



Huddersfield Horizon SCITT

Fitness to Study Policy and Procedure

Proposed Review Date: 01 September 2022

Policy Reviewer: Emily Beach, SCITT Director

Concerns about a trainee's wellbeing should be acted upon promptly. Early intervention may prevent situations developing into crises at a later stage.

Introduction

1. The Partnership is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health issues is critical to trainee learning, academic achievement and to the wider trainee experience.

2 The Partnership also recognises that there may be instances where a trainee's physical or mental health may give rise to concerns about the trainee's fitness to study, for example the trainee's capacity to engage with his/her studies and/or to function more widely as a member of the partnership. Such instances may arise where, for example, the Partnership is concerned that:

- a trainee poses a risk to his/her own health, safety and/or wellbeing and/ or that of others
- a trainee's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other trainees and pupils
- a trainee's behaviour is (or is at risk of) adversely affecting the day-to-day activities of the partnership or a placement provider
- a trainee's support needs fall outside the scope of the support and other services which the partnership can reasonably be expected to provide.

3. This Procedure sets out how the Partnership may respond to instances where a concern is raised regarding a trainee's fitness to study and the type of action that the Partnership may take to manage the matter and support the trainee.

4. The Partnership recognises that concerns may be raised by a variety of individuals, for example Partnership staff, other students, and third parties (such as health professionals or placement providers). This Procedure seeks to promote early intervention, active collaboration between staff, students and third parties, and consistency of approach. Matters will be dealt with sensitively and non-judgementally and in a coordinated manner across the Partnership. Whilst the Partnership will seek to work with trainees in a spirit of cooperation, cases may arise in which it may, under this Procedure, determine that a trainee is unfit to study and that his/her registration should be suspended or terminated.

5. In implementing this Procedure, the Partnership will at all times remain mindful of its duty of care and its obligations to trainees under the Equality Act 2010, including in appropriate cases its obligation to make reasonable adjustments. It will also remain mindful of the confidential and sensitive nature of fitness to study matters and of its obligations under the Data Protection Act 1998.

6. Partnership staff dealing with trainees at any and all levels of this Procedure will consider what support may be offered to students for example, by directing or referring students to local GPs or mental health services, including through Smart Clinic. Students will be encouraged to seek support.

7. All matters dealt with under this Procedure will be dealt with according to the individual circumstances. Whilst the Partnership anticipates that such cases will be exceptional, it reserves the right at any level of this Procedure to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety (for

example, in crisis situations, or where it is concerned that a student's attendance at a meeting would be unduly stressful, or where the student is in hospital).

8. Should a student be unwilling or unable to participate at any level of this Procedure or to attend a meeting, the Partnership may nonetheless follow this Procedure where it is reasonable to do so. The Partnership may, where it is reasonable to do so, deal with issues on the basis of written reports and/or statements in the absence of the trainee and/or his/her representative.

9. Where there are critical concerns about the risks posed by a student's health or where a temporary suspension is being considered, The Partnership will normally get in touch with the "emergency contact" provided by the trainee at the point of registration. The trainee's consent for this action to be taken will be sought. The Partnership reserves the right to make this contact if it deems the student's vital interests are at risk even if such consent is not given and/or the student is unable to give such consent.

Temporary Suspension

10. Where the SCITT Director reasonably believes that a trainee about whom a fitness to study concern has been raised poses a serious risk to:

- his/her health, safety and/or wellbeing and/or that of others
- Partnership property, and/or
- the reputation of the Partnership

and immediate action is required, he or she may agree to:

- suspend the trainee's registration for a specified period of time, and/or
- exclude the trainee from Partnership premises for a specified period of time pending steps being taken under this Procedure.

11. Any suspension made under paragraph 10 is a temporary and neutral act made in the basis of risk and is not a determination under this Procedure regarding the student's fitness to study.

12. In addition, as part of his or her determination under paragraph 10, the Director will consider whether specific arrangements can reasonably be put in place for the trainee in order to minimise the impact on his/her studies

13. Where the Director suspends a student in accordance with paragraph 10 and/or the student will be notified in writing to all known addresses, normally within two working days of the decision.

14. The trainee may appeal against the decision that they be temporarily suspended within ten working days of the notification, on the grounds that:

- The correct procedures were not followed
- Material irregularity took place
- The decision was unreasonable in the circumstances

15. Concerns about a student's fitness to study will be dealt with under the following Procedure

which has three levels of action:

- **Informal (Level 1):** Initial and/or emerging concerns
- **Level 2:** Continuing and/or serious concerns
- **Level 3:** Persistent and/or critical concerns

16. The Procedure may be entered at any level, without any requirement for an earlier level to have been commenced or exhausted, although it is hoped that most situations can be remedied by action taken at the informal level. At which level the Procedure is implemented will depend on factors such as the nature of the concern, the seriousness of any risk posed, the trainee's perception of his/her behaviour, and the response of the trainee to any steps taken by the Partnership to manage the situation.

