

Fitness to Study Policy

Concerns about a student's health or wellbeing should be acted on promptly.

Early intervention and support can minimise risk of further deterioration in health and wellbeing.

If there is any immediate concern for the safety or wellbeing of any student undertaking a programme of study which will lead to a Higher Education award at ArtsEd, this should be reported to the Student Support Team (student.support@artsed.co.uk). In an emergency, please call the emergency services by dialling 999

A. Introduction

1. The Arts Educational Schools (ArtsEd) is committed to supporting students to fulfil their potential by responding to their needs and by ensuring a positive student experience, which assists students to engage fully with their studies and with ArtsEd's community. The Institution seeks to maintain an enabling environment which is safe and conducive to teaching, learning, professional development, and the wellbeing of all.
2. The procedures contained in this document are designed to support actions that ArtsEd will take in instances where it needs to respond to, and manage, situations when a student's fitness to study is of concern. These procedures will ensure that issues can be dealt with in a clear and transparent manner and that students are supported, wherever possible, to continue to study with the necessary additional provisions in place.
3. This policy should be read in conjunction with the following documents:
 - [Interruption of Study Policy](#)
 - [Equal Opportunities Policy](#)
 - [Physical Injury and Recovery Procedure](#)
 - [Attendance Policy](#)
 - [Safeguarding Policy](#)
 - [Student Substance and Alcohol Misuse Policy](#)
 - [Student Disciplinary Policy](#)
4. ArtsEd reserves the right, at any stage and Stage of this Fitness to Study Procedure, to vary the process it follows in the interests of fairness and/or health and safety where it is concerned that the attendance of the student at a meeting/case conference, or the provision of information to the student, could result in harm being caused to that student or to others. For example, if the student is self-harming or the student is in hospital.
5. In extreme cases the Institution may, in accordance with this Procedure, determine that a student is unfit to study which may result in the suspension or termination of a student's registration with ArtsEd.

6. Where this policy refers to meetings, they may be held face-to-face, by telephone conferencing or virtually.

7. This Fitness to Study Procedure should be used by ArtsEd for:

- i. current ArtsEd students studying a programme which will lead to a Higher Education award; it will apply to these students throughout their period of study.
- ii. Where appropriate, former students who were registered on an ArtsEd programme which would have led to a Higher Education award, who request a return to study.

B. Scope

8. The training at ArtsEd prepares students for the professional theatre, film, and television industry. To succeed, a student must be able to meet industry standards of punctuality, commitment, engagement and preparation.

9. All students will be required to demonstrate their ability to meet the following reasonable expectations:

- i. that they can attend and engage fully in a range of classes, workshops, rehearsals, lectures and tutorials, including with staff, other students and professionals;
- ii. that they can undertake private study without supervision;
- iii. that they can participate in assessments throughout the academic year, with adjustments if required;
- iv. that they are consistently punctual and abide by ArtsEd's [Attendance Policy](#);
- v. that they are aware of their own health and safety, and that of others, including changing behaviour if it is pointed out to them that they are potentially breaching health and safety and student conduct requirements;
- vi. that they engage with recommended support arrangements;
- vii. that they are abiding by ArtsEd's student regulations.

10. Occasionally, there may be instances where a student's health, behaviour and/or wellbeing causes the Institution concern regarding that student's fitness to study on their course and/or as a member of ArtsEd's community. Circumstances which may give rise to concerns regarding a student's fitness to study will vary according to the particular facts of a situation. They may arise where, for example, there is concern that:

- i. the student's own health, safety and/or wellbeing and/or that of other persons (because of the impact of the student's circumstances) are at risk;
- ii. the student's behaviour is at risk of negatively affecting the teaching, learning and/or experience of others (including multiple complaints being made against the student);
- iii. the student's behaviour is, or is at risk of, negatively affecting the day-to-day activities of the Institution;
- iv. the student is in serious and continuous breach of the [Attendance Policy](#).

