

Fitness to Study Policy for all students enrolled on programmes leading to AECC awards

1. Scope and Purpose

- 1.1 This policy and the accompanying procedures are to be followed by AECC staff where a student's behaviours or attitude is giving cause for significant concern, and where it is believed either that there is an underlying physical or mental health condition, or that the use of the Student Disciplinary Procedures would be inappropriate or counter-productive.
- 1.2 This policy and the accompanying procedures applies to all current students on AECC awards. Chiropractic students on Bournemouth University (BU) awards should refer to the Fitness to Study: Policy and Procedures, available on the Virtual Learning Environment. Students on part-time MSc programmes leading to BU awards should refer to 11J - Fitness to Study: Policy and Procedures.
- 1.3 The College aims to ensure that support is offered to all students with mitigating circumstances, in line with its Dignity, Diversity and Equality Policy. The College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. Where a student or staff member working with this policy has specific protected characteristics under the Equality act 2010, all endeavors will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs. If you would like this document in a different format please contact AECC registry.

2. Key Responsibilities

- 2.1 The Academic Registrar is responsible for the overall management and implementation of this policy and the accompanying procedures.
- 2.2 Members of staff are responsible for acting within the framework of this policy and the accompanying procedures where a student's behaviours or attitude gives them cause for significant concern.
- 2.3 Under this policy and associated procedures any College role or officeholder or officer of the Student Union may act through her or his appointed nominee.
- 2.4 AECC students are responsible for being fit for study at AECC.

3. Background

- 3.1 AECC is committed to supporting all students to fulfil their potential. Occasionally a student's physical or mental health condition may impact upon their own, or others', ability to fulfil that potential; alternatively a student's behaviour may give cause for concern but the Student Disciplinary Procedures may not be the most appropriate route of resolution. This policy and the accompanying procedures are designed to outline the action that AECC will take in such instances to ensure that issues can be dealt with in a clear and transparent fashion.
- 3.2 This policy and the accompanying procedures are not intended to give guidance on wider matters relating to students with physical or mental health issues, but are intended to ensure a consistent approach to managing situations in which a student's behaviours or attitude is giving cause for significant concern.
- 3.3 AECC has access to a variety of resources which students and staff may find useful in relation to

wider matters relating to students with physical or mental health issues.

Policy

4. AECC ethos and support

- 4.1 AECC is committed to an ethos of equality and inclusivity and aims to facilitate and promote positive mental health and well-being through the recognition and understanding of all disabilities. AECC encourages all students to contact the appropriate service at the earliest possible opportunity in order that they are provided with the support they need to realise their full potential and complete their course of study.
- 4.2 The Fitness to Study Procedure is an internal procedure and is not intended to be a legal process. Nor is it intended to affect the terms and conditions of employment for those students in employment outside AECC. AECC does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would be required to do so either. As such the engagement of legal professionals by students in relation to Fitness to Study is normally not permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar.

5. Duty of care

- 5.1 At all times AECC aims to support individual students and allow them to make their own decisions as to when to engage with their studies. However AECC owes a “Duty of Care” to **all** members of the AECC community to ensure the health, safety and well-being of all its students, staff and visitors.
- 5.2 In exceptional cases, AECC’s duty of care may require AECC to remove a student from AECC if that student presents a risk to themselves or to other members of the AECC community.

6. Data protection and confidentiality

- 6.1 AECC is governed by the Data Protection Act 1998 and will treat all personal information (including sensitive personal information relating to students’ mental and physical health) as confidential.
- 6.2 Personal information about a student obtained under this policy and procedures will only be shared within AECC amongst those members of staff who need to know that information in order to offer the student appropriate support or to enable the operation of this policy and procedures.
- 6.3 AECC may ask a student for their agreement to share their personal information obtained under this policy and procedures with relevant professionals outside AECC in order to offer the student appropriate support or to enable the operation of this policy and procedures. AECC will not normally share any personal information about a student without their agreement, but may do so in exceptional cases where permitted by law.

Procedure

7. Introduction

- 7.1 These procedures are to be followed:

- 7.1.1 where a student’s behaviours or attitude is giving cause for significant concern, and where it is believed either that there is an underlying disability or mental health condition, or that the use of the Student Disciplinary Procedure would be inappropriate or counter-productive. These procedures may be applied equally to

those students who have a recognised health condition and those who do not.

