

Support Through Studies Policy

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Support Through Studies Policy September 2022 onwards

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NSCD Support Through Studies Policy

1. About this policy

1.1 The NSCD Support Through Studies Policy refers to a student's ability to engage positively and fully with their course of study and to fulfil the expectations of the training and course. It is a NSCD policy designed to support the needs of students to provide them with the best opportunity to succeed on their course.

2. Purpose of the Policy: Scope and Principles

2.1 This policy applies to students studying on a course of Higher Education who are registered students of NSCD.

2.2 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 detrimental impact upon their studies and/or ability to cope with student life, or where health, well-being and/or behaviour poses a wider risk to others, and/or has a detrimental impact on others. This policy may also be used for any student whose ability to engage with their studies and/or the support on offer at the School is compromised as a result of their health, well-being, circumstances or a disability.

2.3 The aim of this policy is to sustain the progress of such students in a supportive environment whilst ensuring the safety and well-being of other members of the School community. The policy provides a framework within which the School can promote a positive, sensitive and co-ordinated approach to the management of this. The procedures which are underpinned by this policy are designed to achieve this by being flexible, supportive and proportionate.

Summary of Procedures

2.4 There are two types of processes under Support Through Studies: **informal** processes and procedures, and **formal** Support Through Studies procedures. The formal Support Through Studies procedures have three stages. The procedures can be instigated 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. This can include the following (or the equivalent): Personal Tutors, Course Directors, Course Leaders, Module Leaders and Professional Services Staff.

2.5 Concerns for the health or wellbeing of a student may also be raised by other students by approaching a member of staff. Students will not be expected to manage these situations themselves and should always raise concerns with a member of staff so that the matter can be referred as appropriate.

2.6 In order to best facilitate the level of support students may need, the formal procedures may be entered at any stage to allow the most flexibility, timeliness and appropriate intervention.

However, where formal procedures are entered into, it is expected that the majority of cases will be entered and resolved at Stage 1 with no need for progression to either Stage 2 or Stage 3 of the procedure.

2.7 Initially, consideration will be given as to the opportunity for informal support under this Policy, which does not constitute any formal stage of the Support Through Studies procedures. Informal support will not necessarily be appropriate in all cases, if the level of concern about a student's wellbeing/support needs means that a formal stage of the Support Through Studies procedures should be initiated.

Procedural integrity and fairness

2.8 Integrity and fairness are at the heart of all the School's procedures. NSCD has a number of close artistic and historical links with similar small specialist arts higher education providers. We recognise that there may be times where the involvement in our processes and procedures of one or more individuals who are fully independent of NSCD may be of substantial benefit to students, providing assurances against bias and prejudice, and giving independent oversight of our procedures and processes. This oversight also helps to ensure fairness and reasonableness.

2.9 Individuals who are not staff of NSCD will not normally be involved in informal Support Through Studies processes and procedures, although they may be in reasonable circumstances (for example, it may be appropriate to involve a guest lecturer in an informal conversation under Support Through Studies with a student to enhance the support for that student).

2.10 Individuals who are not staff of NSCD will not hold overall responsibility for the application and operation of Support Through Studies formal procedures at any Stage (1, 2 or 3). The School will in all circumstances ensure that a member of School staff with appropriate expertise and authority holds this responsibility, and will be sufficiently involved to assure the procedures are properly followed and that action taken is fair, reasonable and proportionate, even where individuals external to the School are involved in the conduct of Support Through Studies processes. Such members of School staff may be professional services or learning and teaching staff.

Nomination and appointment of staff in the operation of Support Through Studies Procedures

2.11 The involvement of NSCD staff in the operation of informal or formal Support Through Studies procedures is set out in Appendix 1 to this Policy 'Support Through Studies Procedures'. All NSCD staff operating the informal or formal procedures have delegated authority granted by the Chief Executive, Principal and Artistic Director of NSCD to act appropriately and in accordance with the published procedures. Where there is a requirement for staff to be nominated, this is set out in Appendix 1.

2.12 The involvement of staff from any of the external institutions will be at the request of the NSCD Principal or their nominee, who will be a senior member of staff of NSCD with delegated authority to lead on the procedures under this Policy.

