

## 1. Introduction

### 1.1 What is fitness to study?

Fitness to study relates to an individual's capacity to participate fully and satisfactorily as a student, in relation to academic studies and life generally at the Art Academy. The Academy is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement.

### 1.2 Context

Students who present with difficulties should, wherever possible, be considered from a supportive perspective. The Academy is committed to promoting positive attitudes towards students with physical or mental ill health. The Academy has a duty of care to respond appropriately where there are substantial concerns relating to a student's health and wellbeing, and the impact that may have upon the individual and/or other members of the Academy community.

Concerns for the health or wellbeing of a student can be raised by both staff and students, and this document is to be used by staff in any situation where a student's welfare is questionable. Students will not be expected to manage these situations and should always approach a member of staff, or a representative of the Student Council.

Programme/ Pathway Leaders and the Academic Team are the staff members most likely to identify issues and will be provided with training, support and advice to enable them to initially manage the situation using this procedure.

This policy is not concerned with academic progress, which is dealt with under separate arrangements, and in accordance with the Academy's Academic Regulations. The policy supports the work of the academic staff and the Academic Team to sustain the progress of students. This policy is also not about discontinuation or expulsion of students for misconduct, this is dealt with by the Student Disciplinary Policy and Procedure.

### 1.3 The purpose and scope of this policy

The purpose of this policy is to provide a suitable and coordinated response by academic and support staff in circumstances where the situation is deemed to be urgent and other internal procedures such as the Student Disciplinary Procedure are not appropriate, and all other avenues have been exhausted.

### 1.4 When to use this policy

This policy should be used when a student's fitness to study is a cause for concern and all other procedures or options have been considered or exhausted. A student's fitness to study may be a cause for concern as a result of a wide range of circumstances, including (but not restricted to) the following:

- 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 mental health difficulty.
- A student's health difficulties are adversely affecting the health, safety or wellbeing of themselves or others.

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

### 1.4.1 Informal action

It is expected that the Academic Quality and Programme Manager will approach students once concerns regarding fitness to study have been raised and attempt to resolve the matter by informal discussions with the student. The student should be encouraged to use support services recommended. Specific academic arrangements should be considered and action plans agreed with the student, which are regularly reviewed. The majority of cases can be resolved this way.

## 2. In Emergency

***In a situation where it is believed that a student's behaviour presents an immediate risk to themselves or others, the Emergency Services should be contacted by dialling 999. The Academic Quality and Programme Manager should also be notified of the details of the incident and action taken. The person witnessing the student's behaviour should not leave the scene until they have briefed the emergency services.***

## 3. Procedure

The purpose of this procedure is to support students and staff in managing situations and incidents that cause significant concern. The procedure has three levels:

1. Emerging concerns.
2. Continuing/Significant concerns.
3. Serious/Persistent concerns.

These levels are based on the perceived level of risk to the health, safety and mental wellbeing of the student or others. The cause for concern can result in:

- Invoking the procedure at any point/ stage of a programme;
- staying at a level; or
- progressing through the levels, should the cause for concern not be remedied by recommended and agreed actions.

Anyone who has a sufficient level of concern about a student's health, safety and mental wellbeing should refer to this procedure for guidance. Staff should approach the Academic Quality and Programme Manager for advice and guidance, or to make a referral.

The following is a non exhaustive list of examples of behaviour that would raise concerns regarding the student's fitness to study:

- Mood swings or unusual behaviour (e.g. aggressive, withdrawn, distressed, irritable).
- Significant non attendance or engagement.
- A sudden deterioration in academic performance or motivation.
- Changes in appearance or obvious signs of ill health (e.g. dramatic weight loss or gain, ongoing lack of personal hygiene and care).
- Inappropriate behaviour (e.g. inappropriate touching, invading personal space, excessive, unexpected and prolonged laughter, uncharacteristically bad language such as swearing).
- Withdrawal from social, cultural or sporting activities once considered important.
- Lethargy or signs of lack of sleep.
- Obvious signs of substance/ alcohol misuse.
- Information about specific episodes (e.g. self harm/suicidal thoughts or attempts).
- Changes in behaviour or health that make the student's use of equipment, etc, dangerous to themselves and/or to others.

