



# 2019 Fitness to Study (Higher Education) (HE12)

**TEC** Partnership  
Training • Education • Careers

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**Description:**

This Code of Practice will be of interest to staff and students involved in a review of fitness to study whilst on a programme of study in higher education. This document provides an explanation of the process for reviewing fitness to study, outlining student entitlement and expectations and the consequences of a fitness to study review.

If you need any further advice on how the regulations work, you should contact the HE Quality Office.

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1.3	Addition of OIA to the Policy	October 2019

## **1: Introduction**

1.1 The TEC Partnership aims to provide a supportive environment that allows all students to realise their full potential and successfully graduate from a programme of study in Higher Education.

1.2 This code of practice should be read in conjunction with the TEC Partnership's Academic Regulations, Code of Practice Fitness to practice, the Code of Practice Mitigating Circumstances and Short Extensions and the Code of Practice for Retention and Engagement in Higher Education.

1.3 This Code of Practice does not apply to students on BSC Nursing (Adult) GIFHE who should follow the policy of the University of Hull. <https://www.hull.ac.uk/choose-hull/university-and-region/governance/policies.aspx>

## **2: Purpose and Scope**

2.1 The TEC Partnership is committed to the wellbeing of all its students. Wherever possible, students who present with difficulties in the physical or mental wellbeing should be considered from a supportive perspective rather than a disciplinary one. Decisions concerning a student's fitness to study should be considered through a collective process which considers the student experience in a holistic manner, including studying, learning and graduating.

2.2 In order to maintain and enhance the TEC Partnership community, students need to conform to certain standards of behaviour, and the TEC Partnership has disciplinary mechanisms in place to deal with students whose behaviour falls outside these standards (available on request from the Learner Services Department). However, it is recognised that the cause of misconduct may include issues relating to a student's health and general well-being, where disciplinary action may not be appropriate.

2.3 A student's fitness to study may be questioned if health problems are disrupting their own studies or the studies of others or result in unreasonable demands being placed on staff or other students. The TEC Partnership has a duty of care to its community and is bound by health and safety legislation, which means it is obliged to take action if a student presents a risk to themselves or to others.

2.4 Should a concern arise; this Code of Practice ensures that any steps taken will be limited to those necessary to protect the best interests of the student by providing a consistent and sensitive approach to managing the situation.

2.5 The level of risk posed by a student will be measured by the use of a risk assessment process, which will be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Executive Director of Learner Services (or designate) in close collaboration with curriculum and support staff, who would play a key role in identifying the specific evidence to underpin any concerns.

2.6 As a general rule this policy is only intended for use in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature. Where possible the support services available to students should be used as the first port of call prior to taking any formal action.

2.7 Wherever possible, students should be involved in the management of their own wellbeing.

2.8 The TEC Partnership reserves the right to use the disciplinary procedure to deal with

behaviour which is the result of physical or mental health issues, depending on the individual circumstances of the case. However, once this policy had been used (at any of the three stages) the behaviour observed will normally be considered under this policy rather than under the disciplinary procedure.

2.9 The Fitness to Study policy detailed below has three levels. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three levels.

### **3: Crisis Situations**

3.1 It is possible that a student may pose such an extreme risk to themselves and / or others that they require emergency assistance outside of these procedures. In such cases staff should refer to the following:

3.2 If a student presents such an extreme risk to themselves and/or other and as a result, requires emergency assistance outside of this Policy then the relevant emergency service should be contacted by dialling 999. The appropriate Partnership policies should also be followed, including informing the Duty managers and ensuring that the Intensive Support team in Learner Services are informed on Ext 1393 or 07920860241.

### **4: Possible indicators for concerns regarding Fitness to Study**

4.1 A student's fitness to study may be questioned as a result of a wide range of circumstances. These include (but are not limited to) the following:

- Serious concerns about the student emerge from a third party (i.e. house-mate, friend, colleague, placement provider, member of the public, medical professional etc) which indicate that there is a need to address their fitness to study.
- The student has told a member of the Partnership that they have a problem and/or provided information which indicates that there is a need to address their fitness to study.
- The student's academic performance or physical behaviour is not acceptable, and this is thought to be the result of an underlying physical or mental health problem.