2.13 The School will also consider and review any recommendations arising from the involvement in the Support Through Studies Procedures of one or more external members of staff from one of the institutions named above in this Policy (for example, recommendations for enhanced practice, or policy adjustments in the interests of students). The implementation of any recommendations is at the discretion of the School; where such recommendations are received, these will normally be reviewed and approved by the NSCD Academic Board. Recommendations that advise a change to existing Support Through Studies policy and/or procedures will always be referred to and reviewed by the School Academic Board, who will determine whether to approve such recommended changes.

Informal Procedures

2.14 The informal Support Through Studies procedures do not have any 'stages' (unlike the formal procedures). Informal procedures under this Policy may be invoked by the School as appropriate in order to support a student. Please see Section 2 of Appendix 1 'Support Through Studies Procedures' for further information on the informal procedures.

Formal Procedures

2.15 The three formal Support Through Studies Stages are as follows:

- **Stage One: Emerging or Initial Concerns**
- **Stage Two: Continuing and/or Significant Concerns**
- **Stage Three: Highly Significant, Serious or Persistent Concerns (Case Conference)**

The procedures for Stages One, Two and Three can be found in Appendix 1 to this Policy.

2.16 It is possible that the use of any formal procedure may increase a student's stress levels, particularly if the role and purpose of the procedure is not understood. In order to minimise the risk of causing additional stress, these procedures should be used sensitively, ensuring that the focus on the student's best interests is explained to the student, and that all possible steps are taken to minimise additional concerns and anxieties experienced by the student.

2.17 Students should be involved in the management of their own health and wellbeing wherever possible. However, there may be occasions where a student is not able to, or does not engage with, these procedures. In these cases, the Support Through Studies process should still be applied and/or continue, to address concerns raised, advice being sought, and action being taken, as necessary and appropriate.

2.18 For any queries about the policy, contact a member of Student Support Staff.

3. Duty of Care

- 3.1 NSCD has a duty of care to support students whose studies and/or ability to engage with their studies might be compromised by ill health or other circumstances. These procedures are intended as a supportive framework to afford students the best opportunity to complete their studies successfully and also to assist them to recognise when they might need additional support, or an interruption or break from study. Students are encouraged to actively engage with these procedures, which will often include taking appropriate steps to manage their own health and wellbeing in order to fulfil their academic potential. This policy will be implemented in accordance with the Equality Act (2010). Additionally, each School will endeavour to ensure that both male and female staff at an appropriate level of seniority can be involved in any process.

4. Limitations

Other policies and procedures

- 4.1 The Support Through Studies Policy should be distinguished from other School policies such as those listed below:
- **Criminal Records Policy:** an assessment of criminal records information may result in a referral into Support Through Studies to ensure appropriate support for a student, but that assessment process is independent of this Policy and does not form any part of the procedures under this Policy
 - **Emergency Powers of Exclusion or Suspension of a Student:** when, in an emergency situation and with belief that there is good reason to do so, the School Principal (or their nominee) may suspend or exclude a student. This policy may be applied in conjunction with this Policy, but is distinct from them.
 - **Interruption of Studies Policy:** when a student requests temporary interruption to their studies on the course owing to ill health or personal circumstances.
 - **Mitigating/Extenuating Circumstances¹:** when a student is unable to participate in a specific assessment owing to ill health or personal circumstances. These are often referred to as 'concessions'.
 - **Non-Academic Misconduct Policy:** when a student may have formal sanctions applied to them owing to conduct which falls within the definitions of misconduct in the policy, and/or a contravention of the published School Student Code of Conduct.

¹ As NSCD courses are validated by the University of Kent, the University's Concessions Procedure applies: (<https://www.kent.ac.uk/teaching/qa/credit-framework/creditinfoannex9.html>);

- **Policy on Harassment, Sexual Misconduct and Related Behaviours:** this policy underpins the School's procedures for handling cases of sexual misconduct, harassment and related offences.
 - **Precautionary Measures Procedure:** this procedure is part of the Policy on Harassment, Sexual Misconduct and Related Behaviours (Stage 2 of the Policy's procedures). It allows the Chief Executive of the School (or their nominee) to impose precautionary measures as deemed necessary to manage reported serious allegations of sexual misconduct or related offences (see the Policy on Sexual Misconduct, Harassment and Related Behaviours for a list of examples). It will be invoked where deemed necessary following such allegations, and therefore will not be applied in every case.
- **Safeguarding Policy:** NSCD has a safeguarding policy that relates to vulnerable students. This policy will be operated with due regard to the Safeguarding Policy.