Concerns should be acted upon promptly, and should be illustrated with either evidence that there has been a decline in the student's health and wellbeing over a period of time, or a legitimate reason for believing that the

student is at risk of harm to self or others. Evidence may include reports from staff members or other students about situations which have arisen. Legitimate reasons for concern will include those highlighted in the list above.

When reviewing the perceived level of risk to a student's health and wellbeing, communication is paramount. Early intervention in issues and recommendations for support can avoid crisis situations from occurring. In most situations it will be appropriate to start at stage 1 of the procedure. However there will be some occasions when the level of risk requires a move straight to stage 2 or 3. The level of risk must be judged based on the risk to others as well as the student concerned. It is recognised that these situations can be difficult to deal with and that the level of risk is often hard to determine. If any staff member is unsure about whether to invoke this procedure, they are encouraged to seek advice from the Academic Quality and Programme Manager .

To ensure appropriate levels of confidentiality, this advice should initially be sought without disclosing details of the student concerned, i.e. on an anonymous basis, where this is practical. If a student discloses a mental health illness or disability and does not wish to share this information it is important that staff complete the 'Student Non-Disclosure Form'.

Students should be involved in the management of their own wellbeing wherever possible. However, there may be times where a student is unwilling or unable to work within these procedures. In these cases, the process should continue, with concerns being raised, advice being sought, and action being taken, as appropriate.

If there are any concerns that the student is experiencing, or is at risk of abuse as a 'vulnerable adult', then this should be discussed with the Academic Quality and Programme Manager in the first instance. Where necessary this must be reported and the Academic Quality and Programme Manager can help to advise and support staff members with this.

If a student elects to interrupt their study, the Fitness to Study investigation will resume should the student decide to return to study.

**Please note:** in the absence of the Academic Quality and Programme Manager , staff should report to or seek advice from the Operations Manager as outlined above.

## **4. Stages in the process**

### **4.1 Stage 1 – Emerging or initial concerns**

Emerging or initial concerns about an individual student's health, safety or mental wellbeing are raised:

#### **4.1.1 By a Student**

If a student has concerns about a fellow student, they should discuss these with the member of the Academy they feel most comfortable with. This might be a personal tutor, programme leader, Student Council representative, Academic Team member or office/ support staff member. The student will not be expected to deal with the situation themselves. If they have discussed the issue with a staff member, this person will make an appropriate referral, or deal with the issue. If it is a student representative, they will refer to a staff member, who will make the appropriate referral.

#### **4.1.2 By a Staff member**

If concerns have been identified by a member of staff, then that member of staff, or another with primary responsibility and/or knowledge of the student (e.g. personal tutor, programme leader, Academic Quality and Programme Manager or Academic Quality and Admissions Coordinator) should talk to the student in a sympathetic and understanding manner, and indicate that there are concerns about the student's fitness to study, registered by use of this procedure.

#### **4.1.3 The meeting**

The nature of the concerns should be clearly identified, and the student should be encouraged to discuss the issues, including the potential impact on themselves and others, including specific reference to the invocation of other student-facing procedures if appropriate.

It should be made clear to the student that, whilst the Academy has a duty of care to support students with ill health, it is the student's responsibility to be fit to study. If appropriate, information should be provided about sources of professional support.

The student and member of staff should agree a date to meet within three months to review the situation (known as the Stage 1 review meeting), and to discuss the effectiveness of the support that the student has been accessing. The key points and agreements, including action points arising from this discussion should be recorded and communicated to the student (using the pro forma).

A copy of the pro forma must be sent to the student within five working days. A copy of this information should be kept on the student's file for a period of time agreed with the student. The student should be reassured that the purpose of keeping it on file is to ensure that the Academy is providing all necessary support, to ensure that the student continues to be fit to study.

Students should be informed that if the concerns continue, any additional cause for concern arises, or they refuse to engage in the process, this could result in their fitness to study being further considered by moving to Stage 2. Staff members are encouraged to make three attempts to engage the student with this process as they are in the best position to have the initial meeting due to their direct observation of the fitness to study issues.

