

## Fitness to Study Policy

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## **Section 1: Overview**

### **1.1 Purpose and Scope**

**1.1.1** This policy explains how concerns regarding health, wellbeing or behaviour are addressed and dealt with by Frontline.

**1.1.2** Fitness to Study is understood as a participant's ability and suitability to engage with their studies and the wider community in a way that does not significantly compromise the health and wellbeing of themselves or others. Consideration of Fitness to Study is not a disciplinary process; it is not intended to punish breaches or rules but rather to support the participants in difficulty.

### **1.2 Responsibilities**

**1.2.1** The Delivery Director is responsible for the effective implementation of the policy.

**1.2.2** The role of the Head of Region is:

- the informal management of a case;
- conducting or initiating an investigation or activity to establish the facts of a case;
- deciding whether to pursue the matter and if so which stage; and
- seeking appropriate support and advice on procedural and policy matters.

## **Section 2: Policy and procedures**

### **2.1 General principles**

**2.1.1** Frontline is committed to supporting participants and recognises the importance of health and wellbeing to their academic progress and wider experience. Frontline and Lancaster University have a responsibility to support participants to feel and function well, in order to maximise their potential.

**2.1.2** Frontline aims to foster independence, self-awareness and personal responsibility among all participants. It is also important that participants take an active part in the process and take suitable action to manage their own health and wellbeing in order to fulfil their academic potential.

**2.1.3** This policy is mainly intended to support participants. Staff can use this policy when a participant's health, wellbeing and behaviour are harming their ability to progress academically and/or to meet the programme requirements and functions of Frontline.

- 2.1.4** Frontline will consider the Fitness to Study policy as an alternative to other ways of managing problematic behaviour, academic conduct and progress if the concerns:
- Seem likely to be caused by mental or physical ill health or disability; or
  - Could affect the wellbeing, health and/or safety of the participant or other people.

**2.1.5** The policy has three (3) stages, each represents the degree of the concern or the seriousness of the situation (or both). The procedure can be entered at any stage; however, in most cases stages 1 and 2 should normally be used before escalation to stage 3.

**2.1.6** Frontline reserves the right to process and refer matters under the Fitness to Practise policy if the incident is in contravention of the fitness to practice standards, provisions and requirements of the programme.

## **2.2 Stage 1 Initial or emerging concerns**

**2.2.1** Stage 1 is used where there are initial or emerging concerns about a participant's health, wellbeing or behaviour. In most cases these will be raised by the participant themselves or identified by a member of staff. When a concern is voiced by a fellow participant, staff should use their discretion in determining an appropriate course of action.

**2.2.2** The first level of support is best handled 'locally' i.e. through the support provided within the Region. The participant is more likely to respond positively to a discussion with a member of staff with which they are familiar, for example their Practice Tutor (or another member of the regional team). If the participant would be more comfortable talking to another staff member (e.g. someone of another gender due to the nature of the issues) this can be required and should be taken into account.

**2.2.3** The staff member should use a sensitive approach with an emphasis on support. They should invite the participant to an informal meeting to discuss the issue. Before the meeting the staff member should establish the exact nature of the concern(s) and gather together any relevant information such as attendance records or evidence of what action has been taken already.

**2.2.4** Other members of staff may be included and attend the meeting if this is appropriate and the participant may bring a friend or other support to the meeting.

