

NOTTING HILL ACADEMY OF MUSIC

FITNESS TO STUDY POLICY

Version	3.0
Effective date	August 2021
Date for review	August 2022
Policy owner	Head of Quality
Reference points	https://www.esc.ac.uk/about-esc/policies-and-procedures , https://www.bruford.ac.uk/about/who-we-are/policies-and-procedures/ , https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/assessment , https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/learning-and-teaching , https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/enabling-student-achievement
Audience/handling notes	Public
Dissemination and implementation plan	<p>This Fitness to Study Policy will be published on the NHAM website and student portal for reference by students, staff, and all other relevant stakeholders.</p> <p>Lecturers will receive training in how to apply this policy and its procedures. They will also be directed to where it is published. The Administration Manager will be responsible for the dissemination of the policy and procedures to academic staff; the Administration Manager will be responsible for the dissemination of the policy and procedures to support staff.</p> <p>Students will be informed by email that this information is available on the student portal and NHAM website.</p>
Date approved	September 2021

1. Scope and objectives

1.1 Rationale

This Policy has been developed in response to the increasing prevalence of students entering Higher Education with mental health concerns or illness.

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 Notting Hill Academy of Music.

We 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.

The procedures laid out in this policy are, wherever possible, delivered in a supportive and sensitive manner.

1.2 The purpose

To provide a suitable and co-ordinated response by academic and support staff in circumstances where it is not considered appropriate to apply other internal procedures such as the Student Disciplinary Policy.

To encourage early intervention and active collaboration between all staff in managing situations where there are concerns regarding fitness to study.

To provide a non-judgemental, consistent and sensitive approach to the management of situations which may require different levels of response according to the perceived level of concern.

1.3 When to use this Policy

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. The person witnessing the student's behaviour should not leave the scene until they have briefed the emergency services. As soon as possible after the incident a report should be made to the Vice Principal or Registrar.

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:

- Concerns about the student's fitness to study are raised from a third party i.e. a friend, housemate, colleague, school staff or medical professional either whilst the student is at the Academy or whilst engaged in Academy-led outside activities such as placements.
- The student has told a member of staff that they have concerns about their fitness to study.
- The student's disposition is such that it indicates that there may be need to address an underlying health issue.
- 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 others.
- The student's academic performance or personal conduct is not acceptable and is thought to be the result of an underlying physical or mental health problem.

The following is a non-exhaustive list 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. ongoing lack of personal hygiene and care)
- Inappropriate behaviour
- Withdrawal from social, cultural or sporting activities once considered important
- Lethargy or signs of lack of sleep
- Obvious signs of substance/alcohol abuse
- 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 them and / or to others.

These indicators may not necessarily lead to the application of the fitness to study policy. See paragraph 1.

1.4 Scope

This policy sits alongside the Academy's Student Participation and Attendance Policy, Student Disciplinary Policy and Procedures. In deciding which policy to apply, staff should consult the Registrar. The decision on which route to follow should be documented and retained by the Student Services Manager/Registrar on the student's case file.

The College reserves the right to use the Student Disciplinary Policy to deal with behaviour which is the result of physical or mental health issues, depending on the individual circumstances of the case. Once the fitness to study procedure has commenced the student's case will continue to be considered under this policy.

This policy shall be applied to behaviour that takes place on Academy property or premises, or elsewhere if you were involved in an Academy activity, were representing the Academy or were present at that place by virtue of your status as a student of the Academy.

If concerns are raised whilst a student is on placement, where the Academy's ability to engage with the student may be limited, if possible the Academy will discuss with the placement provider alternative arrangements that might address the concerns.

1.5 Framework

In developing and implementing this policy, the Academy commits to a procedure that is transparent, prompt, consistent and proportionate. This policy is published on the Academy's website and on implementation is brought to the attention of all students. The policy forms part of the student contract.

This policy sets out the time limits for notification of meetings, informing the student of the outcome of meetings and the time limit for of any review. The policy is framed to ensure that all students are treated consistently with independent members of staff and external advisers brought into the review and decision making. It is expected that most students who are subject to the provisions of this policy can be supported through stages 1 and 2 of this policy, only serious or persistent concerns will be subject to stage 3 of this policy.