If the staff member feels that they are unable to address concerns at Stage 1 the Academic Quality and Programme Manager will work collaboratively with the staff member.

## **4.2 Stage 2 – Continuing and/or Significant Concerns**

The student will be invited to meet with the Academic Quality and Programme Manager (or Director of Programmes in their absence) to discuss the issues, with the member of staff who has raised the issue. Ideally this should be arranged within five working days of the decision to move to Stage 2 of the procedure. The student will be informed that engaging with Stage 2 of the procedure is mandatory and refusal to engage may result in further escalation to Stage 3.

The purpose of the meeting will be to ascertain the student's perception of the issues that have been identified, including the impact which his/her ill-health and/or behaviour are having upon him/herself and/or the Academy community. The student should be informed of the purpose of the meeting, and be advised of any documents s/he may be required to bring. The student may be accompanied by someone to this meeting – for example, this could be a member of the Student Council, a member of Academy staff acting in a supportive capacity, or a close family member. Disabled students may also be accompanied by a support worker (e.g. sign language interpreter or mental health worker).

During the meeting a mutually agreed action plan will be devised to put in place support for the student and formally agree expectations for the student to observe. This Action Plan will have a specific review date, and the consequences of not keeping to the agreed action plan must be clearly outlined to the student. This may involve moving to Stage 3 of the procedure, where a suspension may be considered. If an action plan cannot be agreed at Stage 2, then the case must move to Stage 3.

A report of the meeting and its outcomes will be recorded. A copy of the agreed Action Plan will be submitted to the student's personal tutor and programme leader. The Academic Quality and Programme Manager will disseminate this to relevant staff in the Academy where appropriate. The student should be informed that if this concern continues, or any additional cause for concern arises, this could result in their fitness to study being further considered by moving to Stage 3.

## **4.3 Stage 3 – Serious or Persistent Concerns**

Serious or persistent concerns are raised about an individual student's actions or behaviour that are putting the health, safety, wellbeing or academic progress of him/herself or other members of the Academy community at significant risk.

The Academic Quality and Programme Manager (or Director of Programmes in their absence) will call a 'Case Conference' to discuss the situation.

Those present at the Case Conference may include:

The Academic Quality and Programme Manager (Chair)  
Academic staff member (ie Programme/Pathway Leader)  
Head of SEN  
Student's G.P. or other relevant professional (with student's consent)  
Student Council representative

The Case Conference will determine an agreed action:

an enhanced Action Plan,

*or*

a recommendation to the Principal for a possible suspension on health and wellbeing grounds

Where appropriate, the agreed action will take into account whether there are any reasonable adjustments that can be put in place, or whether the limits of reasonableness have been reached at that time (in accordance with the Academy's Equality and Diversity policy, the Disability Discrimination Act 1995 and The Special Educational Needs and Disability Act - SENDA 2001).

#### **4.3.1 Enhanced Action Plan**

If the recommendation is that of an enhanced Action Plan, the student will be invited to meet with the Academic Quality and Programme Manager or a nominated representative to receive and discuss the recommended actions from the Case Conference. The student will be invited to bring along a person to support them at the meeting. The plan will have a concrete review date, and the consequences of not adhering to the Action Plan will be made clear. A copy of the agreed Action Plan will be given to the student's personal tutor and programme leader. If the agreed recommended action is a suspension of studies, the Academic Quality and Programme Manager will inform the Director of Programmes, who will follow the process below to suspend the student.

#### **4.3.2 Suspension**

Normally no student shall be suspended unless s/he has been given the opportunity to make representations to the Principal, either in person or in writing, as the student chooses. Such representations may be put forward by the student or by a friend or representative (not acting in a legal capacity, and with the written consent of the student).

In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended with immediate effect, and before being given the opportunity to make representations. In this instance the student or his/her representative will be permitted to put forward representations at the earliest possible opportunity after the suspension.

Suspension of studies will only be recommended in the most serious of cases, and when all avenues of support have been exhausted, or the student has not taken up such support. The suspension is intended to give the student time away from studies to address health and wellbeing issues, in order wherever possible to return to the Academy and resume study.