17. The processes under all levels of the Procedures will be undertaken in a transparent manner, and the student will normally be informed of the identity and capacity of any persons with whom the Partnership consults (including third parties such as health professionals).

Informal (Level 1) – Initial and/or Emerging Concerns

18. Initial or emerging concerns about a student's fitness to study will normally be dealt with informally.

19. A member of Partnership staff who knows the student will notify the student that there is a concern about his/her fitness to study, the nature of that concern, and that the matter is to be managed under this Procedure. The student will be provided with a copy of this Procedure. The member of staff will arrange a meeting with the student. The student will be notified at least 24 hours in advance of the meeting. He or she will be informed who will be present at the meeting and will be reminded that he or she can bring somebody with them for support.

20. The aim of the meeting will be to discuss the concern, any support needs the student may have, and will seek to identify the student's perception of the concern. The student will be given the opportunity to respond to the concern. A member of the Trust's HR team will often be present at the meeting. The staff member may also invite other relevant staff to attend. He or she may also consult with other relevant staff members in order to deal with the matter and to provide appropriate support to the student.

21. The staff member will determine whether the student's fitness to study is impaired, or may become impaired, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- support arrangements and/or reasonable adjustments to be put in place for the student.
- an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her conduct and/or support he or she should seek).
- the matter to be referred to another Level of this Procedure.

22. Where an action plan is drawn up under Level 1, the student will be informed that if he or she fails to comply with any identified actions, the case may be referred to be dealt with at Level 2 or 3 of this Procedure. The student will be provided with a copy of the action plan.

A date will be arranged at which the action plan will be reviewed and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to Level 2 or 3 of this Procedure. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

23. The student will normally be notified within five working days of the meeting of the staff member's decision, with reasons, and any actions to be taken.

Level 2 – Continuing and/or Serious Concerns

24. Continuing and/or serious concerns about a student's fitness to study will normally be dealt with under Level 2.

25. The student will be contacted by the Director who will inform him/her that there is a concern about his/her fitness to study, the nature of the concern, and that the matter is to be managed under Level 2. The student will be provided with a copy of this Procedure.

26. The student will be invited to attend a meeting to discuss the concern, any support needs the student may have, and to seek to identify the student's perception of the concern. The student will be given a full opportunity to respond to the concern and will be entitled to be accompanied at the meeting. The student will be given at least 24 hours written notice of the meeting. The Director will consult with and/or seek information from other relevant persons (for example, members of academic or support staff, health professionals) in order to investigate the matter and to identify support for the student. Records of any previous meetings under this Procedure and any action plan will be made available.

27.27.

Actions may include (but are not limited to) one or more of the following outcomes:

- support arrangements and/or reasonable adjustments to be put in place for the student.
- an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her future conduct or support he or she will seek).
- the matter be referred to another Level.
- it be recommended to the student that s/he take a period of voluntary interruption.

28. Where an action plan is drawn up under Level 2, the student will be informed that where he or she fails to comply with any requirements his or her case may be referred to be dealt with at Level 3. The student will be provided with a copy of the action plan. A date will be arranged at which the action plan will be reviewed by the Director and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to Level 3 of this Procedure. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

29. The student will be notified in writing normally within five working days of the decision made by the Director, with reasons, and any actions to be taken.

Level 3 - Persistent and/or Critical Concerns

30. Persistent and/or critical concerns about a student's fitness to study will be dealt with under Level 3.

31. The particular process to be followed in dealing with a matter under Level 3 will be at the discretion of the Director and will depend upon the circumstances of the matter (for example, the seriousness of the concern, the risk posed, and whether the student is able to engage with the process).

32. Normally, a case conference will be called by the Director to discuss the nature of the concerns and consider possible outcomes. The case conference will comprise the Director or another senior member of the Partnership and, as is appropriate in the circumstances and at the discretion of the Chair, two senior members of staff who will act as Panel members. These could include:

- CEO of The Trust
 - Head of Operations for The Trust
 - Head of HR for The Trust
 - Deputy Director of The Trust

Other individuals may be called upon to provide information (for example, staff who have been involved with the student) either in person or in writing. Relevant external professionals (for example, psychiatrists, GPs, mental health workers, probation officers) may also be invited to attend. Provision will be made for the production of written reports (for example, medical reports) where appropriate.

