

TRINITY LABAN

ACADEMIC QUALITY HANDBOOK

CHAPTER H.4 – FITNESS TO STUDY PROCEDURE

1. Purpose of Policy

- 1.1. This policy and attendant procedures are designed to assist the Institution in creating and maintaining a safe environment in which:
 - Students are able to take advantage of the learning opportunities offered to them with the expectation that their studies will not be unreasonably interrupted or affected by others;
 - Staff are confident that they are able to safely exercise their duties; and
 - The wider community is assured that the Institution takes reasonable steps to ensure the safety and well-being of those with whom its students interact in the course of their studies at Trinity Laban.
- 1.2. It aims to do so by ensuring that where staff or students become concerned about an individual student's fitness to study, those concerns are addressed appropriately in accordance with fully defined procedures.
- 1.3. This policy is designed to be fully supportive of individual students and to assist them as far as possible to ensure that they can safely continue with their learning experience at the Institution.

2. Definition of Fitness to Study

- 2.1. The Institution, its students and staff have a reasonable expectation that students studying at the Institution are in a fit state:
 - to engage fully and satisfactorily in relation to their programme of studies for the duration of their programme and have a reasonable opportunity to achieve the award for which they are registered;
 - to ensure that they do not unreasonably interrupt, hinder or affect the study or assessment of other students, staff in the exercise of their duties, or other visitors and the wider community in their normal activities;

- to attend the Institution without constituting an unacceptable risk to the health, well-being or safety of themselves or others with whom they may come into contact; and
 - for students engaged in work or professional placements, to comport themselves in a professional manner and not do anything to jeopardise the safety of themselves or others.
- 2.2. For the avoidance of doubt, this Policy only relates to the students who the Institution is concerned are not fit to study (either temporarily or permanently) due to underlying physical or mental health difficulties.
- 2.3. Nothing in this Policy negates the Institution's duty to make reasonable adjustments for students in accordance with its obligations under the Equality Act 2010.

3. Scope of this Policy

- 3.1. This Policy is designed to operate in circumstances where a student's fitness to study as defined above has become a cause for concern and all other possibilities have been considered or exhausted and/or where the matter is deemed to be sufficiently urgent.
- 3.2. Instances in which a student's fitness to study may become a cause for concern could arise from a variety of circumstances, including (but not limited to) the following:
- Behaviour which has a negative impact on the student's (or other students') ability to study and participate in their learning; on staff members' ability to teach and perform their duties; and on the wider community in its day-to-day activities;
 - Where the student is not fully engaged with the programme and it is believed or suspected that this is based upon underlying physical or mental health difficulties;
 - The physical or mental health of the student poses an unacceptable level of risk to their own health, safety, well-being, or that of others; or
 - Where the student is charged or convicted of a criminal offence (whether or not said conviction results or could result in a custodial sentence) or is sectioned under the Mental Health Act 1983.
- 3.3. Nothing in this Policy shall exempt a student from being subject to the relevant Student Disciplinary Procedures in relation to the same circumstances. Each case will be considered on its own merits and procedures may run concurrently or consecutively as is deemed appropriate by the Institution.

4. Procedure

4.1. Overview

4.1.1. These procedures offer three initial routes to the structured consideration and assessment of concerns relating to an individual student's fitness to study.

These routes are:

- 1) Informal Stage
- 2) Fitness to Study Panel
- 3) Emergency Panel

4.1.2. The Institution is committed to addressing issues at an early stage. As such, it is expected that in most instances, students will be dealt with in accordance with these Procedures at the Informal Stage. Where merited, however, these Procedures allow for immediate escalation to either a Fitness to Study or an Emergency Panel at the Institution's absolute discretion.

4.1.3. Appendix A provides a visual overview of how these procedures are intended to function.

4.2. Raising concerns

4.2.1. Staff members may become concerned about a student's fitness to study in a variety of ways, such as:

- Observations of the student made by a staff member;
- Observations of the student made by other staff members or students and relayed to another member of staff;
- Information received by a staff member in the course of performing their duties from a medical professional, police or other official; and/or
- Disclosures made by the student or the student's family.

