangements.

12.4 On the student's return, there is an expectation that a return to study/ practise meeting will be held and that there should be regular review meetings with the student that can be used to support and monitor a return to study/ practise plan and provide staff with an agreed context in which to provide on-going pastoral care. The student is expected to take personal responsibility for fully engaging with this support.

## **13. Equality impact and monitoring the policy and procedure**

13.1 The impact of the policy and procedure will be measured by review of the number of times it is invoked, the actions taken in response and any concerns raised or complaints received. It will be reviewed annually. In monitoring the impact of this procedure, there will be due regard to the Equality, Diversity and Inclusion Policy and the general Equality Duty.

## **14. Publication of the procedure**

14.1 This procedure is published on the staff intranet, student intranet, and the UCR and RHC websites.

## **15. Linked policies and guidelines**

15.1 This procedure is linked to the following policies:

- Safeguarding Adults Policy

- Young Persons Safeguarding Policy
- Health, Safety and Environmental Policy
- Equality, Diversity and Inclusion Policy
- Welfare Support Policy
- Inclusion Policy
- Student Disciplinary Policy
- Admissions Policy (UCR)
- Admissions Policy (RHC)
- Student Accommodation Licence Agreement Conditions

## 16. Appendix

### Fitness to Study/ Practise Procedure Flowchart

Date of issue	August 2019/October 2020/Nov 2021/Jan 2023
Next Review Date	November 2023
Lead	Vice Principal/Dean of HE
Approved	Executive: 15.11.21 Ratified/approved (if applicable): HE Committee: 25.11.21
Published	Staff Intranet, Student Intranet, RHC/ UCR Website
Equality Analysis Review (if applicable)	Sept 2018; No substantive changes on review