C. Related Processes

i. Student Misconduct and Disciplinary Processes

11. This Fitness to Study process, where appropriate, can be used as an alternative to ArtsEd's student rules of discipline and the student disciplinary procedure. It is intended to be used in circumstances where, in light of concerns regarding a student's health and/or wellbeing, ArtsEd considers it inappropriate to deal with the matter as a disciplinary one.
12. As such, Fitness to Study and student misconduct/disciplinary cases can sometimes overlap. Where it is appropriate to do so*, we reserve the right to reclassify a student conduct case as a fitness to study case or vice versa. For example, in instances:
 - a. where the resolution of the matter falls properly within the remit of one procedure rather than the other: or
 - b. where it may be detrimental to the student to proceed with a student misconduct without exhausting the Fitness to Study process in the first instance.

*Where there is evidence of confirmed or potential criminal activity this should be referred for consideration under the Student Disciplinary process in the first instance.

13. We will inform students if we reclassify their fitness to study to a student misconduct/disciplinary case or vice versa.
14. Where the concern relates to behaviour which could potentially be considered misconduct under Student Discipline and there is evidence that the student may be experiencing health difficulties or is registered as disabled, the Initial Student Case Review will seek to clarify whether the matter must be referred to Student Discipline or may be better managed under the Fitness to Study Policy.
15. There may be circumstances where it is appropriate for ArtsEd to invoke its Student Discipline Procedure notwithstanding that there are concerns about the student's health and/or wellbeing. For example, students may be referred to the Discipline procedure when their behaviour continues to be disruptive to other students and/or staff and there is no indication of the student's willingness to engage with the Fitness to Study procedure.
16. The decision regarding the referral under these circumstances will be managed by the Head of Student Support and Engagement or their nominee in consultation with the appropriate student support team and the relevant Higher Education School.
17. If there is any uncertainty as to which ArtsEd process should be implemented, advice will be sought promptly from the Deputy Principal.

ii. Assessment Regulations and/or Unsatisfactory Academic Progress:

18. The Fitness to Study Policy should not be used for issues related solely to a student's academic performance, unless the student's poor performance is deemed to be caused by factors relating to the student's ability to study as set out in this policy. It may be

necessary to refer to the Assessment Regulations for the rules pertaining to unsatisfactory academic progress or matters relating to student assessments.

iii. Extenuating Circumstances procedure

19. The Fitness to Study Policy should not be applied when a student is incapable of being assessed for a specific project or class because of ill health or personal circumstances which are unforeseen and beyond the student's control. These should normally be managed under the Extenuating Circumstances procedure.

D. Underlying Principles

20. ArtsEd will work cooperatively with students undergoing Fitness to Study and will seek to reach a mutually agreeable outcome wherever possible. Each matter will be dealt with based on its individual circumstances. Any decision reached about a student's fitness to study will be made wherever possible through an inclusive process involving the student and other individuals such as relevant academic staff, health care professionals and the relevant ArtsEd Students Services Team, as appropriate.

i. Duty of Care

21. ArtsEd takes its duty of care seriously. The Institution owes a duty of care to all members of its community to ensure the health, safety and wellbeing of its students, pupils, staff and visitors. In exceptional cases therefore, and in accordance with this policy, ArtsEd may determine that a student presents a risk to themselves or to other members of the community, which may result in temporary suspension for a defined period or permanent termination of registration. **Please see Section H** for more details.

ii. Equality Act and Human Rights Act

22. We are mindful of our legal obligations under the Human Rights Act 1998 and the Equality Act 2010 and are committed to promoting equality, diversity and inclusion in all our activities and processes. We will promote equality regardless of any protected characteristic and/or diverse background. We will ensure:
- a. that our practices and functions including this Fitness to Study Procedure are accessible and barrier free;
 - b. that we make reasonable adjustments for our disabled students who use this Procedure, noting our enhanced duty to make reasonable adjustments when responding to and managing situations where a student's fitness to study is relating to a student's disability;
 - c. that student carers of disabled people and students with dependants who need to use this Fitness to Study Procedure can do so and any relevant adjustments will be made for them where necessary;
 - d. that in the coordination and make up of decision-making panels we will fulfil our commitments to the Equality duty.