- 2.2.5** The staff member can contact Lancaster University's Student Wellbeing services for support and advice.
- 2.2.6** The participant should be given specific information about the nature of the concerns raised including factual information such as times and dates of incidents, specific behaviour that has been witnessed, attendance records and concerns of others.
- 2.2.7** The staff member should allow the participant to explain their situation and should listen to what the participant has to say in response to these concerns. The participant should be encouraged to access the available participant wellbeing support as detailed on the programme moodle pages and also to contact their GP where health and wellbeing issues are specifically mentioned. Any discussion and actions should be documented by the staff member and stored on the participant record.
- 2.2.8** The staff member should write a meeting report that includes any agreed actions. A copy should be sent to the participant within 5 working days of the meeting. A copy will be kept on the participant's confidential participant record.
- 2.2.9** Staff should recognise their own limitations and where it appears to require specialist knowledge the matter should be referred appropriately for example advice can be obtained from Student Wellbeing Services.
- 2.2.10** The staff member should normally arrange a review meeting, at most three months, after the stage 1 meeting. The stage 1 review meeting should discuss the following:
- review how the participant has been since the first meeting;
  - describe and explore any further concerns;
  - explore any further and ongoing support needed;
  - review the progress of the agreed actions; and
  - agree whether or not further action is needed. If the concern has been resolved, no further action may be needed. If concerns continue or have increased, the meeting should consider progression to stage 2.
- 2.2.11** It is hoped that most matters can be resolved at this stage of the policy without the need to move onto further stages. However where a participant is unable or refuses to engage with stage 1 of the process or where continuing or serious concerns remain following the

meeting, it may be appropriate to move to more formal action under another stage, normally stage 2.

## **2.3 Stage 2- Continuing or serious concerns**

- 2.3.1** If the interventions at stage 1 do not appear to have removed the issues, or an issue arises which appears to seriously affect the participants' performance and/or wellbeing then a stage 2 process will be considered. Again the emphasis will be placed on support and genuine concerns to help the participant with their difficulties.
- 2.3.2** Where a staff member has these concerns, they should alert the Head of Region. The Head of Region may seek advice from Lancaster University's Student Wellbeing Services.
- 2.3.3** If the Head of Region deems the issues to be of appropriate concern they will invite the participant to a meeting. The invitation will be provided in writing at least 3 working days before the meeting is due to be held.
- 2.3.4** Participants attending such a meeting will be sent a copy of the policy and may be accompanied by another member, a friend, a Students' Union representative or Union representative.
- 2.3.5** Prior to the meeting information will be gathered relating to the participant, including any documents gathered under stage 1 of this policy. It may be appropriate to ask staff members and/or the Local Authority for further information about the behaviour or progress of the participant. It may also be deemed appropriate to approach medical professionals with whom the participant has had prior contact such as counsellor/mental health adviser, GP or psychiatrist.
- 2.3.6** The meeting will be run by the Head of Region (or nominated representative) and other relevant staff members may be invited, where it is deemed appropriate.
- 2.3.7** The meeting will discuss the concerns with the participant and they will be afforded the opportunity for the production of any relevant evidence. Further actions will then be determined. The Head of Region (or nominated representative) will ensure the participant is fully aware of the possible outcomes. Actions agreed could include but are not limited to:
- No further action is required;

- Support and/or reasonable adjustments are agreed between the participant, the Region, the Local Authority or professional services;
- A period of monitoring is agreed to give the participant time to evidence improvement. An action plan will be agreed and signed by the member of Frontline and the participant which may include an agreement on appropriate support to be provided and/or appropriate behaviour to be expected. In this consequence the participant will be advised that the consequence of breaking the agreement will lead to their case being referred to stage 3 of the policy;
- The participant is referred to stage 3 of the policy; or
- It is agreed that the participant takes a voluntary intercalation of study.

**2.3.8** Following the meeting the participant will be provided with an outcome in writing within 5 working days of the meeting. This will include full articulation of any actions to be taken and a copy will also be recorded in the confidential participant record.

**2.3.9** During the stage 2 meeting it will be stated who is responsible for monitoring the process and ensuring the review meeting takes place.

**2.3.10** The Head of Region (or nominated representative) should arrange for a review meeting to take place at most three months after the stage 2 meeting.

**2.3.11** The stage 2 review meeting should include:

- review how the participant has been since the first meeting;
- review whether agreed actions have been taken and completed;
- describe and explore any further concerns;
- consider new or ongoing relevant mitigating evidence (i.e. evidence that will tend to reduce the seriousness of the participant’s action);
- explore further or ongoing support or adjustments that may be needed;
- agree whether or not a further action plan is needed. If the concerns have been resolved, no further action will be needed. If the concerns remain or have increased, a further action plan may be put into place or a stage 3 meeting may be required.