4.2.2. Concerns should be raised at the informal stage by completing the online Fitness to Study Request form which is available upon request from the Quality and Governance Team who can be contacted via Casework@trinitylaban.ac.uk.

4.2.3. The decision should then be taken by the Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) as to whether the matter warrants consideration informally; by a Fitness to Study Panel; or whether the matter is both urgent and presents a high risk to the safety of the student or others for which it is appropriate to convene an Emergency Panel.

4.2.4. The Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) should consider the substance of the concerns being

raised. Depending upon the circumstances, it may be appropriate to have discussions with other staff to ascertain whether there are wider concerns regarding the student in addition to those initially raised. Such conversations should be subject to strict confidentiality standards and cases will only be discussed with those directly involved.

- 4.2.5. The Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) should ensure that for all mental health related matters under this policy, the Senior Counsellor is invited in their professional capacity as an expert on mental health.
- 4.2.6. If the Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) determine that the concerns are legitimate and that it is not appropriate to deal with them under any other of the Institution's regulations or policies, a member of Registry or Student Services shall be nominated as the main point of contact for the student throughout the remainder of any proceedings under this policy (the "Nominated Officer").

4.3. Concerns raised by students

- 4.3.1. If a student has a concern about the wellbeing or physical or mental health of another student they are encouraged to raise this concern with the relevant Programme Leader or a member of Student Services, depending upon to whom they feel most comfortable reporting.
- 4.3.2. Students are advised that raising a concern about another student's fitness to study is a serious matter. Students raising concerns must:
 - 1) Not raise frivolous, vexatious or discriminatory concerns against another student; and
 - 2) Keep all matters relating to the concern confidential and not discuss the matter with other students.
- 4.3.3. Any breach of the above may lead to disciplinary proceedings.

4.4. Criminal Offences

- 4.4.1. Where the actions of a student could constitute a criminal offence and the student has been charged by the police, the Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) should be informed and will determine whether these procedures be activated.

4.5. Discrimination and Bias

- 4.5.1. Trinity Laban believes in the principles of social justice, acknowledges that discrimination affects people adversely, and is committed to challenging all forms of inequality. To meet this objective, all students and staff are required to read and adhere to the institution's comprehensive Equality and Diversity Policy. Additionally, all staff and undergraduate students undergo Equality and Diversity training on joining the institution.
- 4.5.2. All students and staff involved in circumstances which fall under this policy and procedure shall be aware of the need to embrace and tolerate diversity. It may be that cultural or other differences lead to unconscious or indirect bias leading to discriminatory decisions therefore all involved should be aware of this possibility and guard against it.

4.6. Informal Stage

Initial Meeting

- 4.6.1. The Nominated Officer will arrange a confidential meeting with the student to discuss the concerns which have been raised. At the time of arranging the meeting, the Nominated Officer will inform the student of the time, date and place of the meeting and that:
- a) the meeting is being held in order to discuss the student's Fitness to Study;
 - b) this Policy and Procedures will apply (and will include a web link to them);
 - c) that the meeting is being held at the Informal stage; and
 - d) the student may be accompanied by a friend or family member or a member of the Students' Union provided that they are not acting as a legal representative.
- 4.6.2. The Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) may, as appropriate and at their absolute discretion, arrange for the attendance of a maximum of two further persons at the Initial Meeting taken from the following list:
- 1) Academic or Personal Tutor;
 - 2) Programme Leader;
 - 3) Head of Department (Music)
 - 4) Any member of Student Services;
 - 5) Senior Counsellor;
 - 6) Registrar; and/or
 - 7) Any other appropriate person

Purpose of the meeting

- 4.6.3. The meeting is a chance for the Institution to express its precise concerns to the student; to listen to the student's views on those concerns; and to find an outcome which is acceptable to both parties and which ensures that those concerns and any risks arising from them are mitigated sufficiently.
- 4.6.4. It is important that the student is clear that these procedures are designed to support them and ensure that they are fit to study.
- 4.6.5. The Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) will:
- Express to the student clearly the concerns which have been raised;
 - Outline the rules and regulations upon which the concerns impact and remind the student of their personal responsibilities;
 - Seek the student's views on those concerns and discuss with them an appropriate course of action which helps the student; and
 - Inform the student of other sources of help and advice which may benefit them.