4.2 However, the School reserves the right to initiate procedures under this Policy where appropriate, and/or procedures under any of the above policies where appropriate. Any procedures relating to the above policies may as necessary be held in abeyance whilst the procedures under this Policy are ongoing. Equally, the procedures under this Policy may be held in abeyance if the School deems it necessary to instigate/invoke other procedures in the meantime. This policy and its procedures may run alongside other ongoing processes, or held in abeyance, whichever the School deems to be most appropriate and in the best interests of the student and the wider community of the School.

4.3 The procedures outlined in this policy are not intended as a punitive measure, and should not be used in lieu of the Non-Academic Misconduct policy. Any instance of alleged misconduct should first be reported to the Non-Academic Misconduct Preliminary Enquiry Officer, in accordance with the Non-Academic Misconduct policy². However, staff may raise concerns under this Policy, to the Non-Academic Misconduct Preliminary Enquiry Officer³. In such instances, a Cause for Concern Form (**Appendix 2**) may be completed by the Preliminary Enquiry Officer, who may determine during any point of the Preliminary Enquiry (see Non-Academic Misconduct Policy) whether any stage of the Support Through Studies procedures should be invoked.

4.4 A student may be referred under these procedures as a result of an investigation into allegations, or a finding of non-academic misconduct, at various stages in the Non-Academic Misconduct Procedures. This Policy, and the Non-Academic Misconduct policy, are allied policies but serve different purposes. As appropriate, misconduct allegations may be ended or held in abeyance while procedures under this Policy are being followed.

² See the Non-Academic Misconduct policy, which can be found at: <https://www.nscd.ac.uk/policies-and-procedures/>

Mediation

4.5 The School recognises that students who undergo Support Through Studies procedures will do so for a variety of reasons, and that working relationships may at times suffer some strain as a result. Where appropriate, the School may determine that mediation outside of this process is appropriate and feasible, and mediation to resolve differences can be entered into at any point during these procedures. Mediation cannot however be used to replace a formal Case Conference decision or Support Through Studies Appeal Panel decision.

5. Where may this Policy apply?

5.1 The purpose of this policy is set out in Section 2. This Policy applies to NSCD students' course activities whether these are based on School premises or elsewhere (e.g. placements).

5.2 The School expects that students abide by the published Student Codes of Practice, which lists the expected conduct and behaviours of students whilst undertaking their studies. In cases where there are concerns that a student is unable to meet these expectations and thus the requirements of the training, the Support through Studies policy may be instigated.

5.3 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 substance misuse, alcohol or drug problems or other personal circumstances and may need additional support;
- A student has disclosed a disability, and reasonable adjustments and appropriate support are accordingly in place, but the student continues to experience difficulties in meeting the requirements of the course;
- 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 for which the underlying reasons indicate concerns which might most appropriately be addressed under this Policy;
- The student is in serious and continued breach of the attendance policy as a result of health/other circumstances preventing them from engaging properly with their studies;
- 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 should be considered under this Policy;

- The student continuously makes applications for mitigating circumstances or other adjustments stating health issues, or what is thought could be the result of an underlying physical or mental health problem, which give cause for concern and/or indicate they may need support under this Policy.

6. Referring a case

Members of staff needing to report concerns

6.1 Where a member of staff needs to report concerns regarding a student's ability to undertake or engage with their studies, or wishes to report such concerns on behalf of a student (see Section 6.3), they should notify a member of the School's Senior Management Team, who will then determine whether the case should be referred into Stage One, Two or Three of the procedure, and will designate the 'Lead Contact' for the case. This will normally be the student's course leader or equivalent, or a member of School staff with an equivalent level of seniority.

Students needing to report concerns

6.2 If a student has concerns about a fellow student, they should alert a tutor/student support staff member, to discuss their concerns confidentially (though they may contact other staff members should they prefer). They will not be expected to manage the situation themselves or make a referral under these procedures. Where a student raises concerns about a fellow student, care should also be taken to direct the concerned party to the various avenues of support in the School. The staff member who has received the concerns will refer the matter on in accordance with Section 6.1 to initiate the relevant stage of these procedures.

6.3 Where the staff member is of the view that there is no such concern which may impact on the student's fitness to study or may present a risk of harm to themselves and/or others, a referral should still be made; however, the staff member may report this view to the Senior Manager at the time of making the referral so it may be taken into account.

Students needing/wishing to self-refer

6.4 Where a student has concerns about their own wellness or fitness to be in study or training, they may request additional structured support under these procedures by notifying a member of staff, who will instigate these procedures in accordance with Section 6.1.