**2.3.12** If the participant does not attend the stage 2 meeting or the stage 2 review meeting the matter can be progressed in their absence and may conclude in the following:

- If there are straightforward ways of proceeding the Head of Region (or nominated representative) will inform the participant of agreed expectations, support options and plans, as well as giving a timetable for completion and a review date; or
- If the situation is more complex or unclear, the matter will be escalated to a stage 3 panel meeting; or
- The participant will be informed that if they do not take the opportunity to meet to discuss concerns about their health and wellbeing or do not give supporting evidence of underlying issues, then Frontline may refer the matter to be reviewed under an alternative policy as necessary. For example, Fitness to Practise Policy and/or Participant Discipline Policy.

**2.3.13** If the meeting agrees an intercalation the relevant procedure must be followed. This will include the requirement of the participant to meet and adhere to the conditions of return.

## **2.4 Stage 3- Persistent or critical concern**

**2.4.1** If: (1) the interventions at stage 2 have been unsuccessful; or (2) have resulted in a referral to stage 3; or (3) there is a significant threat of harm to self or others, the third stage will be used. Staff members with concerns about participants under (3) above should draw these to the attention of the Head of Region. The Head of Region may seek advice from Lancaster University's Student Wellbeing Services.

**2.4.2** This stage of the process will usually follow on from stages 1 and 2. However Frontline retains the authority to require a participant to engage at stage 3 without the previous steps, particularly where the health and wellbeing of staff, families that the participant is working with or participants is considered to be at significant risk.

**2.4.3** The Head of Region will draw the case to the attention of the Delivery Director. There will be an initial consideration with professional input as to whether it is in the best interests of the participant or those around them to temporarily suspend the participant from the programme. Should this be deemed necessary, the participant may be temporarily be suspended for a period of up to thirty days, pending appropriate investigation and/or a stage 3 Fitness to Study meeting.

**2.4.4** During a period of temporary suspension, the participant can access the available participant wellbeing support as detailed on the programme Moodle. Their status as a

participant will not be affected by the temporary removal. The relevant personnel will be informed of the duration but not the reasons.

- 2.4.5 The Delivery Director (or nominated representative) will normally invite the participant to a stage 3 Fitness to Study meeting formally in writing at least 24 hours before the meeting is due to be held. The meeting will normally be held via skype (please note: as much notice should be given as possible).
- 2.4.6 There may be occasions where it is not appropriate for the participant to attend the meeting themselves (e.g. if they are currently in hospital). In this case the participant should be given the opportunity to make written submissions or be able to send a representative in their place.
- 2.4.7 The participant will be asked to provide any documentation they wish to be considered at the meeting in advance where this is possible, or where only short notice is given, the documentation should be presented at the meeting.
- 2.4.8 Participants attending such a meeting may be accompanied by another member of the practice learning environment, a friend, a Students' Union representative or Union representative.
- 2.4.9 The stage 3 meeting will consist of a panel chaired by the Delivery Director (or nominated representative) and will also consist of two senior members of the learning practice environment (academic or professional services). Careful consideration should be given to the make up of the panel depending on the nature of the issues to be discussed.
- 2.4.10 Prior to the meeting the panel may hold a case conference with relevant parties to gather information about the participant, the concerns and the earlier stages of the process. This case conference might include representatives from the Region, other support services or medical professionals involved with the case of the participant concerned. It is not expected that the participant would be invited to this case conference. The case conference is fact finding only, and no decision in relation to the participant will be made. Notes of the meeting will be made and provided to the participant for information.
- 2.4.11 Proceedings for the meeting can be flexibly determined by the panel to suit the nature of the case. These will be determined prior to the hearing and communicated to all parties. It

is not required, but where it is deemed in the participant's best interest people may be called to present evidence or medical opinion in person (or via skype) and in writing.