Possible Outcomes

- 4.6.6. There are a number of possible outcomes to the meeting:
- 1) It is decided that no action is necessary;
 - 2) An adjournment is required to enable the student and/or Institution to seek or provide further evidence including medical evidence;
 - 3) A provisional decision is made subject to the student presenting evidence of the fitness to study;
 - 4) An Action Plan or Personal Study Plan is agreed with the student;
 - 5) Mediation is agreed with the student;
 - 6) The student agrees to an Interruption of Studies;
 - 7) The student does not agree to an Action Plan, Personal Study Plan, or Interruption of Studies and the matter is referred to the Fitness to Study Panel or an Emergency Panel.

Mediation

- 4.6.7. Where it is agreed that Mediation would be of benefit to the student and to the person/s raising the concerns, the Nominated Officer will arrange for a member of staff with appropriate training to facilitate the mediation meeting.
- 4.6.8. Following Mediation, it may become apparent that the concerns have been successfully addressed and that no further action is required. In such circumstances, the Institution expects that the student is fit to study without

supervision. Alternatively, where concerns remain current, all possible outcomes at this stage are available.

Action Plan or Personal Study Plan

4.6.9. Where an Action Plan or Personal Study Plan is agreed, the Nominated Officer will agree a review period with the student which will enable them to meet their responsibilities. The student will be informed that any failure to meet the terms of the Action Plan or Personal Study Plan could lead to an escalation to a different stage of the procedures. At the end of the review period, the Nominated Officer will schedule a Review Meeting.

4.6.10. Each Action Plan or Personal Study Plan will be individually crafted to fit the requirements of the specific case.

Review Meeting

4.6.11. The purpose of the Review Meeting will be to:

- Review the student's adherence to the Action Plan or Personal Study Plan and assess its effectiveness;
- Discuss any further concerns which may have arisen;
- Discuss future and ongoing support needed; and
- Agree any further action required.

4.6.12. The Review Meeting may be conducted by the Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) either alone or with the attendance of any person involved in the Initial Meeting.

4.6.13. Following a Review Meeting, it may become apparent that the concerns have been successfully addressed and that no further action is required. In such circumstances, the Institution expects that the student is fit to study without supervision. Alternatively, where concerns remain current, all possible outcomes at this stage are available.

4.7. Fitness to Study Panel

4.7.1. It will be appropriate to convene a Fitness to Study Panel ("FTS Panel") in the following circumstances:

- 1) Where these procedures have been followed at the Informal stage and either:
 - a) no agreement as to an Action Plan or Personal Study Plan could be reached with the student and a recommendation is made that an FTS Panel is formed;

- b) an Action Plan or Personal Study Plan has been agreed but, following a review or an emergency, the student's adherence has not been sufficient to mitigate the concerns; or
 - c) An Action Plan or Personal Study Plan has been agreed but the situation has markedly deteriorated raising fresh concerns of a serious nature.
- 2) The Head of Student Services & Accessibility or Senior/Assistant Registrar (Quality & Governance) have assessed the concerns raised and decided that the options available at the Informal stage are not sufficient and/or the matter is urgent serious enough to warrant convening a FTS Panel.
- 3) The Additional Considerations Panel has received a request for additional considerations of a serious nature, or several claims from the same student and judges the situation to be too serious to address through the extension or deferral of assessments, or the condoning of absences.

Membership

4.7.2. Membership of an FTS Panel shall normally include:

- Registrar or their nominee (in the Chair);
- Programme Leader and/or the Deputy Director (Learning, Teaching and Student Experience) and/or the Head of Undergraduate or Postgraduate Programmes;
- The Head of Student Services & Accessibility;
- The Senior/Assistant Registrar (Quality & Governance) (if involved at an early stage); and
- the Senior Counsellor.