4.2 In all cases, the student's personal tutor or Curriculum Manager should be notified so that the TEC Partnership is aware of the situation and can provide any necessary support. It is the curriculum managers responsibility to ensure all actions to support the student are completed and that these have been logged on Pro-monitor.

### **5: Initial Support and Guidance to Students**

5.1 Student with a mental or physical health difficulty, firstly: -

- Are expected to speak to their Success Coach, Programme Leader, Curriculum Manager or another appropriate member of staff in their academic department about the difficulty and any related problems that they may be experiencing.
- Are encouraged to consult all relevant support services available at the TEC Partnership, and in particular, the Student Health and Well Being Service, the Disability Advisory Service, the International Office and the Chaplaincy

(further information on these services and be found by visiting the Learner Services web-pages).

## **6: Stage 1 – Informal Action by the Area**

6.1 Should preliminary action be unsuccessful, a member of academic staff should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have emerged. This would ordinarily be a member of staff within the academic department with primary responsibility and /or knowledge of the student concerned (e.g. their Personal Tutor or Curriculum Manager). All actions must be logged on Pro-Monitor. However, if concerns arise within the student residences, then the Group Director of Learner Services (or nominee) should take the lead, in consultation with the curriculum area. Should a member of staff require advice or guidance on this they should contact the Group Director of Learner Services.

6.2 The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised, including if appropriate, reference to the level of perceived risk presented by the student as measured by the risk assessment process. The member of staff will attempt to resolve the matter by informal discussions with the student. The student should be given the opportunity to explain their own views on the matter and be encouraged to consider using one or more of the support services offered by the Institute. It may also be appropriate to look into the possibility of applying special academic arrangements to enable the student to study effectively.

6.3 It is hoped that in most cases issues can be resolved at this level and that students will respond positively, co-operating fully with the process and taking advantage of the support available.

6.4 A review period should be determined (if possible by agreement between the member of staff and the student) to allow the student to consider their own behaviour and seek advice from the support services available. This review period should be clearly noted on Pro-Monitor. At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the policy.

6.5 The informal discussions, advice and any undertakings made by the school and/or the student should be documented for the benefit of both the school and the student.

6.6 If a student is unable to co-operate with the above process or modify their behaviour, they should be informed that more formal action under Stage 2 of this policy may be considered appropriate.

## **7: Stage 2 – Case Review Panel**

7.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the policy can be invoked. A meeting of a Case Review Panel shall be convened by the Associate Principal, constituted by appropriate representatives of the student's academic department and the Group Director of Learner Services (or nominee).

7.2 In order to best support the student's needs, before the meeting a medical assessment may be sought. The student will be encouraged to consent to this, as it will ultimately enable the Institute to address the student's difficulties in the most effective manner possible and make an accurate assessment of risk. The medical assessment will

be used to determine the following matters: -

- the nature and extent of any medical condition from which the student may be suffering;
- their prognosis;
- the extent to which it may affect his/her fitness to study and manage the demands of student life;
- how the condition may impact on behaviour
- any impact it may have or risk it may pose to others;
- whether any additional steps should be taken by the Group in light of the medical condition to enable the student to study effectively;
- whether the student will be receiving any ongoing medical treatment or support.

7.3 The student will be asked to authorise full disclosure to the TEC Partnership of the results of any examination. The TEC Partnership recognises that any such information disclosed will constitute "sensitive data" for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination, the TEC Partnership may either continue this policy based on the information already in its possession or use another appropriate means to address the issue.

7.4 The student will be given at least 7 days' notice of the Case Review Panel and informed of the purpose of the meeting. They will also be provided with any documents which will be considered by the Panel and asked to provide any documentation they may wish the Panel to consider in good time for the meeting.

7.5 The student may be accompanied at the meeting by a fellow student, or other advisor. Students with disabilities may also be accompanied by a support worker if required. Please note a legal representative will not be accepted.

7.6 The purpose of the meeting will be to ensure that: -

- The student is made fully aware of the nature of the concerns which have been raised,
- The student's views are heard and taken account of,
- The best way to proceed is agreed upon,
- The student is fully aware of the possible outcomes if difficulties remain.

7.7 The Case Review Panel will order its proceedings at its own discretion and may call witnesses, including Student Services staff working with the student, and Institute inquiries to assist its deliberations. It will also consider an updated risk assessment where appropriate.

7.8 The Case Review Panel may decide: -

- That no further action is required;
- To formally monitor the student's progress for a specified period of time. Regular review meetings with the student of an agreed action plan will determine compliance. Failure to comply may then lead to consideration at Stage 3 of the policy.
- To recommend part-time study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the student's department and by the student through the 'change of circumstance' process. The student should also be advised to seek guidance from the Student Information and Funding Service and the International Office (where appropriate) before agreeing to a change in circumstance. The student will be informed that unless these arrangements remedy the concerns to the Institute's satisfaction, their fitness to study may be considered at Stage 3;
- Where the student is on placement, to propose to the student suspending the placement or (if available) switching programmes to a 'without placement' equivalent.
- With the consent of the student, to agree that their studies be suspended for a mutually agreed period of time;
- To refer the case to the Senior Management Review Panel to be considered under Stage 3 of this policy. This will only be appropriate in the most serious of cases, where for example evidence of a serious risk to either the health and safety of the student or others has been identified and it is thought that suspension or exclusion (temporarily or permanently) of the student may be the appropriate course of action, or where a particular course of action has been recommended (such as part-time study or suspending a placement) but the student does not agree.

7.9 The decision of the Case Review Panel, together with a concise record of the meeting, should be sent to the student within 7 working days from the date of the meeting and a copy kept on the student's Pro-Monitor records.

### **8.0 Stage 3 – Senior Management Review Panel**

8.1 This stage of the procedure will only be implemented following a referral from a Stage 2 Case Review Panel or, if in the opinion of the Executive Director of Learner Services feels initial concerns are raised which are sufficiently serious as to warrant the consideration of the student's suspension or exclusion (temporary or permanent) (e.g. if they pose a potentially threat to the health and safety of themselves or others, or disruption to the working of the institution).

8.2 As a first step, the Senior Management Review Panel shall consider whether interim suspension of the student, pending further action, is appropriate, including from Institute accommodation.

8.3 The Executive Director of Learner Services, in consultation with the Senior Management, shall then convene a Review Panel which shall be chaired by a member of the Senior Management Team. The Review Panel will normally comprise a member of the Senior Management Team, the Associate Principal, the Director of Learner Services and a

Governor (If judged appropriate, the Clerk to the Corporation or the TEC Partnership's Legal Adviser may also be in attendance).

8.4 The Senior Management's Administration office will arrange a date for a formal meeting of the Senior Management Review Panel to hear the case and invite the student to attend to discuss the concerns and all relevant issues. A member of the Senior Management's Administration office will act as Secretary to the Panel.

8.5 Wherever possible the student will be given at least a 7-day notice period for the meeting of the Senior Management Review Panel. The student will be informed of the purpose of the hearing. The student will also be provided with any documents to be considered at the meeting and asked to provide any documentation he /she may wish the Panel to consider in good time for the meeting.

8.6 The student may be accompanied at the meeting by a Students' Union representative, a fellow student or other adviser. Students with disabilities may also be accompanied by a support worker where required.

8.7 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns and to reach an appropriate decision, action plan or other outcome.

8.8 The Senior Management's Review Panel will order its proceedings at its discretion and may call witnesses and TEC Partnership inquiries to assist its deliberations, including Learner Services staff working with the student. It may include requesting further medical assessments of the student's fitness to study. It will also consider an updated risk assessment where appropriate.

8.9 The decision it arrives at shall be made by the Vice Principal having received the recommendations of other members of the review panel.

- The student shall be notified of the decision within 7 days of the meeting of the Senior Management's Review Panel. This may include formal monitoring of the student's progress for a specified period of time or regular review meetings with the student of an agreed action plan will determine compliance. Failure to comply may then lead to reconsideration at Stage 3 of the policy.
- That, following consultation with the academic department, the student should convert from full-time to part-time study with support; special academic arrangements are put in place; or an interruption of studies occurs. The student should be advised to seek guidance from the Student Finance England and the International Office (where appropriate) on the implications of such a measure. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the Institute's satisfaction.
- To recommend that the designee exercises their statutory power to suspend or exclude the student.
- To refer the case to the Corporation with a recommendation that Corporation should exercise its statutory power to expel the student from the Institute.
- Any other action considered to be appropriate and proportionate.

## **9: Return to Study**



9.1 After a period of suspension on health grounds reached by mutual consent, the decision as to whether to permit the student to return to study will be made by the Curriculum Manager, having taken advice from Learner Services. (Vice Principal and Executive Director of Learner Services should not be involved at this stage.)

9.2 To this end, Learner Services, in consultation with the Curriculum Manager, will identify the issues of concern the TEC Partnership has in respect of the student's fitness to study. Learner Services will contact the relevant medical professional for an assessment of the student's ability to manage the demands of studying at the TEC Partnership, drawing attention to the nature and extent of the student's previous problems and the TEC Partnership's concerns about them.

9.3 Students will only be permitted to return if, after receiving medical advice, the TEC Partnership is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return. Should it not be immediately obvious that return to study is appropriate the decision should be referred to a Stage 2 of the policy.

9.4 For suspensions made by the Vice Principal, the same medical evidence will normally be required to inform the Vice Principal in deciding if the suspension may be lifted. A Stage 2 meeting may be appropriate to advise the Vice Principal on whether the suspension should be lifted.

9.5 In any case where a student returns to study following the implementation of the fitness to study procedure, the TEC Partnership may decide that there should be regular review meetings with the student that can be used to monitor and support a return to study plan. If so, the student must provide their continued co-operation in this respect and such review meetings may continue for part or all of their remaining time at the TEC Partnership.

## **10: Right of Appeal to Independent external review (OIA)**

10.1 For students on Grimsby Institute Foundation Degrees, once the Senior Management Review Panel has been completed, the student is entitled to request a completion of procedures letter and then ask the OIA, the independent ombudsman service, to review his or her complaint about the outcome of the provider's Fitness to Practise Process. The appeal should be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.

10.2 For students on partner university validated courses, once the Senior Management Review Panel has made their final determination, they have the right to request a Final Determination of TEC Partnership letter. They then have the right to appeal through relevant university. For University of Hull Students this must be completed within 15 working days of receipt of the Final Determination of TEC Partnership letter. Once the University of Hull have reviewed the complaint they will issue a completion of procedures letter allowing review by the OIA.

## **11: Interface with HE13 Fitness to Practise**

11.1 Students who are studying on a programme of study that lead directly to a professional qualification, statutory registration and/or eligibility to practise who have been referred under the Fitness to Study Code of Practice, must also be referred for consideration under the Fitness to Practise procedure.

11.2 Fitness to Practise procedures will normally take precedence over the Fitness to Study procedures.

11.3 A discussion between the Executive Director Learner Services (or designate) and the relevant Curriculum Manager must take place prior to the Fitness to Study procedure

