

# **Fitness to Study Procedure**

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## Introduction

Spirit Studios is committed to supporting students and recognises the importance of their health and wellbeing in relation to their academic progress and university experience. The Fitness to Study (FTS) procedure is a supportive process used when a student's health or wellbeing is having a detrimental impact on their (or others') ability to progress academically and/or function in the university community effectively.

## Scope of Policy

This procedure applies to any student of Spirit Studios. This procedure will be used to deal with instances which have led to:

- Concerns about a student's fitness to study at Spirit Studios and/or ability to meet the learning outcomes of the course, notwithstanding reasonable adjustments;
- A negative impact on the health, safety, wellbeing and/or learning of the student and/or others with whom they have contact.

There is a potential overlap between this procedure and other Spirit Studios policies (see Google Classroom for student policy and procedure documents).

Spirit Studios reserves the right to suspend action under this procedure if it considers that the matter would more appropriately be dealt with under another procedure.

## Process

This procedure has three stages, based on the level of support needed by the student and/or the seriousness of risk. Depending on the concern raised, it may be appropriate to move straight to a higher stage. A student's willingness to engage with the process will also inform actions and decisions taken by Spirit Studios. If a student chooses not to engage, then this procedure may continue without their involvement. At any stage in the Fitness to Study process, the student may be suspended from Spirit Studios on an interim basis in accordance with any alleged misconduct.

Where the alleged misconduct may also constitute a criminal offence and has been reported to the police, Spirit Studios will normally defer action under these Regulations, pending the conclusion of any police investigation and/or prosecution. Spirit Studios will reserve the right to take interim precautionary measures with due regard for the safety, academic and support needs of Spirit Studios, its staff and students.

If it is not possible or practicable to convene the meetings required under this procedure, discussions may take place by correspondence or by video conference. A meeting may proceed in the student's absence if the Chair is satisfied that the student was given proper notice of the date and time of the meeting but has not provided a reasonable explanation for their non-attendance.

Students will normally be given copies of documents considered under this procedure and will have a reasonable opportunity to submit written representations and supporting documents for consideration. The Chair has the power to adjourn any meeting, for example to obtain additional evidence, including medical evidence.

At all stages, the student is entitled to be accompanied and/or represented by a person of their choosing, who may be a friend, family member or a representative from the Students' Union, but who may not be a lawyer acting in a professional capacity.

## **Stage 1 - Emerging Concerns**

When a concern about a student's health, safety or wellbeing is raised, the concerned member of staff should seek advice from the Safeguarding Team.

Once the Fitness to Study Procedure has been agreed as the appropriate way forward, an informal meeting should be arranged by the member of staff or representative of the Safeguarding team, with the student, to discuss the concerns and agree a way forward.

The outcome of the meeting should be confirmed in writing to the student, setting out agreed actions and arrangements for a follow-up meeting. The follow up meeting can be used to either:

- A. Agree that the concerns have been addressed and the Fitness to Study process can now be closed,

*Or*

- B. Agree that the concerns have not been addressed and further meetings are required, or that escalation to stage 2 or 3 of the Fitness to Study Procedure is appropriate.

## **Stage 2 - Continuing Concerns**

Where continuing or serious concerns about a student's health and wellbeing are raised, the member of staff should contact the Safeguarding Team. Normally a stage 2 meeting would take place, involving the Safeguarding Team, the student and the staff member who raised the concerns. The student will be notified in advance of the purpose of the meeting. Alternatively, the Safeguarding Team can also instigate this meeting.

The meeting will include a discussion and assessment of the concerns raised and the impact this is having on the student and/or the wider Spirit Studios community.

If the student is on a professionally regulated course, there will be consideration of any implications for professional practice and, if so, whether the Fitness to Practise Procedure should be invoked.

An action plan will be drawn up, setting out support measures, follow-up deadlines/meeting dates and any conditions that the student is required to adhere to. The action plan will include a review date, and it will be made clear that failure to adhere to the action plan may result in Stage 3 being invoked.