4.7.3. Other panel members may be co-opted as appropriate.

4.7.4. The Registrar's nominee shall act as secretary to the FTS Panel.

4.7.5. The Chair may call upon other members of staff or external specialists to attend and provide evidence to the FTS Panel.

FTS Panel: Invitation

4.7.6. The student should have at least seven calendar days written notice of the date of the meeting.

4.7.7. The Nominated Officer will send notification of a hearing by email or if the student prefers, to the term-time address on the student's record. The

invitation may be made or sent using any other method or format in the event that this is required as a reasonable adjustment for students with disabilities..

- 4.7.8. The FTS Panel will not be invalidated because of the absences of the student from any hearing at any stage as long as reasonable action has been taken to notify the student.
- 4.7.9. The letter of notification will include a list of the concerns and a copy of the Fitness to Study Policy and Procedures. The letter will also include details of the time, date and place of the meeting and:
- a) that it is a meeting of a formal FTS Panel;
 - b) that the student may be accompanied by a friend or family member or member of the Students' Union provided that more than two days' notice is provided and provided that they are not acting as a legal representative; and
 - c) a list of people who it is known will be attending the FTS Panel on behalf of the Institution.
- 4.7.10. Documentary evidence may be presented at the discretion of the chair; such evidence must be submitted in advance of the meeting within a deadline set by the chair and must be independent, third-party evidence, with copies normally circulated to members of the panel and all parties at least five working days before the hearing. Evidence submitted beyond the deadline will only be admitted with the permission of the chair.
- 4.7.11. A student with a disability may be accompanied by an additional support worker who is there to assist them with engaging in the process.
- 4.7.12. Where the student has chosen to attend the meeting and is prevented from attending for substantial and demonstrable good reason, the Chair and the Secretary of the Panel may use discretion to rearrange the meeting. The absence of the student from the hearing does not invalidate the proceedings, where the panel has good reason to decide that the student has been given a fair opportunity to attend. The panel may take into account whether the student gave reasonable notice of their inability to attend the hearing.

FTS Panel: Conduct

- 4.7.13. The FTS Panel will have discretion to regulate its own operation, aiming for a fair, reasonable and timely investigation which takes into account that this policy is designed primarily to assist students as far as possible to ensure that they can safely continue with their learning experience.

- The Chair will express to the student clearly the concerns which have been raised;
- The Chair will outline the Institutional rules and regulations upon which the concerns impact and remind the student of their personal responsibilities towards the Institution and their fellow students;
- The FTS Panel may seek the student's views on those concerns and discuss with them an appropriate course of action to help the student;
- The FTS Panel may ask questions of the student and/or any other individual called to present information and/or evidence;
- The student and/or their friend, will answer questions;
- The student and/or their friend may ask questions of any other individual called to present information and evidence;
- The FTS Panel will be entitled to reach a reasonable inference should the student or friend decline to answer a question;
- The panel may set reasonable time limits for presentations;
- The FTS Panel will deliberate in private;
- The Chair will present the conclusions and recommendations of the panel, or advise the student that these will be forwarded to the student in writing normally within five working days of the hearing; and
- Inform the student of other sources of help and advice which may benefit them.

FTS Panel: Possible Outcomes

4.7.14. Outcomes available to the FTS Panel include (but are not limited to) the following:

- 1) No action is required and the student is considered fit to study;
- 2) An adjournment is required to enable the student and/or the Institution to seek or provide further evidence including medical evidence;
- 3) An Action Plan or Personal Study Plan may be agreed with or imposed upon the student with the consequences of failing to adhere to it fully explained to the student;
- 4) A temporary Interruption of Studies may be agreed on or imposed upon the student;
- 5) In extreme circumstances, it may be decided that the student be required to withdraw from their programme.

The Fitness to Study Panel may impose other outcomes in addition to those specifically listed above as are necessary in relation to any particular case.

Action Plan

4.7.15. Where an Action Plan is agreed, the FTS Panel will either agree or impose a review period with the student which will enable them to meet their

responsibilities. The student will be informed that any failure to meet the terms of the Action Plan could lead to an imposed Interruption of Studies or, in extreme cases, the student may be required to withdraw from their programme.