iii. Confidentiality and Data Protection

23. All information obtained as part of this Fitness to Study Procedure will be held in accordance with General Data Protection Regulations (GDPR), Data Protection legislation and our **Student Privacy Notice**. We will ensure that matters handled by us as part of this process are undertaken with the appropriate stage of confidentiality and information will only be made available to those who need it for the purposes of managing and responding to the Fitness to Study Policy.
24. In some instances, aspects of a student's fitness to study may need to be disclosed to other relevant staff and external organisations as part of the management of a student's fitness to study. Where there are elements which are particularly sensitive and the student has concerns about their confidentiality, the student can raise this with the Deputy Principal who will discuss how disclosure can be minimised, if possible and appropriate to do so.
25. Where we need to liaise with, and obtain information from, a third party as part of the Fitness to Study Procedure, we will only give the third party as much detail about the student and their situation as is necessary to obtain the evidence required. Staff will ensure that discussions held during fitness to study meetings are undertaken with the appropriate stage of confidentiality, unless doing so could put others at risk. Students are actively encouraged to discuss and seek support about matters they may be experiencing from close family, relatives and friends who can offer the appropriate assistance.

iv. Representation and Support

26. Students undergoing fitness to study procedures who are invited to attend a meeting with ArtsEd as part of case management of the student's fitness to study have a right to be accompanied by one representative (such a person cannot be a legal representative) who may be:
 - a. a student representative or a current student of ArtsEd; or
 - b. a current member of staff (including disability support staff or a healthcare professional, such as a counsellor or physiotherapist).
27. Students who wish to be accompanied to a meeting must notify ArtsEd at least five working days' before the date of the meeting and gain the Institution's approval prior to the relevant meeting.

v. Reporting and Monitoring

28. An annual summary report of the number of student fitness to study cases and overall actions taken to resolve them will be received by the Course Board, the Higher Education Committee and the Board of Trustees. There will be no reference to individual cases. The reports will show trends and make recommendations for improvements where necessary. A confidential record will be kept separately of individual cases as determined by the general data protection requirements.

E. Procedure to be followed in the event of concerns about a student's Fitness to Study

29. Where a student is unwilling or unable to engage at any stage of the Fitness to Study Procedure or to attend a meeting/case conference, ArtsEd may nonetheless follow the Fitness to Study Procedure in the student's absence where reasonable. The Institution will consider any request from a student to proceed with a meeting/case review in their absence, based on written reports and/or a written statement from the student or their representative.
30. This Procedure has three levels based on the stage of the procedure determined by ArtsEd:
- **Stage 1: Initial Fitness to Study Assessment**
 - **Stage 2: Fitness to Study Review (Ongoing and/or Serious Concerns)**
 - **Stage 3: Fitness to Study Appeal**
- **Stage 1: Initial Fitness to Study Assessment**
31. Initial concerns regarding a student's fitness to study will normally be dealt with under Stage 1: Initial Fitness to Study Assessment.
32. Where initial concerns about a student's fitness to study are raised, the relevant Head of Year from the student's School (or an appropriate nominee) will undertake a Stage 1: Fitness to Study Assessment aimed at discussing the concerns in a supportive, sympathetic, and understanding manner with the student.
33. The Stage 1: Initial Fitness to Study Assessment is a facilitative process for thoroughly reviewing concerns about the influence of a student's wellbeing or behaviour on their studies and the actions taken so far to support the student. It seeks to consider the student's fitness to study and whether it can be managed at Stage 1: Initial Fitness to Study Assessment, or if it should be dealt with under Stage 2: Fitness to Study Review.
34. The Stage 1: Fitness to Study Assessment will normally cover (but not be limited to) the following, as appropriate or relevant:
- a. the incident/concern that prompted the Assessment, and why the Assessment is required;
 - b. an assessment of the student's insight into their wellbeing or the impact of their behaviour on themselves and others;
 - c. providing the student with the opportunity to ask questions about any concerns raised, and the process being used, and to ask if they wish to respond to the concerns raised and the decision to refer their case for a Fitness to Study Assessment;
 - d. those actions already taken in relation to supporting the student;
 - e. the support accessed by the student internally and externally;
 - f. whether disability-related reasonable adjustments (newly agreed or an adaption of those previously agreed) are in place or required; and, if they are already in place, whether these adjustments need to be amended;
 - g. all available other options, including whether it would be helpful for the student to have a break from their studies for an agreed period – the terms under which return

to study could occur should be identified clearly (e.g., documentation required, procedure(s) that need to be followed, staff to be contacted).

