

Fitness to Study Policy

Policy Owner	Quality Teaching and Learning Manager
Policy Approver(s)	Academic Board
Related Policies	Fitness to Practise and Disciplinary Policies
Storage Location	ESO Learning Zone
Effective Date	February 2016
Next Review Date	February 2017 or sooner should the need arise.

Introduction

All students who study with us at the European School of Osteopathy, should be able to work and study in an environment that is supportive and safe. Notwithstanding this, it must be remembered that students studying osteopathy will be working on and close to each other in a variety of contexts and will also be working in our public outpatient clinics. Similarly students will often share accommodation with each other and network amongst themselves when off campus. It is within this context that some students may find particular challenges that arise from their being in this multidimensional environment.

Consistent with the General Osteopathic Council's standards document, Osteopathic Practice Standards, student osteopaths must conform to certain standards and ethical behaviour both within the clinical context but also within the wider School and public communities. The School has a Code of Conduct and Disciplinary Policy in place to deal with cases where students' behaviour falls short of these standards. Notwithstanding this, some causes of students' misconduct or where they place excessive and/or unreasonable demands on School staff or on their student colleagues are due to problems with their mental or physical health or wellbeing. In these cases, activation of the Disciplinary Policy is not indicated.

When considering a student's fitness to study, this is a wide ranging term that applies to their academic practice, their clinical practice and also to the way they conduct their lives outside of the School campus; it is all encompassing as they are ambassadors of the School and the Osteopathic profession. Students, within the

broader definition of this policy are therefore expected to be able to exist harmoniously with all members of the academic and clinical community and wider community outside the School environment. The School has a duty to make reasonable adjustments for students who are unable to exist in this way and who therefore pose a risk to these communities.

Indications for activating the fitness to study policy

Typical indications where a student's fitness to study may be called into question are shown below. This list is not exhaustive:

1. outside the context of the School and its clinical environment, cause for concern may arise from for example members of the public, health or social care professionals, other student colleagues, family or friends;
2. any member of staff, whether they are administrative, support, clinical or teaching is an agent of the School and where the student tells them that they have a problem or acted in a way that leads that individual to believe that the student has a problem which indicates that the student's fitness to study is in question;
3. The student's behaviour has given rise to concern that they may be suffering from an underlying mental health condition, which may be having a detrimental impact on their wellbeing or which may cause them to experience challenges in how they respond to the School's reasonably applied adjustments;
4. Where there is concern that the student may be suffering from an underlying mental or physical health problem and their behaviour is such that this would have otherwise been considered under the disciplinary policy.

Clinical Education and Fitness to Practise

Where a student undertaking supervised clinical practice or any other related off-site clinical placement, gives cause for concern under this policy then the Academic Registrar (or their nominee) will determine whether on the face of the evidence, such behaviour should instead be considered as a matter concerning Fitness to Practise. Notwithstanding the above, it is important that decisions are made on the basis of sufficient robust evidence and therefore initiation of the Fitness to Practise policy would normally only be initiated once this evidence has been collected and assessed as part of Stage 1 of this Fitness to Study policy.

The Academic Registrar (or nominee) will therefore, having determined on the evidence, initiate the most appropriate next stages. General Osteopathic Council

guidance makes it quite clear that fitness to practice is a wide ranging concept and relates to students' behaviour both within and outside the clinical environment and at all stages through the student's under-graduate career.

General Guidance

The Equality Act requires the School to put in place reasonable adjustments, although it may be the case that this is the first episode that has come to the attention of the School. However, irrespective of whether these have been implemented, a student's fitness to study may be doubted where there is evidence that health problems are negatively impacting on their capacity to manage their own health problems or indeed manage their safety as a result.

A lack of capacity of students to manage their own health and safety may then result in their disrupting their own capacity to study, or that of their colleagues or may result in their placing unreasonable stress and burdens on other student colleagues or on teaching, administrative and support staff. This may be the case even when the School has already put in place reasonable adjustments to support the student. The School has an over-riding duty of care to protect and provide a safe environment for all of its community under Health and Safety legislation and must take action where matters arise.

This Policy has three stages depending upon the level of severity of risk. It is expected that normally, the stages would be followed in sequence, but in severe cases it may be appropriate to move directly to a higher stage.