4.7.16. Each Action Plan will be individually crafted to fit the requirements of the specific case.

4.7.17. The FTS Panel will nominate a panel member to monitor the Action Plan.

Review Meeting: FTS Panel

4.7.18. The purpose of the Review Meeting will be to:

- Review the student's adherence to the Action Plan or Personal Study Plan and assess its effectiveness;
- Discuss any further concerns which may have arisen;
- Discuss future and ongoing support needed; and
- Agree any further action required.

4.7.19. Following a Review Meeting, it may become apparent that the concerns have been successfully addressed and that no further action is required. In such circumstances, the Institution expects that the student is fit to study without supervision. Alternatively, where concerns persist, all possible outcomes at this stage are available.

Interruption of Studies

4.7.20. The FTS Panel may decide that an Interruption of Studies is in the interests of both the student and the Institution.

4.7.21. An Interruption of Studies can be either agreed or imposed upon a student for a period normally no longer than 12 months. Interruption of Studies can be made in either two categories:

- 1) Non-exclusionary: the student may not attend their classes but may enter the campus and make use of the Institution's student services; or
- 2) Exclusionary: the student may not attend their classes and may not enter the campus. Where a student wishes to enter the campus to make use of any student services this must be arranged by prior agreement.

4.7.22. The period of any individual Interruption of Studies made under the terms of this policy will be individual to the specific circumstances relating to the decision.

4.7.23. In the event that the FTS Panel decides to impose an Interruption of Studies on a student, a Review Meeting will be held no earlier than two months prior to the expiry of the period of interruption. This Review Meeting will make clear the circumstances in which the student would be allowed to return. This may include, for example, any or all of the following:

- 1) Medical evidence showing that the student is undergoing suitable treatment to manage any physical or mental health condition;
- 2) Suggested attendance at a programme of counselling within the Institution;
- 3) An Action Plan and/or risk assessment;
- 4) A Personal Study Plan;
- 5) Return from Interruption of Studies audition; and/or
- 6) Enter into a buddy system.

4.7.24. Where a student breaches any obligation placed upon them under these Procedures, this matter may be relevant to any subsequent action/decision of an FTS Panel.

4.7.25. Where the student is returning to studies following the completion of a criminal sentence, the Institution may require contact with the student's probation officer and details of probation requirements.

Requirement to Withdraw

4.7.26. In exceptional circumstances, the FTS Panel may decide that there is no reasonable likelihood of an individual student being assessed as being fit to study and/or the risks posed by allowing the student to continue with their studies are too great to allow the continuation.

4.7.27. In such circumstances, the FTS Panel will recommend to the Principal that the student be required to withdraw from their programme.

4.7.28. The Principal will decide whether to approve the recommendation of the FTS Panel for the expulsion of a student. Where the Principal does not approve the recommendation of the FTS Panel, the student will provide detailed reasons and return the matter to the FTS Panel for reconsideration.

4.8. Emergency Panel

4.8.1. An Emergency Panel should only be formed when the circumstances are:

- Urgent; and
- The student presents a high risk of danger to either themselves or to others

4.8.2. The purpose of an Emergency Panel is to decide whether the situation warrants the student being immediately excluded from the Institution's premises; McMillan Halls of Residence; and/or any place of work or performance relating to the student's programme of studies pending review by a full FTS Panel. It shall be the responsibility of the Nominated Officer to ensure that any place of work or performance relating to the student's programme of studies is informed not to allow access for the period of exclusion.

Membership

4.8.3. The Membership will consist of the following:

- Registrar or their nominee (in the Chair)
- the Head of Student Services & Accessibility;
- the Artistic Director or Deputy Director (Learning, Teaching & Student Experience);
- Head of Undergraduate or Postgraduate Programmes or Programme Leader; and
- the Senior Counsellor.

4.8.4. The Registrar's nominee will act as secretary to the Emergency Panel.

Procedure

4.8.5. The Emergency Panel may consider whatever information or documentation it considers appropriate and relevant to the decision.