Information about a student's health is sensitive personal information under the Data Protection Act 1998. The student must be asked to sign an explicit consent to share form. The personal information gathered at any point in the process of assessing a student's fitness to study must only be shared where it is reasonable, proportionate and necessary.

2. Stages of action

2.1 Initial support and guidance

A student with a mental or physical health difficult should be encouraged to seek the support of the Student Services team and the services that they can offer. A student is also encouraged to speak to their tutor or Programme Leader or another appropriate member of academic staff about any problems they may be experiencing. At all stages of this process the Academy will act sensitively in addressing the student's situation.

The Academy may consult independent experts at any stage of the process to ensure the best understanding of the student's situation and how they can be best supported.

The procedures can be entered at any stage depending on the level of concern and urgency although it is hoped that most situations can be remedied by action taken at stages 1 or 2.

2.2 Stage 1 – Emerging concerns

Once concerns have been raised about the student, a member of staff from the student's Programme should approach the student and explain to them, in a supportive and understanding way that concerns about their fitness to study have emerged. This would ordinarily be a member of staff with knowledge of the student. Staff may wish to invite the Equality and Diversity champion to attend the meeting.

The student will be made aware of the precise nature of the behaviour that has caused the concern. The member of staff will attempt to resolve the matter by informal discussions with the student. The student should be encouraged to explain their views on the matter and should be encouraged to access support

services. The member of staff should consider with the student whether any specific academic arrangements or other types of support could be applied to help the student to study more effectively.

It is anticipated that in most cases the concerns can be resolved informally at this stage and that the student will engage with this. Any plans agreed between the member of staff and the student should be set out in a letter to the student so it is clear what has been agreed.

A review period should be established, by agreement between the student and member of staff if possible. Sufficient time should be given to allow the student to consider their behaviour and seek support. At the review meeting the steps taken to address the concerns should be discussed.

Further meetings may be scheduled to monitor the situation and progress made by the student. The member of staff should help the student access the support available to them to enable them to continue with their studies and engage in College life. The general expectation is that the student will take personal responsibility and fully engage with the support recommended by staff.

If the concerns have not been addressed, support has not been sought, and the member of staff feels that the progress has not been made, the case can move on to the next stage of the policy.

2.3 Stage 2 – Continuing or significant concerns – Case Review Panel

If action taken under stage 1 has not been successful or if the concerns raised are too serious to be dealt with informally, stage 2 should be invoked.

A meeting of a Case Review Panel can be convened by the Registrar. The Panel should include:

Academy Manager
Programme Leader
Head of School (Chair)
Equality & Diversity Champion
Registrar

Before the Case Review Panel meeting medical assessment may be sought, usually from the student's GP or medical practitioner. The student will be asked to provide consent for the medical assessment and consent to share with the Panel members. The student will be able to submit documents for the Panel to consider and will be given a copy of any documents seen by the Panel. The student may request to attend all or part of the Case Review Panel meeting. The Panel will make a reasoned decision regarding whether the student should attend. If the student does attend, they will have the right to bring a friend or representative to the meeting.

A letter will be sent to the student, within 5 working days after the meeting setting out any decision made and the reasons for the decision.

The Panel will order its proceedings as it sees fit and may call witnesses if necessary.

The outcomes available to the Panel are:

- No further action required.

- To monitor the student formally for a specific period of time.
- 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. 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.
- To recommend a specific academic arrangement be put in place which may include a suspension of studies. Such recommendations should be agreed by the student's school and faculty where appropriate and the student. If the student does not agree, the case will move on to stage 3.
- To refer the case to a Fitness to Study Panel, under stage 3 of this procedure. This will be appropriate in serious cases, for example where there is evidence of a serious risk to the health and safety of the student or others in the university community. This course of action would be used when it is considered that suspension, temporary exclusion, permanent exclusion or withdrawal may be the appropriate course of action or if the student has not agreed to a recommendation or action plan made under stage 2.

2.4 Stage 3 – Serious or Persistent Concerns - Fitness to Study Panel

This stage will only be invoked following a referral from a Case Review Panel or if in the opinion of the Registrar (in discussion with the Academy Manager) the case is sufficiently serious and urgent to warrant an immediate referral without consideration of stage 1 and 2.