**2.4.12** The stage 3 Fitness to Study panel will make a decision based on all the evidence available to them and the advice received. This process is not a legal proceeding and the decision will be made on the balance of probabilities.

**2.4.13** The actions that the panel could make include but are not limited to:

- A period of monitoring is required to give the participant time to evidence improvement, which may include agreed and set review meetings. An action plan will be agreed with the participant which will be signed by both the chair and the participant and may include an agreement on appropriate support to be provided or appropriate behaviour to be expected. In this case the participant should be advised of the consequences of failing to comply with the actions;
- That the participant is required to intercalate (to be agreed based on relevant medical information noting that the academic requirements for that participant on their course of study may affect the conditions of return and based on the participant being able to demonstrate suitable fitness to return);
- That Frontline makes contact with the participant's registered next of kin (wherever possible this would be done with the full consent of the participant but there may be cases where for their health and safety, contact is made without consent);
- That the matter is referred to the Fitness to Practise policy; or
- Any other action considered to be appropriate and reasonable.

**2.4.14** If the participant does not engage with these proceedings and does not confirm the basis of their absence and/or attend the meeting, the panel may proceed to hear and make a set of agreed actions in the participant's absence. Those present will consider and agree the best course of action. By not engaging, a participant loses the right to contribute to the decision-making process.

**2.4.15** During periods of intercalation the participant will be advised of the wellbeing support available to them.

**2.4.16** Following the meeting the participant will be notified of the outcome in writing within 5 working days, including full articulation of any actions to be taken. A copy of which will be kept on the confidential student record.

## **2.5 Review**

**2.5.1** It is the intention and expectation of Frontline that decisions will be made in agreement with the participant. However, Frontline has a wider duty of care to all participants and staff and retains the authority to insist on outcomes even when the participant does not concur. The participant has the right to request a review at both stages 2 and 3. Reviews will be considered where a participant can evidence that:

- The participant was prejudiced by a failure of the stage 2 or 3 Fitness to Study meeting or its officers failed to follow the procedure as set out above or by a breach of the requirements of natural justice; or
- Exceptionally, substantial new evidence, not previously available to the panel, is identified.

**2.5.2** An intention to request a review by the participant must be submitted in writing to Registry within 10 working days of the receipt of the outcome. A timeframe for production of evidence will then be agreed between Frontline and the participant.

**2.5.3** If valid procedural grounds have been determined, then the Chief Programmes Officer (or nominated representative) will consider the review.

**2.5.4** The decision of the Chief Programmes Officer (or nominated representative) will be final and consist of one of the following decisions:

- The confirmation of the original decision(s); or
- The referral back to an earlier level of the process (if the process has not been followed and/or if new evidence is made available).

## **2.6 Return to Study**

**2.6.1** Following periods of intercalation or temporary suspension, return to study will be managed as follows:

- Participants will be required to demonstrate suitable fitness to return by providing satisfactory evidence from a recognised independent health

professional with sufficient knowledge of the wellbeing of the participant during the period of intercalation and/or temporary suspension;

- The participant will be required to undertake any required suitability and programme checks as necessary; and
- The participant will be required to adhere and evidence that they have met the conditions of return following a period of intercalation;

**2.6.2** The decision to allow a participant to return will be taken by the Delivery Director based on evidence presented, and in consultation with relevant parties, including the participant's Head of Region.

**2.6.3** At the discretion of the Delivery Director and in consultation with all parties including the participant, ongoing arrangements to support the participant and prevent a reoccurrence of the original difficulties will be agreed.

## **Section 3: Relevant references**

### **3.1 Frontline policies and documents**

**3.1.1** This policy should be read in conjunction with the following policies and guidance:

- Fitness to Practise Policy
- Participant Discipline Policy
- Suitability for professional training
- Participant's practice learning agreement
- SWE Professional Standards