A student who is suspended may be wholly or partly prohibited from entering Academy premises and from participating in Academy activities, including working at the Academy, sitting on the Student Council, or exercising their functions or duties of any office or committee membership in the Academy.

A decision to suspend will normally be conveyed by the Academic Quality and Programme Manager at a meeting with the student (and representative if required). This meeting will include a consideration of issues arising from suspension e.g. financial, academic etc. Where the student wishes to voluntarily interrupt the course at this stage, this should be favourably considered with the provision for a review of the health and wellbeing of the student at the end of the interruption period. Written reasons for the decision to suspend will be recorded and made available to the student. The terms of the suspension will be notified in writing to the student.

#### **4.3.3 Review of/end of suspension**

Any decision to suspend a student will be subject to review after 15 working days.

Such a review shall not involve a hearing but the student, either personally or through a representative, will be entitled to submit written representations. The review will be conducted by the Director of Programmes and Academic Quality and Programme Manager (in the absence of either, the Operations Manager or Vice Principal may be asked to review) who will have access to all the documentation from the stage 3 'case conference' and will consider the written representations of the student.

On receipt of evidence of significantly altered circumstances which might affect the suspension a further review will be conducted. The suspension will not be lifted until the student has provided appropriate medical evidence from their G.P or other approved medical professional that the student is considered fit to return to study. The Academy may ask the medical professional to answer specific questions or consider specific issues, and will not make a decision to lift the suspension until satisfied that the student is fit to return to the Academy.

The Academy will make every effort to allow the student to continue with their studies, within the limits set by Academic Regulations. This may include repeating periods of study. The ability to repeat or return to study will depend upon the feasibility and reasonableness of such a proposal, and will be decided on a case by case basis.

## **5. Appeals against suspension**

If the student wishes to appeal against the suspension, the appeal must be made in writing to the Academic Quality and Programme Manager within 10 working days of the written confirmation of the decision and must specify the grounds on which it is based. An appeal may only be lodged on one or more of the following grounds:

1. That evidence is available which for good and reasonable cause has not been brought to the attention of the Director of Programmes previously.
2. That there has been a relevant and significant error in the operation of procedures of the Fitness to Study policy.
3. That the decision was unreasonable, where unreasonable shall be taken to mean perverse: that is, the outcome was not a conclusion a similar Officer acting on behalf of the Academy might have taken.

The Academic Quality and Programme Manager may reject an appeal if, in his/her view, it is out of time, or not lodged in accord with the allowable grounds, and shall report that decision to the student and the Fitness to Study Appeals Panel. Upon receipt of the letter the Academic Quality and Programme Manager will respond to the student within ten working days, and will convene a Fitness to Study Appeal panel within twenty one working days.

The Fitness to Study Appeals Panel shall be made up of the Principal and member of academic staff (at Programme/ Pathway Leader level). Any person who was involved in earlier stages of the Fitness to Study process shall take no part in the meeting of the Fitness to Study Appeals Panel (except for the purposes of presenting a report). The Fitness to Study Appeal panel may dismiss an appeal without a full hearing if it considers that the appeal, although not rejected by the Academic Quality and Programme Manager, was in fact lodged other than in accord with the allowable grounds or was out of time.

The Panel can decide to uphold or withdraw the suspension.

## **6. Investigatory & Disciplinary Procedures**

There are occasions where a student who is experiencing mental ill health may behave in such a way as to invoke the Student Disciplinary Procedure. In such cases, they will not necessarily be exempt from investigation and potential disciplinary action. Each case will be considered on its own merits, with due regard given to issues relating to mental ill health.

## **7. Critical illness of students**

From time to time there may be a situation where a student finds him/herself severely incapacitated, e.g. through injury or critical illness. In such a situation, where it would be unreasonable to expect a student to apply for an interruption of study, it would be reasonable to act in accordance with instructions/requests from the student's duly authorised representative, e.g. parent, partner, to interrupt that student's course of study.

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**Policies and documents that supplement and reference this document:**

Quality Handbook  
Student Handbook  
Tutor Handbook  
A Guide to Student Engagement  
Regulations for validated Awards of the Open University  
Moodle guide  
Withdrawal and Interruption of Study Policy

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