When the level of severity of disruption and its likelihood of occurring has been deemed to be potentially serious or is currently serious, then it will be necessary to jump to Stage 2 or 3. Contingent in making this decision is to what extent the student is meta-cognitively aware and therefore able to modify their behaviour in order to reduce the severity of disruption. It is expected that all the necessary student support will be deployed where appropriate such that Stage 1 will be initiated as a primary objective, save as for the severe cases as above.

The Academic Registrar (or their nominee) will on the basis of the evidence before them and accrued evaluate the level of risk and determine the appropriate course of action. Any investigative actions will be undertaken by an individual independent of the case.

Where it is determined that activation of the Disciplinary Policy is indicated instead of the Fitness to Study Policy, this action will be taken to deal with matters that may

have at their heart, health problems where their behaviour poses a risk to themselves or other members of the School or wider community. The Principal reserves their right to temporarily suspend a student with immediate effect where this is considered to be a proportionate action in mitigating the risks posed.

The School will adhere to all clauses of the Data Protection Act in managing the case. Data concerning the case will be restricted. The Academic Registrar (or their nominee) will record all student cases within Stages 1 to 3 within a Register. Suitably anonymised data will be used as part of the School's normal quality reporting cycles.

The Academic Registrar (or their nominee) will coordinate case meetings as required, pertinent to the particular live case under management. Matters of data protection will be a standing item within these case meetings.

Fitness to Study Procedure Stage 1: Direct Personal Intervention

Where issues have arisen, a member of staff will draw the student's attention to these issues and explain to them how their behaviour is having an adverse impact on their colleagues, staff or wider community. It is likely that the staff member will have sufficient knowledge of the student and be e.g. Programme Leader, Course Leader, Year Tutor, Clinic Practice Manager or Student Welfare Officer. However, if concerns arise within the student's accommodation, then the Student Welfare Officer may initiate the process.

Full disclosure is necessary to the student concerning their alleged behaviours that are cause for concern. This must be presented in a way that the student is able to understand and critically reflect on how their alleged behaviours have resulted in the problems that followed. This will include opportunity for the student to present the case from their perspective and for the member of staff to test the evidence to determine whether there is in fact any case to answer. The member of staff will discuss a suitable action plan that is aimed at resolving the problem and the student is expected to show evidence that they have positively engaged in the process. The student should be directed to appropriate support services and where necessary, actions taken to make reasonable adjustments to facilitate the student's continued study. Notes of the meeting will be generated and a mutually agreed copy given to the student. The other will be lodged with the Academic Registrar.

The action plan will have SMART objectives built into it, including appropriate review dates. At the review meeting, successful completion of the objectives will be noted together with any ongoing actions and additional review dates.

Where the concerns identified have been satisfactorily resolved either at the first meeting or after completing the agreed action plan, the case will be closed and noted. Where the concerns have failed to be resolved through the Stage 1 process, then the case will move to Stage 2. Where this is the case the staff member managing the case will notify the Academic Registrar accordingly. The student will then be advised that under Stage 2 formal measures will be activated as part of the Stage 2 process.

Stage 2: Case Review Team (CRT)

This stage will be initiated where Stage 1 has proved to be unsuccessful or where it is considered that the alleged case poses too great a risk due to its seriousness. The Quality, Teaching and Learning Manager will chair this stage of the process and appoint two further members of staff, not previously involved in any aspect of the case. There will be three members of the CRT. The CRT will have available where necessary a medical assessment and any information held by the Student Welfare Officer and this will be arranged by the Academic Registrar.

Where necessary, the student will be asked to provide their informed consent to undertaking a medical assessment to help inform the CRT in their deliberations on the case, such as the formulation of reasonable adjustments within the context of the Equality Act. Where the student refuses to provide consent, the CRT may refer the case to Stage 3 of the process.

The medical assessment will inform the following:

1. the type and impact of any medical problem that the student may be suffering;
2. the likely prognosis within the timeframe of their planned course;
3. how the problem is expected to impact on the student over the duration of their course;
4. how their problem is likely to impact on other members of the School community or outside;
5. what reasonable adjustments should be implemented;
6. the extent and availability of any ongoing medical and or mental health support.

Furthermore the student will be asked to give their informed consent to release the results of any medical assessment and records held by the Student Welfare Officer to the CRT. This information will be deemed to be sensitive data according to the Data Protection Act and managed consistent with these expectations.

The student will be given a minimum of 14 days' notice of the CRT meeting together with papers setting out the facts of the case. The student will be required to provide any relevant documentary evidence within five working days of the meeting.