33. Normally the student will be invited to attend the case conference, and the case conference will seek to identify the student's perception of the concern. The student will be entitled to be accompanied to the case conference normally by no more than one person. The student will be informed of the case conference in writing at least 24 hours in advance, the purpose of the case conference, the nature of the concern, who will be present, and that the matter is to be managed under Level 3. The student will be provided with a copy of this Procedure. Records of previous meetings under this Procedure and any action plan will be available at the meeting. The student will be requested to notify the Partnership in advance whether or not he or she will be attending and the identity and role of any person(s) who will be accompanying and/or representing them at the meeting. The process followed will allow the student a full opportunity to respond to the concern.

34. The case conference will determine whether the student's fitness to study is impaired, or may become impaired, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- support arrangements and/or reasonable adjustments to be put in place for the student.
- an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her future conduct or support he or she needs to seek).
- the matter referred to an earlier level of this Procedure.
- the student be withdrawn from placement
- it be recommended to the student that s/he take a period of voluntary interruption.
- It be recommended to the Director that the student be excluded from Partnership premises for a stated period of time, with arrangements put in place to support this or study as is reasonable, with or without conditions, for any subsequent return on to the premises

- it be recommended to the Director that the student be suspended from their programme of study for a stated period of time, with or without conditions, for any subsequent return to study.
- it be recommended to the Director that the student be expelled from the Partnership

35. Where an action plan is drawn up under Level 3, the student will be informed that where he or she fails to comply with any requirements his or her case may be referred to be dealt with again at Level 3. A copy of the action plan will be provided to the student. A date will be arranged at which the action plan will be reviewed by the panel and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should continue to be dealt with at Level 3. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

36. The student will be notified in writing of the decision and outcome of the case conference with reasons, normally within three working days.

37. The minutes of the proceedings and the determination of the case conference will be available to all in attendance and will be kept securely by the Partnership

Exclusion, Suspension and Expulsion

38. If the case conference recommends that a student should be subject to an exclusion from the premises, a suspension from their programme or expulsion from the Partnership, the matter will be referred to the Partnership Board for a decision to be made.

39. If the Board decides to exclude or suspend a student, the student will be informed of this together with reasons and any conditions associated with eligibility to return.

40. In all cases the most appropriate and supportive manner for the outcome to be communicated to the student will be considered in advance of notification of the student.

Wherever possible, the written notification detailing the decision will be given to the student in person, for example by a member of staff from the Partnership, who will explain the contents. The letter will also be sent by registered mail to the current postal address given by the student and to the student's email accounts known to the Partnership

Appeals

41. Students may appeal the process by following the Partnership's appeal process

Return to Study

42. A request to return to study must be made by a student in writing to the Partnership

43. The process by which the outcome of a return to study request will be determined may vary according to the circumstances of the matter and the interests of fairness, and will be at the discretion of the Director. Each student's case will vary depending upon the context and specific circumstances. In each case, however, a return to study by a student will be dependent upon the student satisfying the Director that he or she is fit to study and that s/he has complied with any conditions placed upon his/her return.

44. Normally the student will be invited to meet with the Director to consider the request to return to study. He or she may require the student to produce satisfactory medical and/or other evidence of his/her fitness to study (for example, a psychiatrist's report or GP's letter) from recognised professionals who have sufficient knowledge of the student, the demands of higher education, and the student's intended programme of study in order to give an informed opinion.

45. The Director will determine whether to permit the student to return to study. In reaching his or her decision, he or she may consult with relevant Partnership staff and/or external professionals. He or she may impose conditions upon any return to study (for example, relating to the student's conduct, any support the student should seek and/or his or her academic progress). The Director will consider any support and/or reasonable adjustments which should be put in place for the student in connection with his/her return to study and will be responsible for ensuring that any support and reasonable adjustments identified are provided/made.

46. The decision of the Director will be notified to the student in writing, with reasons, within a reasonable time of the student's written request to return to study. If the request is turned down, the letter will include information on the process of re-application for a return to study.

47. The decision of the Director is final.

48. The Partnership will work collaboratively with the student in respect of any support arrangements put in place for a return to study. Before or on his or her return, the student will be invited to attend a Return to Study Meeting.

At the Return to Study Meeting, an action plan will be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified by the Partnership in respect of the student's return. The action plan will include a timetable for any review meetings which have been deemed necessary to assist the student's successful return to study. If conditions are attached, failure to comply will lead to further Fitness to Study procedures under Level 3. The student will be sent a summary of the Return to Study Meeting and a copy of the action plan, normally within five working days of the meeting.