The Registrar can convene a Fitness to Study Panel to consider the case and will act as clerk to the Panel. The Members of the Panel will usually be:

- The Academy Manager (Chair)
- Registrar
- Vice Principal
- Programme Leader
- Equality and Diversity champion

As with the Case Review Panel the student will have the opportunity to submit documents for the Panel to consider and will be sent a copy of any documents seen by the Panel.

The student may attend the panel or ask for a representative to attend the meeting on their behalf. The Panel may order the proceedings at its discretion but will invite the College to state its case and invite the student or student's representative to respond. The Panel may call witnesses if required. The Panel may also request further medical evidence from a qualified medical professional.

The Panel will make a recommendation to the Academy Manager. Possible recommendations may include:

- A short term exclusion to allow the student to be assessed by a medical professional, access support services or to obtain further information. The exclusion will be reviewed within four weeks as set out below in relation to emergency temporary exclusion.
- Suspension with conditions for a period up to twelve months. A student who is suspended from the Academy may be prohibited from participating in Academy activities and may either be prohibited from entering the Academy premises or have restricted rights to enter the premises. The terms of the

suspension will be notified to the student in writing, depending on the circumstances of the case. The decision to suspend a student shall be reviewed as necessary by the Panel.

- Exclusion or requirement to withdraw - if the Panel concludes, taking into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the student re-engaging with their programme in the short to medium term a recommendation will be made to the Principal that the student is permanently excluded or required to withdraw. This recommendation should only be made in the most serious cases.
- Any other action considered to be appropriate and proportionate.

3. Temporary Exclusion

The Registrar (in discussion with the Vice Principal) may refer the case straight to the Academy Manager if it is considered that the risk to the student or the Academy is very high and an immediate temporary exclusion is the most appropriate course of action.

The Academy Manager may impose a temporary exclusion for a set period of time with immediate effect. A student who is subject to a temporary exclusion order is prohibited from entering Academy premises and from participating in Academy activities. The exclusion may, exceptionally, be subject to qualification, such as the permission to take an assessment or to enter Academy premises to attend a meeting with Academy staff. The terms of exclusion will be individual to each case and will be notified to the student in writing. An exclusion order does not affect the student's status as a member of the collaborative partner with which a student is registered.

The decision to exclude will normally be reviewed within four weeks. The review may include a recommendation that a Fitness to Study Panel be convened to consider the case.

4. Return to study

The Case Review Panel or Fitness to Study Panel that made the recommendation regarding a suspension or temporary exclusion, or as many members of the original Panel as possible, will be reconvened to consider whether the student is fit to return to study.

Further medical evidence will be requested from the student which considers their ability to fully engage with their studies and meet the requirements of the programme. A student will only be permitted to return if, after receiving the medical evidence, the Panel is satisfied that the individual is fit to study. It is the responsibility of the student to provide the evidence that they are fit to resume study.

If a student agreed to suspend studies under stage 2, the Case Review Panel that originally considered the matter can make the decision regarding a return to studies without referral to the Academy Manager if it is satisfied that the student is fit to return.

If the Academy Manager made the decision to suspend or temporarily exclude under stage 3 on the recommendation of the Fitness to Study Panel, the Panel should reconvene to consider whether the student is fit to return to study and make a recommendation to the Academy Manager. The Academy Manager will make the final decision based on the Panel's recommendation.

Where a student returns to study after a temporary exclusion/suspension under this policy the relevant panel will consider any support that the student may require to support a return to studies, such as regular review meetings or a return to study action plan. The general expectation is that the student will take personal responsibility for fully engaging with this support.

5. Right of appeal

The student may appeal to the Academy against a suspension or requirement to withdraw. A letter setting out the grounds of appeal should be addressed to the Registrar, to be received within 20 working days of the date on which the order for suspension or the requirement to withdraw was made.

The membership and procedure of an appeal panel will be the same as that set out under the Student Complaints Procedure.

6. Nominees

References in these Regulations to the holders of any office shall be construed to refer either to the office holder or to their respective nominee.

VERSION: 1.0

POLICY DATE: MARCH 2021

REVIEW DATE: SEPTEMBER 2021