The student may be accompanied by a friend, Students' Association representative, a fellow student, or other advisor they so wish at the CRT. Disabled students may also be accompanied by a specialist worker if required.

The terms of reference of the meeting will be as follows:

1. to articulate the facts of the case and why the case has been elevated to Stage 2;
2. to provide an opportunity for the student (and their witnesses) to present their evidence concerning the case;
3. to agree further measures to be implemented to support the student in their continued study;
4. to agree a future plan of action;
5. confirm possible outcomes if the action plan is not successful.

The CRT will manage its own proceeding as required and will call witnesses as it sees fit and request further investigations of the student after first gaining their informed consent.

The CRT may resolve to agree the following outcomes:

1. to dismiss the case;
2. where the CRT formulates an action plan for the student, it will monitor the student's compliance within the scope of the plan. The action plan will contain SMART objectives that the student will be required to comply with. Consistent with the action plan, review meetings will be held with a member of the CRT. Where the student fails to successfully complete the action plan, then the case will be elevated to Stage 3;
3. temporary withdrawal from the programme, or reasonable adjustments, including special academic arrangements, to be implemented. Where these arrangements are to be implemented, agreement from the student will be sought. They will also be counselled concerning the implications of any suggested temporary withdrawal. Where the student fails to agree to these proposed remedial actions, the case will be elevated to Stage 3;
4. where the student is undertaking clinical education, where it is deemed appropriate to propose to the student suspending this element of the programme;

5. to immediately refer the case to Stage 3, when there is sufficient robust evidence that indicates that there is an imminent and serious risk to either the health and safety of the student themselves or student colleagues, or staff, patients or the wider community where suspension, or expulsion of the student is considered appropriate or where the student does not agree to accept the recommendation.

The outcome of the CRT will be given verbally to the student following the meeting. Within 7 working days from the date of the meeting the student will receive minutes of the meeting and a copy will be lodged with the Academic Registrar.

Fitness to Study Procedure Stage 3: Fitness to Study Panel (FSP)

Stage 3 will be initiated where the Academic Registrar, after due consultation, deems that the student poses an immediate and significant risk to either themselves or fellow students, staff, patients or other members of the wider community. This can be initiated at any stage of the process. The Academic Registrar may at their sole discretion based on the sufficiency of the evidence that they have evaluated, order an immediate interim suspension of the student, pending consideration by the FSP. This suspension does not attribute any blame whatsoever to the student and where necessary the student will be offered appropriate support and guidance by the Student Welfare Officer.

Notwithstanding the above paragraph, in the normal sequence of events, cases at level 3 will be referred via stage 2. Pending the hearing by the FSP, the Academic Registrar shall consider whether to order an interim suspension of the student, pending further action, based on advice from the CRT.

The Academic Registrar, will convene an FSP. The Vice Principal or their nominee will act as Chair. The FSP will normally comprise the Registrar or their nominee, the Vice Principal and a Programme Leader or their nominee. If judged appropriate, an external legal assessor may also be in attendance. The Panel will not comprise members who comprised the CRT or who otherwise declare a conflict of interest.

A medical assessment and Student Welfare information held by the School may be sought if this has not already been done, where this is considered necessary. Informed consent from the student will be sought. Where this is not agreed, the student will be expelled from the programme.

The student will be given 14 days' notice of the FSP meeting. The student will be provided the terms of reference for the meeting and all evidence that is to be relied

upon at the meeting. The student will produce any evidence for the Panel's consideration within 7 days of the meeting.

The student may be accompanied by a friend, Students' Union representative, a fellow student, or other advisor that they so wish at the meeting. Disabled students may also be accompanied by a specialist worker where required.

The FSP will evaluate the sufficiency of the evidence before it, including any that the student adduces. The FSP will make its determination.

The FSP will manage its proceedings and call witnesses and institute enquiries to assist its deliberations, including consulting support staff working with the student. It will also undertake a risk assessment to assist in determining its outcome.

The decision shall be a majority decision and the Academic Registrar will be responsible for managing the outcomes of the FSP.

The FSP's decision will be given verbally to the student, accompanied by a short written statement after the meeting. Minutes of the meeting will be provided to the student within 21 days.

The FSP may:

1. set an action plan with SMART objectives. Regular meetings with a nominated member of staff will be identified consistent with the plan. The action plan will accompany any penalties attendant to breaches;
2. insist that special measures are implemented: temporary withdrawal from the programme or other reasonable adjustments. The student should be counselled regarding these implications;
3. recommend that the Principal permanently excludes the student;
4. take any other action considered to be appropriate and proportionate.