### **Stage 3 - Significant or Persistent Concerns**

This stage will be invoked when significant or persistent concerns are raised about a student that are putting them or others at risk. These may be continuing concerns or a new significant concern which Spirit Studios deems appropriate for immediate stage 3 action.

A Case Conference will be convened with the student to establish the facts and discuss an appropriate course of action. The Case Conference will be chaired by a Safeguarding team representative not previously involved in the case, a member of the Senior Management team and appropriate members from other areas of Spirit Studios e.g. Lead Tutor (or nominee) and Welfare staff will also attend the Case Conference. The Case Conference will consider all reasonable options to enable the student to continue with their studies.

The student will be invited to attend the Case Conference and will be given at least 5 working days' notice of the date and time of the meeting. The student may submit any documents they wish to the Case Conference for consideration.

The Chair of the Case Conference will decide how the meeting will be conducted, ensuring in particular that the student's views are heard.

If the student is unable to attend, the Case Conference panel may choose to suspend the student until they are deemed well enough to engage.

The student will receive written confirmation of the outcome of the Case Conference within 10 working days and will be required to comply with any actions agreed by the Case Conference panel. If actions are not followed, a further case conference will be convened.

The outcome of the Case Conference will be one of the following:

- That no further action is required; or
- To agree an enhanced action plan with an agreed review date; or
- To agree a voluntary interruption of the student's studies, in line with assessment regulations and course assessment boards; or
- To invoke a suspension of the student's studies for a specified period, in line with assessment regulations and course assessment boards; or

- To invoke a withdrawal of the student from the course and Spirit Studios, in line with assessment regulations and course assessment boards; or
- Any other action considered to be appropriate and proportionate.

## **Appeal Against the Outcome**

The student may appeal against the outcome of the Case Conference by writing within 10 working days to the Director of Spirit Studios or the Curriculum and Quality Manager, who will review the matter and respond to the student within 10 working days of receiving the appeal. The decision of the Director of Spirit Studios or the Curriculum and Quality Manager is final.

## **Returning to Study Following Suspension or Interruption as an Outcome of a Case Conference**

The student will be required to provide or co-operate with Spirit Studios in obtaining satisfactory evidence that they are fit to return to study and be part of the Spirit Studios community. The Case Conference panel will be reconvened, with the student present, to consider the information received and may decide:

- The student is fit to participate in education/studies and can resume their course. If the student is fit to return, a Return to Study meeting will be held and a support plan agreed.
- The student is not fit to return to study at this time and should be suspended for a further specified period.
- That the student be withdrawn from the course and Spirit Studios in line with the policy regulations.

A copy of the decision and associated reasons will be provided to the student in writing within 10 working days of the meeting of the Case Conference panel.

Students should note that it may not be possible for them to return to exactly the same course following a long period of suspension or interruption, as the course may have been discontinued or significantly modified.

## **Appeal Against a Decision on Returning to Study**

In the case of a decision by the Case Conference panel that the student should be suspended from Spirit Studios for a further specified period or that the

student should be withdrawn from the course and Spirit Studios, the student may appeal against the decision in writing within 10 days of the Case Conference outcome correspondence.

A student may appeal against:

- A. The decision that the allegation(s) was/were proven, except in cases where the allegation has been found proven by a Criminal or Civil Court or where the student admitted the misconduct in writing; or
- B. The decision(s) on the outcome or penalty; or
- C. Both decisions.

Grounds for appeal are:

- A. That new evidence or extenuating circumstances has become known, which the student could not have reasonably made known at the time of the original hearing;
- B. That the original hearing/interview was not conducted fairly and/or in accordance with the published procedure;
- C. That the original decision was unreasonable in all of the circumstances.

## **Monitoring of the Procedure**

Spirit Studios will collect aggregated data about fitness to study cases and will submit an annual report to the senior management team (SMT) for the purpose of quality assurance and enhancement. The effectiveness of the Fitness to Study Procedure also be reviewed at this point and, where appropriate, changes will be made.