35. The relevant Head of Year or nominee will indicate clearly to the student the nature of the concern raised and explain that the matter is being dealt with under **Stage 1: Fitness to Study Assessment** of the Fitness to Study Procedure. The relevant Head of Year or nominee will normally inform the student in writing at least 48 hours prior to the meeting of the date, time and place of the meeting, the purpose of the meeting and the nature of the concern.
36. The student will be invited to respond to the concern and the relevant Head of Year or nominee will seek to establish the student's perception of the concern. The Head of Year or nominee may speak with other relevant members of staff (for example from the student's School, Counselling Service, Disability team or Student Support) as is appropriate to deal with the matter. Where necessary, the relevant Head of Year or nominee, may also arrange for another member(s) of staff to attend the meeting (for example, a specialist staff member from the Student Support Team).
37. The Stage 1: Initial Fitness to Study Assessment meeting will be led or 'chaired' by the Head of Year or nominee. The Head of Year or nominee will take responsibility for ensuring the scheduling of the Assessment and the management of any meetings and records, and will co-ordinate any correspondence to the student confirming the outcome of the Assessment.
38. Students are expected to be active participants in the assessment of their support. However, ArtsEd recognises that it may not always be possible to have a student participate in, or engage with, the Fitness to Study Assessment. Where a student is unable to engage with the process as required, the Stage 1: Initial Fitness to Study Assessment may proceed in the student's absence if the staff supporting the assessment consider it appropriate to do so. This would be the case where a student:
 - a. Cannot/is unable to attend a meeting to discuss their fitness to study;
 - b. refuses to attend to discuss their fitness to study; or
 - c. does not respond to invitations to attend a meeting to discuss their fitness to study or agrees to attend but does not attend without, or with very late, notice.
39. Where a student cannot attend due to being unable to physically travel to a meeting to discuss the Stage 1: Initial Fitness to Study Assessment, but is fit to engage with the Review, the Head of Year or nominee should consider offering alternatives to allow the student to participate in the process (for example: telephone conferencing or a virtual meeting).
40. Alternatively, the Stage 1: Initial Fitness to Study Assessment may be postponed if the relevant Head of Year or nominee consider it appropriate because a student is unable to

attend a meeting to discuss their fitness to study. In such an instance, the student must provide a reasonable reason in advance for needing to postpone the meeting.

- **Outcome: Stage 1: Initial Fitness to Study Assessment**

41. If it is determined under Stage 1: Initial Fitness to Study Assessment that a student's fitness to study is impaired or may become impaired, ArtsEd may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:
 - a. put in place support arrangements including referral to specific ArtsEd Services such as Counselling or Physiotherapy;
 - b. recommend the introduction of, or a change to, agreed reasonable adjustments for the student.
 - c. draw up a **Student Support Plan**, where possible with the agreement of the student, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to the student's behaviour or in relation to support the student should seek). The relevant Head of Year or nominee will notify the student that if any conditions set out in the support plan are not complied with, and/or if there is a continuation of the same or any additional concern, the student's fitness to study may be further considered under Stage 2: Fitness to Study Review.
 - d. recommend that the matter cannot be resolved at Stage 1: Initial Fitness to Study Assessment and that it is referred to Stage 2: Fitness to Study Review (for example, where it is recommended that the student takes an interruption of study).
 - e. recommend that the student undergoes medical assessment of their fitness to study. If, in the opinion of a medical practitioner or GP, the student is not fit to study then Stage 2: Fitness to Study Review must be initiated.
 - f. recommend that the student's behaviour is a student conduct matter, and the student is referred to the Student Disciplinary Procedure.
 - g. recommend a Stage 2: Fitness to Study Review where a student disagrees with the outcome/arrangements reached under Stage 1: Initial Fitness to Study Assessment
 - h. the Initial Fitness to Study Assessment may recommend other additional actions that would be supportive of the student (excluding those outcomes only available to a Fitness to Study Review at Stage 2).
42. Where there are no concerns that a student's fitness to study is impaired or may become impaired, the Stage 1: Initial Fitness to Study Assessment would conclude that the concern is resolved, and no further action is required from the student or the Institution.
43. The outcome of the Stage 1: Initial Fitness to Study Assessment including where a Student Support Plan has been agreed will be recorded in writing and communicated to the student within ten working days. A written record of the communication and a copy of any Student Support Plan will also be sent to the Student Support Team at the same time as it is sent to the student.

44. Students who disagree with the outcome reached under Stage 1 and/or their Student Support Plan can request for a Stage 2: Fitness to study Review within ten working days of receiving their Fitness to Study decision from their Head of Year or nominee.

i. Managing a Student Support Plan under Stage 1

45. The relevant Head of Year or nominee will ensure that a date is arranged at which any **Student Support Plan** will be reviewed with the student if possible, with consideration being given to whether there has been improvement or deterioration in the student's health, wellbeing and/or behaviour, and if so, how the student's fitness to study may be affected.

46. The relevant Head of Year or nominee, following the meeting held to review the Student Support Plan, will determine whether the support plan should continue and, if so, whether it should be amended or progressed as originally intended.

47. The relevant Head of Year or nominee will notify the student, in writing, with reasons for the decision and will provide the student with a copy of any Student Support Plan (including where such has been revised or updated) normally within ten working days of the Support Plan review meeting.

48. A written record of the review meeting and a copy of any revised Student Support Plan will also be sent to the Head of Student Support and Engagement normally no more than ten working days after the meeting.

• **Stage 2: Fitness to Study Review (Ongoing and/or serious concerns)**

49. Ongoing and/or serious concerns about a student's fitness to study will normally be dealt with under Stage 2: Fitness to Study Review.

50. The Fitness to Study Review considers whether it is possible to support a student to enable them to continue to study at ArtsEd. The Review will consider those ongoing or serious concerns regarding the student's fitness to study and determine their extent and whether they should be managed at Stage 2 or whether the matter can be dealt with under Stage 1: Initial Fitness to Study Assessment. Where it is concluded under Stage 2: Fitness to Study Review that a student can no longer be supported by ArtsEd, consideration will be given as to whether the student should or can continue to study at the Institution.

51. Serious concerns may be directed to Stage 2: Fitness to Study Review without their first being considered under Stage 1: Initial Fitness to Study Assessment

52. In addition to the student's course-related activities, their Stage of engagement with their studies and the quality of social interactions, consideration should also be given to

the student's personal circumstances. All available evidence should be included in the risk assessment undertaken at Stage 2: Fitness to Study Review.

53. The Fitness to Study Review may take place in one of the following circumstance(s):
 - a. following a Temporary Precautionary Action;
 - b. where the matter is referred to Stage 2 by a Stage 1: Initial Fitness to Study Assessment;
 - c. Where the impact of the concern is considered to be of immediate and sufficient seriousness to cause significant disruption in the studies of that student or their fellow students;
 - d. where the concern is that the student's on-going engagement with their studies represents a potential risk to their safety or to others' safety, and requires urgent consideration;
 - e. where a referral has been made from ArtsEd's Disciplinary Regulation.

54. Where there are ongoing or serious concerns about a student's Fitness to Study (**as set out in paragraph 53 above**), the Head of Student Support and Engagement or their nominee will undertake a Stage 2: Fitness to Study Review. The student will be invited to either submit a written statement (giving any context or information that might be relevant to their situation) or attend a meeting with the Head of Student Support and Engagement or their nominee to discuss the concern. It should be explained to the student that the matter is being dealt with under Stage 2: Fitness to Study Review.

55. The Head of Student Support and Engagement or their nominee will normally inform the student in writing at least 48 hours prior to the meeting of the date, time and place of the meeting, the purpose of the meeting, the nature of the concern and that the matter is being dealt with under Stage 2: Fitness to Study Review.

56. The Head of Student Support and Engagement or their nominee may in appropriate circumstances arrange for another member(s) of staff to attend (for example from the student's School and/or the Student Support Team such as Counselling and/or Disability specialists) to provide specialist support to the student. To deal with the matter effectively the Head of Student Support and Engagement or their nominee may also liaise with and/or seek evidence from other relevant members of staff in the relevant School and/or members of the Student Support Team such as Counselling and/or Disability specialists.

57. Where relevant, records of previous meetings under the Fitness to Study Procedure and any support plan may be referred to as part of the Stage 2: Fitness to Study Review.

58. During the Stage 2: Fitness to Study Review the Head of Student Support and Engagement or their nominee will discuss the concern with the student and the student will be invited to respond to the concern. The Head of Student Support and Engagement or their nominee will seek to establish the student's perception of the concern.

- **Outcome: Stage 2: Fitness to Study Review**

59. If it is determined under **Stage 2: Fitness to Study Review** that a student's fitness to study is impaired or may become impaired and the likelihood of the student improving is not immediate, ArtsEd may take one or more action(s) as set out in **paragraph 59a – 59e below**, where such action(s) is appropriate in the circumstances:

- a. where a **Student Support Plan** is drawn up, ideally with the student's agreement, The Head of Student Support and Engagement or their nominee will notify the student that if any conditions set out in the Support Plan are not complied with, and/or if there is a continuation of the same or any additional concern, the student's fitness to study may be further assessed and additional conditions may be placed on the student including temporary or permanent suspension or permanent withdrawal from study;
- b. recommend that the matter is no longer relevant to Stage 2: Fitness to Study Review and should be resolved at Stage 1: Initial Fitness to Study Assessment;
- c. recommend that the student undergoes medical assessment of their fitness to study. If, in the opinion of a medical practitioner or GP, the student is not fit to study then it may be necessary to ask the student to temporarily suspend their studies;
- d. recommend that the student take a period of voluntary interruption of study and the student is referred to the Interruption of Studies Procedure;
- e. that the student be withdrawn from their studies at ArtsEd;
- f. recommend that the student's behaviour is a student conduct matter, and the student is referred to the Student Disciplinary Policy.

60. the Panel may recommend other additional actions that would be supportive to the student.

61. Where it is determined that there are no concerns that a student's fitness to study is impaired or may become impaired, the Stage 2: Fitness to Study Review would conclude that the concern is resolved, and no further action is required from the student or the Institution.

62. **Where there exists a serious and immediate threat to the safety of others or any criminal activity has occurred, or criminal activity may occur, a referral shall be made to the Police.**

63. The outcome of the Stage 2: Fitness to Study Review including any required **Student Support Plan** will be recorded in writing and communicated to the student within ten working days. A written record of the communication and a copy of any **Student Support Plan** will also be sent to the Head of Student Support and Engagement at the same time as it is sent to the student.

- i. **Managing a Student Support Plan under Stage 2**

64. The Head of Student Support and Engagement or their nominee will ensure that a date is arranged at which any **Student Support Plan** will be reviewed, and consideration given

to whether there has been improvement or deterioration in the student's health or wellbeing, and if so, how the student's fitness to study may be affected.

65. The Head of Student Support and Engagement or their nominee, following the meeting held to review the **Student Support Plan**, will determine whether the reviewed Support plan should continue and, if so, whether it should be amended or progressed as originally agreed.
 66. The Head of Student Support and Engagement or their nominee will notify the student in writing, with reasons, of the decision and provide the student with a copy of any **Student Support Plan** (including where such has been revised or updated) normally within ten working days of the meeting with the student.
 67. A written record of the review meeting and a copy of any Student Support Plan will also be sent to the relevant member of the student's School, usually the Head of Year or their nominee normally no more than ten working days after the meeting.
 68. Students who disagree with the outcome reached under Stage 2 and their Student Support Plan can request for a Stage 3: Fitness to Study Appeal within ten working days of receiving their Fitness to Study decision from their Head of Year.
- **Stage 3: Fitness to Study Appeal Panel**
69. Students have the right to appeal against the outcome of the Stage 2: Fitness to Study Review. However, dissatisfaction with the outcome of the decision of Stage 2: Fitness to Study Review does not constitute grounds for appeal. A student is entitled to appeal the decision of a Stage 2: Fitness to Study Review on one or more of the following grounds:
 - i. that there was a material error in the processes associated with the Review's decision, which affected the outcome;
 - ii. that new information has become available, which is material to the Stage 2: Fitness to Study Review outcome, and which could not have been made known at the time for a demonstrable and valid reason;
 - iii. that the decision was not one which the institution could have reasonably reached on the basis of the evidence presented during the Stage 2: Fitness to Study Review.
 70. The appeal will undergo initial scrutiny by a member of ArtsEd staff nominated by the Deputy Principal. This scrutiny will seek to confirm that:
 - i. the statement sets out clearly the basis for the appeal demonstrating one or more of the grounds for appeal; and
 - ii. the claim includes sufficient evidence to support the appeal which can justify further consideration.

71. Where there is sufficient evidence to merit consideration of the appeal on the grounds set out above, the appeal will be referred to an Appeal Panel for further consideration. **Please see Section F of this Policy below.**
72. Should the appeal be considered to include insufficient evidence to support the appeal or insufficient justification for further consideration, the appeal will be rejected. The student will be informed of this decision, with reasons, in a Completion of Procedures (“COP”) Letter. Following this, a student who is dissatisfied with the final decision on their case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education for the decision to be independently reviewed. **For more information about the OIA, please see Section G of this Policy below.**

F. Appeal Panel Hearing

73. Where there is sufficient evidence to merit consideration of the appeal an Appeal Panel will be convened. The student will be invited to attend this hearing and be given ten working days’ notice in advance of the date of the Appeal Panel. The student should also be notified of who will be attending from ArtsEd and the capacity in which the person(s) will be attending.
74. The Appeal Panel will consist of three members of staff (with no involvement in the original concerns and with no previous involvement in the Fitness to Study procedure regarding this student) and will be appointed by the Deputy Principal. The Panel may meet in the student’s absence (under which circumstances, the Panel’s considerations will be based on the student’s written statement of appeal) where the student:
- i. declines to attend;
 - ii. cannot attend;
 - iii. does not respond to invitations to attend; or
 - iv. fails to attend the hearing without advance notice.
75. Students who do not attend may be represented by another individual in their absence only by agreement of the Chair. Students may also be accompanied by one other person, but the student must give ArtsEd at least five working days’ notice of who they will be accompanied by and such a person cannot be a legal representative. Please also see **Paragraph 26 and Paragraph 27.**
76. Where a student cannot attend due to being unable to physically travel to the hearing, but is fit to engage with the Panel, the Panel should consider alternatives to allow the student to participate in the hearing (for example: telephone conferencing, a virtual meeting or a written statement).
77. The following outcomes are available to the Appeal Panel:
- i. reject the appeal;
 - ii. refer the matter to a freshly convened Stage 2: Fitness to Study Review (that is, reviewers will have no prior involvement in the matter) for reconsideration.

78. A record of the proceedings of the Appeal Panel, including the decision and the rationale for the decision, will be shared with the student and appropriate staff members normally within ten working days of the date of the Appeal Panel.
79. Where necessary, the student may suggest amendments to this record, but it is at the Chair's discretion whether any amendments to the record will be made. At the Chair's discretion, a note of the student's suggestions may be attached to the note as an addendum.

G. The Office of the Independent Adjudicator for Higher Education

80. Decisions taken under Stage 3: Fitness to Study Appeal Panel may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints.
81. The outcome of the Appeal Panel/hearing, with reasons, will normally be conveyed to the student within ten working days of the appeal outcome/hearing. This decision will be conveyed in a Completion of Procedures ("COP") letter. Following this, a student who is dissatisfied with the final decision on their case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education for this to be reviewed.
82. More information about the OIA can be accessed at <http://www.oiahe.org.uk>. The OIA can be contacted at 0118 959 9813 or enquiries@oiahe.org.uk.

H. Temporary Precautionary Measures: Exclusion and Suspension

83. Where the Principal or their nominee, reasonably believes:
- a. that there is a risk to the health, safety and/or wellbeing of a student and/or to other persons; and/or
 - b. that the student's behaviour is, or is at risk of, adversely affecting the teaching, learning and/or experience of other students and/or the day-to-day activities of ArtsEd.

and

- c. that immediate action is required

they may determine one of the following outcomes pending the completion of any process under this Procedure:

- i. temporarily **exclude** the student from all or specified areas or activities of the Institution and/or from using any of the Institution's facilities or services for a specified period as is reasonable in the circumstances of the matter;
- ii. temporarily **suspend** the student from their studies for a specified period as is reasonable in the circumstances of the matter.

84. Where the Principal or their nominee takes action in accordance with **paragraph 83**, they will review at regular intervals whether it is reasonable for the temporary exclusion or suspension to continue or whether it should be revoked, amended or extended.
85. In addition, as part of this determination under **paragraph 83**, the Principal or their nominee will consider whether in the circumstances of the particular case specific arrangements should be made, for example, to permit the student to take and/or submit any examinations and/or assessments.
86. Where the Principal or their nominee temporarily excludes or suspends a student in accordance with **paragraph 83**, the student will be notified in writing normally within ten working days of the decision. The student may within 28 working days of the notification of the decision appeal against the decision on one or more of the grounds set out in **paragraph 69**.
87. The student must submit any appeal in writing to the Deputy Principal and the matter will be dealt with in accordance with **paragraph 70**. Any Review Panel convened may come to one of the following decisions:
- a. dismiss the appeal in which case the suspension will continue; or
 - b. uphold the appeal, in which case the suspension will be lifted, and the case will be referred to the Deputy Principal for consideration of what, if any, further steps may need to be taken to deal with the matter under this policy and procedure.
88. Any temporary exclusion or suspension made under **paragraphs 83** is a neutral act and is not a determination under this Procedure regarding the student's fitness to study.
89. In all cases where the Principal or nominee takes action under **paragraph 83**, such a decision will be notified to the HE Committee and Board of Trustees at the groups' next meetings.
- I. Support during suspension or interruption of study**
90. ArtsEd will provide students on suspension or interruption of study with a main point of contact within the Institution who will offer ongoing support and facilitate a smooth return to study once the student's circumstances have improved.
- J. Return to Study**
91. Students will need to provide evidence that they are fit to study and have met any relevant conditions agreed with ArtsEd to be able to return to study.
92. In some cases, medical evidence of a student's readiness to return to study will be required. Where this is the case, evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of the student and the demands of higher education to make an informed decision regarding the student's return to study. Specific reference should be made to the student's capacity to return to study.

93. Prior to the end of the agreed period of suspension or interruption, the Head of Year in consultation with the Head of Student Support and Engagement will meet with the student to discuss the student's return to study. Any evidence required to return to study will be discussed with the following outcomes:
- a. It is agreed that the student can return, and a plan will be agreed with the student to allow the student to return with any relevant support and to establish expectations; or
 - b. There remain concerns about the student's fitness to return to study and a further risk assessment will be undertaken in line with a Fitness to Study Review. Staff that are necessary and appropriate to consider the student's case (for example, the student's Personal Tutor and/or a specialist staff member) will be consulted.
94. The student should be advised that a review is being held, and should be invited to submit a written statement giving any context or information that might be relevant to their situation and which might support a return to study.
95. The review meeting may consider various options in relation to the student, including additional support strategies, a further period of suspension from study, or a recommendation to the Principal that the student be withdrawn from the School.
96. Following the review, the student will be notified in writing of the decision and of their right to appeal.

K. Support Available for Students

97. ArtsEd has a duty of care to ensure that the necessary guidance and support is available for students.
- a. **Student Support:** Students should be directed to the Student Support and Wellbeing Team where there is a concern about a student's fitness to study. The student can contact the Student Support Team by sending an email to studentwelfare@artsed.co.uk.
 - b. **Student Counselling:** Personal Tutors can encourage students to seek counselling. Students can also self-refer to ArtsEd's Counselling Service. Students can book a session with the Counselling Team by sending an email to Counselling@artsed.co.uk. The Student Counselling Service offers confidential space for students to seek advice about, and discuss matters impacting upon, their psychological wellbeing. Students are offered:
 - i. short term 1-2-1 counselling which can help students work on immediate problems;
 - ii. assistance with developing healthy coping techniques;
 - iii. support with gaining understanding of underlying issues; and
 - iv. assistance with developing a longer-term treatment plan, if necessary.
 - c. **Togetherall:** Togetherall is a clinically-managed, online community designed to improve mental health. Students can access the 24/7 online support via our Student Services Online Platform or by visiting www.togetherall.com.

98. **Interruption of Study Policy:** The Interruption of Study procedure may be commenced in line with the requirements of the [Interruption of Study Policy](#).
99. Students who have any questions about this Fitness to Study Policy should contact studentsupport@artsed.co.uk.
100. Any member of staff to whom a concern about a student's fitness to study is reported, or who themselves has a concern, may wish to discuss those concerns with the Student Support Team. In so doing, the member of staff will remain mindful of the confidential and sensitive nature of the matter being discussed. Staff members can send an e-mail to the Student Support Team (studentsupport@artsed.co.uk) who will consult with appropriate staff and determine what steps should be taken. Any member of staff who is in doubt about what to do in the event of a concern arising regarding a student's fitness to study should contact the Head of Student Support and Engagement promptly. **Where it is considered that there is a real and immediate threat to the personal safety of any person, please call 999.**