Return to Study or Return to Study and Practice

The Academic Registrar will make a decision about authorising the student's return to study, once the student's action plan has been satisfactorily completed. In making this decision, the former will consult with whoever is appropriate. Any outstanding matters will be formulated into a further action plan to assist the student's transition back to study (and practice) by the Academic Registrar, which will include any reasonable adjustments and academic support. Where additional medical reports are necessary to assist the Academic Registrar in formulating this plan, the student's

informed consent will first be sought. Where the student refuses to provide this consent, the case will be referred to stage 3.

Any further action plan will be monitored throughout until its successful conclusion. Where there is a breakdown in the delivery of this action plan, the case will be referred back by the Academic Registrar for further consideration by the FSP.

Appealing against a decision of a School Fitness to Study Panel sanction.

Right of access to appeal will be granted for the following:

1. new evidence has come to light that the student had no access to at the time of the FSP hearing. This new evidence on the face of it calls into question the validity of the original determination and sanction of the FSP;
2. a procedural irregularity (or several) occurred within the scope of the whole course of the proceedings (or prior) that has had the potential to skew the outcome of the FSP hearing;
3. the sanction imposed is unduly punitive and not proportional to the level or risk posed by the student;
4. reasonable adjustments have not been applied to support the student or those that were applied were insufficient within the context of the size and resources available to the School.

Appeals must be lodged with the Academic Registrar or their nominee within 21 days of the formal notification of the FSP outcome (which for the avoidance of doubt is the date when the summary outcome was given to the student).

Reasons for the appeal must be stated by the student, consistent with the allowable reasons as stated above. Full evidential documentation must be provided to the Academic registrar along with the letter of appeal. This will include any witnesses that the student wishes to use in their case.

The Registrar will determine, based on the evidence whether the appeal amounts to a valid reason. Where it is considered valid, the appeal will be passed to the Chair of the FSP, for their response to the appeal. The Registrar will then convene a Student Fitness to Study Appeal Panel (SFSAP). Where a continued (interim) suspension of study is indicated to protect the student and wider academic community then the Academic Registrar will initiate this until the SFSAP sits to hear the case. There is no right of appeal against the Registrar's decision to order a continued interim suspension order to cover the period of time between the student's successful access to a SFSAP and the hearing of the SFSAP.

Student Fitness to Study Appeal Panel

The Appeal Panel will comprise three members of the Board of Trustees. The Academic Registrar will act as Secretary to the Panel. The Panel consider any evidence relating to the case that it determines necessary.

The Panel will:

1. reject the appeal; or
2. uphold the appeal either in whole or in part;
3. record its rationale for making its decision.

Where some or all of the appeal is upheld, the case will be referred back to the FSP for further consideration. Where the appeal is rejected, then the determination of the FSP hearing will stand.

The student will be informed at the conclusion of the SFSAP of its conclusion and a brief written summary will be provided. Full minutes will be provided to the student within 21 days of the hearing conclusion. This will include:

1. the reasons for the decisions, key evidence relied upon;
2. where the SFSAP rejects the appeal, this completes the School's own procedures;
3. the student will be advised what additional steps are at their disposal beyond the School's internal procedures.

Consideration of the Academic Registrar's Decision by the Principal

Where, upon considering the student's formal request for the case to be taken to the SFSAP, the Registrar resolves to reject the student's request, the latter will inform the student in writing their decision, giving their rationale. The student has the right of appeal against the decision of the Registrar not to refer the case to the SFSAP. Where this is the case, the student will write to the Registrar within 14 days, detailing why they believe that the decision was flawed. The Registrar will then forward the student's Appeal against the former's decision to the Principal.

The Principal will determine whether to uphold the student's appeal against the decision of the Registrar not to refer the latter's case to the SFSAP. The Principal will write to the student within 14 days, detailing their decision and providing a rationale for their decision. Where the Principal rejects the student's appeal, then that concludes the School's internal processes. Where the Principal upholds the student's appeal, the former will pass the case to the SFSAP.



Access to Greenwich University Appeals Processes

Where a student completes the School's internal processes, they can then pass their appeal to the University of Greenwich. Where the case is transferred to the University of Greenwich, a letter detailing the outcome of the case will be provided to the student by the School. The student has the right of access to all documentation held by the School concerning the details of the case.