7.1.2 where a student has not engaged with study for a period of time without reason given. Absence may be a cause for concern, and staff should be aware of the wellbeing of students who are on programmes of study at the College as absence is often an indication that there is a possible need to be addressed.

7.1.3 where there is concern about how well a student may manage their learning experience on a placement or similar activity. Students may have been receiving support and staff may be concerned as to how well a student may cope in an unusual environment even when support issues have been addressed.

7.2 AECC reserves the right to follow the Student Disciplinary Procedures 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 and the accompanying procedures have been used (at any of the following three stages) the behaviour will normally be considered under this policy and the accompanying procedures rather than under the Student Disciplinary Procedure.

7.3 These procedures should in no way distract from any emergency situation where it is believed that a student's behaviour presents an immediate risk to themselves or others.

8. Stage 1 – emerging concern

8.1 Where a student's behaviours or attitude first raises concern, details of this should be recorded for the student's file by the member of staff identifying the concern and the Academic Registrar informed accordingly. Where possible, the record should include specific incidents and dates and may relate to individual or isolated incidents or a series of issues.

8.2 The student should be invited by the Academic Registrar to meet with an appropriate member of staff (e.g. personal tutor or course leader) to discuss the concerns. At that meeting it should be made clear to the student that it is their responsibility to be fit for study and that concern has been raised about this within AECC. The explicit causes/instances for concern should be explained, with clear examples provided. The student has the right to be accompanied by a friend or representative who may not act in a legal capacity.

8.3 The student should be offered the opportunity to disclose any underlying physical or mental health condition and, if appropriate, the student should be provided with information about sources of professional support and advice available through AECC.

8.4 The student should be informed that a continuation of concerns or any additional causes of concern may result in their fitness to study being considered under Stage 2 of these procedures. The student should be provided with notes of what was discussed. A copy of the notes should also be put on the student file.

9. Stage 2 – continued concern

9.1 If the concerns have not been resolved by the actions in Stage 1, or if the member of staff identifying a concern feels that the case is too serious to be dealt with under Stage 1, the member of staff should inform the Academic Registrar of the concerns and any steps already taken to address the situation.

9.2 The Academic Registrar should review the information provided to them in relation to the student and, if they believe that the student may need further support, they may invite the student and the member of staff raising the concerns to discuss the concerns further with them. The student has the right to be accompanied by a friend or representative who may not act in a legal capacity. The Academic Registrar may involve appropriate professionals (such as the College's Counselling service or the Student's GP) at this stage.

- 9.3 At this point the Academic Registrar should remind the student of AECC's duty of care to every member of its community and inform the student that AECC may take action in accordance with this policy and the accompanying procedures if it believes that the student may be putting themselves or others at risk.
- 9.4 The student will be asked to agree an action plan to bring about changes in the behaviour causing concern. This may include:
- 9.4.1 requiring the student to attend weekly appointments with a nominated member of staff for regular monitoring; and
 - 9.4.2 requiring the student to seek help from support services through AECC or from external professionals, such as the student's GP or the Counselling Service.
- 9.5 The Academic Registrar will set a date for review of the student's progress against the action plan and will inform the student that failure to carry out the action plan may lead to action being taken under Stage 3 – Acute Concern.

10. Stage 3 – acute concern

- 10.1 If concerns about a student have not been resolved by the actions in Stage 2 of these procedures, or a student's behaviour raises serious and immediate concern, the member of staff identifying the concerns should inform the Academic Registrar as soon as possible.
- 10.2 The Academic Registrar, in conjunction with other relevant staff, will carry out a risk assessment to identify formally the level of risk to the student and/or others and to consider whether continued study may put the student and/or others at unacceptable risk or exacerbate the student's difficulties. In addition to the student's course-related activities, their level of engagement with their studies and the quality of social interactions, consideration should also be given to the student's domestic situation. All available evidence should be included in the risk assessment.
- 10.3 The risk assessment will result in one of two possible outcomes:
- a) The level of risk to the student and/or others currently posed by the student is within acceptable levels. In this case, Stage 2 of these procedures should (continue to) be followed.
 - b) The level of risk to the student and/or others currently posed by the student is unacceptable. In this case, Stage 3 of these procedures will continue to be followed.
- 10.4 If the risk assessment highlights an unacceptable level of risk, the Academic Registrar will call an urgent case conference. Attendees at the conference will include the Academic Registrar, the Programme Leader and other staff as are necessary and appropriate to consider the case (e.g. the unit leaders, appropriate healthcare professionals, or welfare staff). The student will normally be invited to attend the case conference and may be accompanied by a friend or representative.
- 10.5 The case conference may consider various options in relation to the student, including additional support strategies, suspension from study or a recommendation to the (Vice) Principal that the student be withdrawn from the College.
- 10.6 The decision of the case conference will be communicated to the student in writing (normally within 5 working days of the conference).
- 10.7 If it is deemed appropriate that the student should be suspended from studies then the student will also be informed in writing of the general procedure for return to study below and