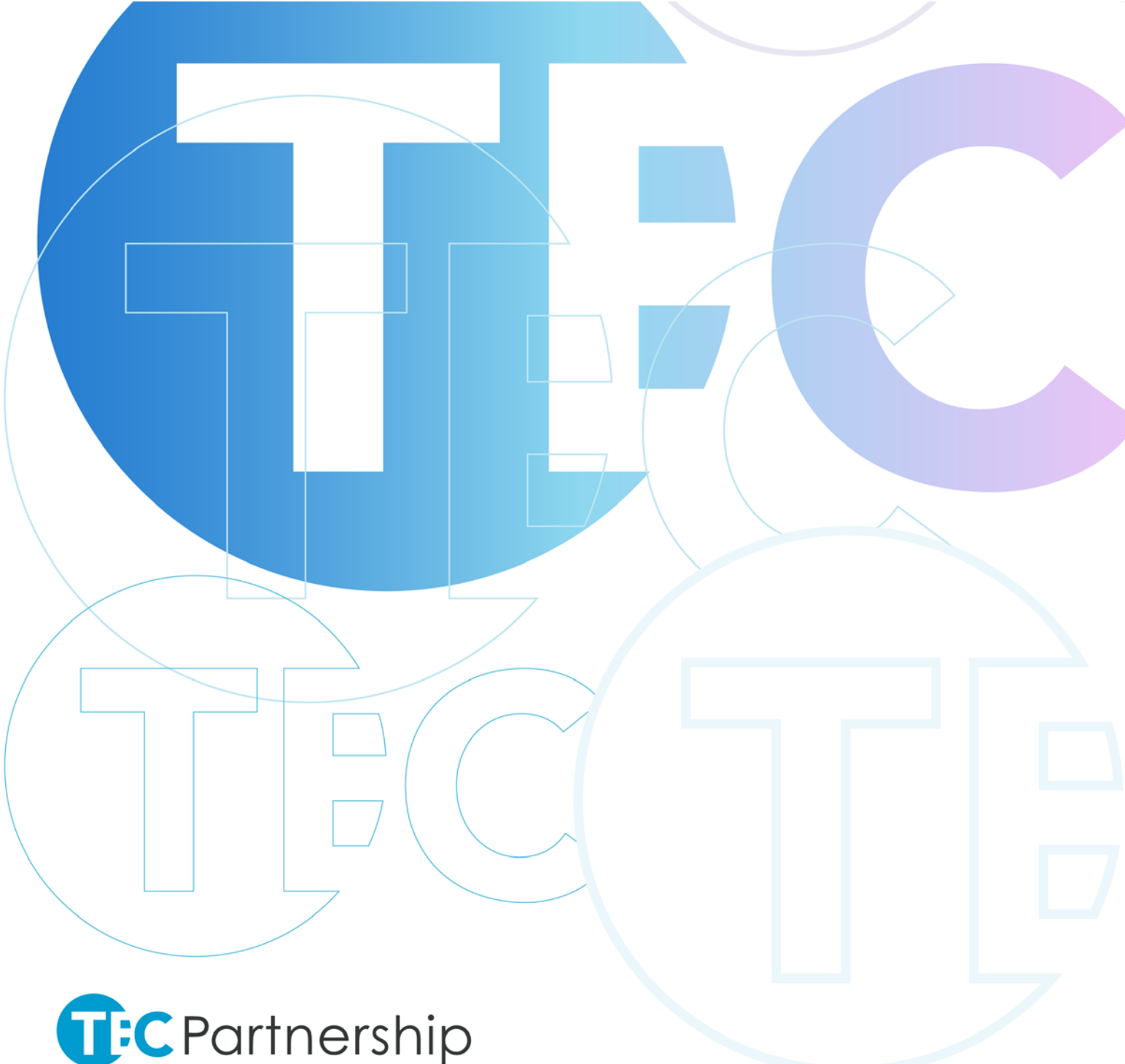
being invoked to establish which Code of Practice to invoke.

## **12: General Matters**

12.1 The TEC Partnership will take account of relevant legislation such as the General Data Protection Regulations, the Mental Health Act, the Human Rights Act, the Equality Act 2010 and the general rights and expectations of a student of confidentiality. In cases where Stages 2 or 3 of the Fitness to Study Procedure have been invoked, the Chair will decide about whether the student's emergency contact should be informed and discuss with the student whether any statutory services should be contacted.

12.2 The TEC Partnership acknowledges that as a result of implementing this policy it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data is handled, processed, stored and disposed of in line with TEC Partnership data handling policies.

12.3 The TEC Partnership reserves the right at any reasonable stage to require a medical assessment or further medical assessment to be carried out by a medical practitioner of its choosing, normally at the TEC Partnership's expense.



# TEC Partnership

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