4.8.6. It may be held without notice to the individual student concerned and there is no requirement that the student be invited or provide any representations.

Possible Outcomes

4.8.7. The Emergency Panel may decide:

- 1) Not to exclude the student temporarily but to convene a full Fitness to Study Panel;
- 2) To exclude the student temporarily for a period normally no longer than 4 weeks and to convene a full Fitness to Study Panel prior to the expiry of that period.

4.8.8. The Emergency Panel may also impose precautionary actions on the student where the safety of themselves or others is judged to be at risk. Any precautionary actions imposed under this clause must be a proportionate

response to the urgency and level of risk posed by the student and/or the student's behaviour.

4.8.9. Any exclusion must be a proportionate response to the urgency and level of risk posed by the student and/or the student's behaviour.

4.8.10. The Emergency Panel may extend the period of exclusion in circumstances where police investigations or action are ongoing; where the student has been sectioned or otherwise detained in accordance with the law; or at the discretion of the Emergency Panel if the student is otherwise prevented from engaging with a full Fitness to Study Panel at that point.

Right to Appeal

4.8.11. Students may ask for a review of the decision made by the FTS Panel either to:

- impose an Interruption of Studies; or
- require a student to withdraw from their studies.

4.8.12. Students may not appeal against a decision of the Emergency FTS Panel to impose an Interruption of Studies.

4.8.13. A Request for Review may only be based on one or more of the following grounds:

- 1) there is significant new evidence, which was unavailable at the previous stage;
- 2) a claim that the procedure has not been implemented properly;
- 3) a challenge to findings of fact.

4.8.14. A request for a review must be made in writing using the standard form (available from the Registry or the Students' Union or on Moodle) within ten working days from the date of the letter confirming the outcome of the FTS Panel. The completed request for review form should be returned to the Registry. The Director of Strategy & Business Operations will then review the case, ensuring that the matter meets the criteria for an appeal and, if so, that it is referred to a board hearing. This decision will be relayed to the student within five working days of receipt of the request for review. Where the Director of Strategy & Business Operations is on leave at the time the student makes the request for review, the Nominated Officer should be alerted who will make alternative arrangements.

4.8.15. For cases that are confirmed to meet the criteria, the Director of Strategy & Business Operations will arrange a panel to hear the appeal, including:

- 1) an independent governor as chair;
- 2) two members of staff who were not involved in the FTS Panel; and
- 3) one representative of the Students' Union

4.8.16. The panel will, whenever possible, meet within 20 working days (excluding vacations) of the date of the review decision. Please note that, due to the availability of independent governors and staff members, it may take longer than anticipated to organise a panel. The timescale may also have to be extended during vacation periods. The student will be informed of any extension to the deadline and the reasons for such an extension, as early as possible, but we shall take all reasonable steps to resolve cases with the minimum delay. The panel will communicate its conclusions to the student and the department within ten working days of the meeting, through the Director of Strategy & Business Operations or a nominee. The Director of Strategy & Business Operations or a nominee will keep all parties informed of progress and will explain reasons for any necessary extension of the timescale.

4.9. The Office of the Independent Adjudicator for Higher Education (OIA)

4.9.1. The office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme which can review the outcome of fitness to study procedures. Trinity Laban is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review the outcome of the fitness to study procedure. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students> (/students/).

4.9.2. You normally need to have completed our Fitness to Study Procedures before you complain to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. We will issue you with a Completion of Procedures Letter automatically once we have reached the end of our processes. You can find more information about Completion of procedures Letter and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters> (/providers/completion-of-procedures-letters/)

4.9.3. Complaints must be sent to the OIA within 12 months of the date of the Completion of Procedures letter.

4.10. Nominees

4.10.1. Where appropriate, office holders mentioned in this document may be replaced by their nominees.

4.11. Records

4.11.1. Records and minutes of meetings, decisions and appeals will be made and retained in accordance with the Institution's data retention policy.

4.12. Publication

4.12.1. This Policy and Procedures will be published within the Academic Quality Handbook and made available online.