any arrangements specific to their case.

11. Return to study

- 11.1 Following any period of suspension from AECC under these procedures, it may be appropriate for the student to return to resume their studies.
- 11.2 Each student's case depends on specific circumstances but in all cases, return to study will be conditional upon satisfactory medical evidence of fitness to study. Medical evidence should be from a GP or relevant health professional who has enough knowledge of the student's circumstances to be able to make an informed statement about the student's fitness to study.
- 11.3 The College reserves the right to request medical reports by way of evidence to support a student's return to study. In such circumstances, the College will reimburse reasonable costs incurred in the production of said reports. The level of costs will be discussed and agreed with the student in advance.
- 11.4 The decision to permit a student to return to study will be made by the members of the original case conference who may impose such conditions as they deem appropriate to the relevant case (such as a return to study plan or a requirement for the student to attend regular review meetings). The Academic Registrar will communicate the decision to the student.

12. Appeal/Complaint

- 12.1 Students have the right to appeal against any decision taken under Stage 3 of these procedures. An appeal may be made on the following grounds:
- the procedures outlined in this document were not followed
 - further material circumstance which could not reasonably have been expected to have been submitted for consideration at the Stage 3 case conference
 - procedural irregularity, bias or failure to reach a reasonable decision.
- 12.2 Appeals against suspension**
- 12.2.1 Appeals against suspension must be made in writing to the Academic Registrar within 10 working days of notification of the suspension clearly outlining the grounds for request (see 12.1).
- 12.2.2 The Principal or nominated representative will review the appeal and after consulting with the Programme Leader and the Manager of the Students' Union, may overturn the decision to suspend a student if they believe it appropriate. The Principal's decision will be final.
- 12.3 Appeals against Withdrawal**
- 12.3.1 Appeals against withdrawal must be made in writing to the Principal within 10 working days of notification of the suspension clearly outlining the grounds for request (see 12.1).
- 12.3.2 The Principal or nominated representative will review the appeal and after consulting with the Programme Leader and the Manager of the Students' Union, may overturn the decision to withdraw a student if they believe it appropriate. The Principal's decision will be final.
- 12.3 At the completion of the appeals stage the Academic Registrar will issue the student with a Completion of Procedures letter.

12.4 Complaints

12.4.1 If a student is not satisfied with any decision made by AECC or a member of AECC staff in accordance with any stage of these procedures, the student should follow the Student Complaints Policy and Procedure.

13. Referral to the Office of the Independent Adjudicator (OIA)

13.1 If, after exhausting the Appeals Stages, the remains dissatisfied, s/he may refer their case to the OIA. Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.

Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator

5th Floor

Thames Tower Reading

Berkshire

RG1 1LX

Tel: 01189 599813

Email: enquiries@oiahe.org.uk

14. Links to Other AECC Documents

- Student Charter
- Student Agreement (terms and conditions)
- AECC Assessment Regulations
- Dignity Diversity and Equality Policy
- Policy for the consideration of Mitigating Circumstances affecting assessments (including Extensions) – for all students enrolled on programmes leading to AECC awards
- Student Complaints Policy for all students enrolled on programmes leading to AECC awards

All the above documents are available on the Virtual Learning Environment (VLE) for students and on the Staff Information Portal (SIP) for staff.

Version:	1.0
Approved by:	Academic Board
Originator/Author	Academic Registrar
Policy Owner	Academic Registrar
Reference/ source	Internal & Bournemouth University
Date approved	16 November 2016
Effective from	1 September 2017
Review date	Spring 2019
Target	All staff and all students
Policy location	VLE, SIP, public website
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases