

Appendix K: Fitness to Train Policy

Name of Policy Writer/Amendments	Date Written & agreed / Amended	Approved by	Review Date
S McKenzie	July 2017	Academic Board	July 2018

What is Fitness to Train?

1. 'Fitness to Train' refers to a student's ability to engage positively and fully with their training and to fulfil the expectations of the course without negative impact on students or staff. It is a policy designed to support the needs of students.
2. This policy is intended to provide supportive procedures which can be used by NSCD staff when a student's health, well-being and/or behaviour is, or appears to be at risk of, having a significant detrimental impact upon their academic studies or training. This policy may also be used for any student whose ability to properly engage with their studies and/or the support on offer at NSCD is compromised as a result of their health, well-being, circumstances or a disability.
3. The aim of this policy is to sustain the progress of students in a supportive environment whilst being mindful of the need to ensure the safety and well-being of other members of the NSCD community, and to provide and promote a positive, sensitive, joined-up and co-ordinated approach to the management of this.
4. The procedures can be used by any member of staff who has a sufficient level of concern about a student's health, safety and well-being, by following the steps laid out in Stages 1, 2 or 3 as appropriate. Concerns for the health or wellbeing of a student can also be raised by students, however students will not be expected to manage these situations and should always raise concerns by approaching a member of staff, so that the matter can be referred as appropriate.
5. The following lists reasonable expectations of any student:
 - That they can demonstrate they are able to attend and engage effectively in a range of classes, workshops, rehearsals, lectures and tutorials including with staff, students and professionals.
 - That they can demonstrate that they can undertake private study or activity. That they can participate in assessments throughout the academic year.
 - That they arrive consistently at NSCD at the time required and meet other attendance requirements.
 - 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 requirements.
 - That they are abiding by the Student Codes of Conduct and Practice.

In cases where these expectations are not being met the Fitness to Train policy may be applied.

Disabled students and reasonable adjustments

6. NSCD has a commitment to inclusive practice as well as a legal and moral obligation to identify barriers that a disabled student might face in their training and to take steps ('reasonable adjustments') to identify and remove these barriers wherever possible. There is every reason to expect that a student with long term disability or health condition will successfully complete their training. Please see the Reasonable Adjustments Policy for further details of how NSCD supports disabled students.

When should the fitness to train policy be applied?

7. The policy may be applied in relation to student behaviour while on NSCD premises or on placements outside NSCD.
8. Each application of the policy will be based on individual circumstances. The following list provides examples of situations when the policy may be applied, but should not be considered exhaustive.

- The student discloses difficulties relating to alcohol or drug problems or other personal circumstances and where this means that they behave in a manner which gives cause for concern.
- A student has disclosed a disability and reasonable adjustments and appropriate support are in place but where the students has continued and ongoing difficulties in meeting the core elements of the training.
- A third party such as another student, staff member, or healthcare professional reports concerns about a student's health or personal circumstances which are having a negative impact on their ability to engage with their studies.
- Multiple complaints are received about the student from other students and/or staff.
- The student is in serious and continued breach of the attendance policy.
- The student behaves in a way that would usually be considered a disciplinary matter but there is reason to believe this may be due to underlying cause(s) which could provide mitigating factors.

What happens when a student's Fitness to Train is questioned?

9. Students and/or staff should bring the matter to the attention of the Director of Studies in the first instance. They will then, in consultation with other senior members of staff where appropriate, follow the procedures outlined below.
10. Normally there will be a three stage process once it has been established that a Fitness to Train issue has arisen.
11. At all and any stages used, a risk assessment should be undertaken to identify the level of risk to the student and/or others and to consider whether the student's presence within the School puts the student and/or others at an unacceptable level of risk or exacerbates the student's difficulties. All appropriate evidence should be included within the risk assessment.

Process

Stage One: Informal

12. The Director of Studies will have a conversation with the student setting out concerns, how or why the student is not meeting his or her obligations and strategies for resolving the situation. This is an informal stage.
13. The possible outcomes at Stage One in the process are:
 - the matter is considered resolved and no further action is needed;
 - an action plan is established which may include referral to additional support services;
 - the matter is referred directly to the next stage.

Stage Two: Formal

14. The Director of Studies and another member of the senior team will have a formal meeting with the student which outlines the continuing problems and the agreed strategy for managing the situation and an agreed timeframe for seeing improvement.
15. The possible outcomes at Stage Two in the process are:
 - a new action plan is agreed upon which may include further referral to support services;
 - the student decides that s/he wishes to interrupt studies and intermits for a period;
 - the student is made aware that if there is no improvement, the student may be withdrawn from the programme and the matter escalated to the next stage.

Stage Three: Case Conference

16. If there has been no resolution of the problems or change in behaviour, the Director of Studies and the Principal and/or Head of Academic Registry will meet with the student with a view to determining whether the student may continue on the programme, will be suspended for a period of time (through intermitting their training) or withdrawn from the programme entirely.
17. In exceptional cases of risk, and on the Principal's judgment, the process may move directly to Stage Three. At all stages, a note of the agreement will be recorded which sets out what is expected of the student.

Limitations

18. The Fitness to Train policy should be distinguished from other policies:
- Suspension of Study Policy: when a student requests temporary interruption to their studies on the course owing to ill health or personal circumstances.
 - Mitigating Circumstances: when a student is unable to participate in a specific assessment owing to ill health or personal circumstances.
 - Disciplinary Policy (student misconduct): when a student may have formal sanctions applied to them owing to a contravention of the academic regulations. Students may be referred to disciplinary procedures when their behaviour continues to be disruptive to students and/or staff and there is no indication of the student's willingness to engage with the Fitness to Train procedure.
 - Reasonable adjustments policy: this outlines the steps that NSCD will take to accommodate disabled students' needs and to make any short-term adjustments to the training for other students.

Right of appeal/complaint

19. Following a decision to either suspend a student or discontinue them from the programme of study, that student has the right of appeal against the decision.
20. The grounds of appeal are set out as follows:

Grounds under which a Fitness to Train appeal may be made	
a)	That there is evidence of significant administrative or procedural error in the fitness to train process which affected the decision at stage 3
b)	That there is evidence of prejudice or bias in the fitness to train process
c)	That there is additional relevant information which was for valid reasons unable to be considered at the relevant time the stage 3 case conference decision was made, and which warrants further consideration of the case
d)	That the decision is unreasonable and/or will have a disproportionate negative impact on the student. The reasons why the decision is unreasonable and/or will have a disproportionate negative impact must be clearly articulated and supported with relevant satisfactory evidence, where applicable.

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21. An appeal should be submitted to the Principal/Director of Studies within 21 days of formal written notification of the decision taken at Stage 3.
22. The Principal/Director of Studies shall appoint a member of staff from CDD previously unconnected with the case or the student, as an Appeal Adjudicator, to review the appeal and determine whether the case warrants referral to a new Case Conference.
23. In the event that it is determined a new Case Conference should take place, at least 2 senior members of staff (one of whom may be the Principal) should undertake the new Case Conference.
24. Where the Appeal Adjudicator deems it appropriate, the case may be referred back to a Case Conference involving the parties who made the first Case Conference decision. However, in cases concerning allegations of prejudice or bias, or where the Appeal Adjudicator deems it appropriate, nobody previously involved in the first Case Conference decision should participate in the decision-making process in the new Case Conference. In this instance, the new Case Conference members of staff may interview the first Case Conference decision-makers if necessary, for information-gathering and in order to understand the chain of events which led to the first Case Conference decision.
25. The new Case Conference Decision following an appeal is final.

Office of the Independent Adjudicator

26. Once the internal procedures have been exhausted i.e. once the final decision letter following an appeal has been sent to the student, a Completion of Procedures letter will be issued, and students are entitled to ask the OIA to consider any unresolved complaint: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>.

Confidentiality

27. This policy will be managed in accordance with NSCD's obligations under the Data Protection Act 1998 and, where appropriate, The Equality Act 2010 and will be applied in accordance with NSCD's obligations for data protection and student confidentiality. From May 2018, this policy will be managed in accordance with the General Data Protection Regulations (GDPR).
28. NSCD will seek the student's informed consent before disclosing sensitive information and consider the student's best interests before disclosing information to a third party. Information will be disclosed in accordance with the terms agreed by the student.
29. NSCD will respect a student's right to withhold consent for the disclosure of sensitive information but will ensure the student is made aware of the implications of non-disclosure.
30. NSCD may breach a student's confidentiality under exceptional circumstances (for example, where there is a reasonable risk that the student might do harm to him/herself or to other students or staff).