7. Data processing, confidentiality, and record-keeping

7.1 This policy will be managed in accordance with NSCD's obligations under the General Data Protection Regulations (May 2018) and the Equality Act 2010 and will be applied in accordance with our obligations for data protection and student confidentiality.

7.2 To ensure appropriate levels of confidentiality, advice on whether to invoke these procedures at any stage should initially be sought without disclosing details of the student concerned, i.e.

on an anonymous basis, where this is practicable. Advice may be sought from School Student Support staff.

7.3 The School will seek to do all within its power to limit the disclosure of information involving any case where a student is referred under these procedures, as is consistent with the General Data Protection Regulations (2018) and the Data Protection Act (1998). It is essential, however, that relevant parties are kept informed as and when necessary and are notified accordingly of any directives or sanctions arising from proceedings under this Policy, therefore the scope of disclosure will by necessity vary from case to case. This notwithstanding, information must be restricted to a 'need to know' basis to those persons who in operating these procedures the School deems necessary to be informed (which may include staff from across the School and/or external individuals from other small specialist arts institutions, and/or with specialist expertise, as necessary and/or who are directly involved in the facilitation of support for the student, will be notified of any directives or proceedings arising or resulting from these procedures.

7.4 NSCD will, in the fair and proper operation of the Support Through Studies procedures, confidentially share student information with external staff (see also section 2 of this policy 'Procedural integrity and fairness' for further information).

Data retention

7.5 In accordance with the School's duties under the General Data Protection Regulations (2018) and the Data Protection Act (2018) and in keeping with OIA recommendations, records will be retained for a minimum of 15 months and for no longer than is reasonably necessary (i.e. no longer than 6 years after the final action on the student's case, at which point the individual student file will be destroyed). Some deviation from this schedule can be expected for cases which, in the judgement of the School, are unique or complex and therefore require shorter or longer record retention periods.

7.6 Notwithstanding the above normal retention schedule, the Case Conference Panel (see Stage 3 of the procedures) will have the discretion to indicate a specific point in the future, and the conditions under which, any records pertaining to action taken under this Policy regarding a student may be removed from the student's file.

Student consent to sharing sensitive information

7.7 Where a student discloses sensitive information (eg a mental health illness or disability) and does not wish to share this information with anyone else within the School, it is important that the staff member receiving the disclosure makes the student aware that the capacity to provide support may be restricted or limited by this non-disclosure.

7.8 Acting within the Law, the School 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. The exception to this is where the disclosure of confidential information by a

student leads a staff member to have reasonable belief that the student may be at serious risk to themselves and/or others, in the interests of safeguarding, or where there is a legal obligation to disclose this information (e.g. in the prevention of crime) as this may justify and necessitate the disclosure of this information (see Section 7.5).

7.9 However, a student may decide that they do consent to this information being shared with individuals who are external to the School for the purposes of formal procedures. Where staff external to the School become or are involved in procedures, this sensitive information will not be shared with them without the consent of the student unless there is a lawful, reasonable and justifiable reason.

Necessary disclosure of personal sensitive information to manage risk under this Policy

7.10 Where the disclosure of confidential information by a student leads a staff member to have reasonable belief that the student may be at serious risk to themselves and/or others, this may justify and necessitate within the Law the disclosure of this information. The student's consent should still be sought if practicable, and any reasons given for refusal given fair consideration. If a student's refusal to consent to disclosure leaves them and/or others exposed to a risk so serious that it outweighs the student's interest in maintaining confidentiality, or if it is not practicable or safe to seek the student's consent, the staff member concerned should disclose the information to an appropriate senior member of School staff, who will review whether it is necessary to contact the student's 'Emergency Contact' given at the point of registration. If practicable and safe, the student should be notified prior to disclosing the information, even where the staff member intends to disclose without the student's consent.

Support Through Studies: third party disclosure

7.11 The School will normally seek the student's consent to provide information to third parties involved in any aspect of their education (including with placement providers or external course-related activities), unless there is a need to make a necessary disclosure (see Section 8.6). Where a student does not give consent, this may mean that reasonable adjustments or alternative arrangements arising from any needs cannot be put in place. If it is not possible for alternative arrangements to be made, the student's placement/activity may be withdrawn, and deferral⁴, adjusted assessment points or other adjustments considered.

7.12 Where a student's studies are interrupted, intermitted, or in the case of any necessary deferral of assessment or other adjustment affecting assessment being brought under this procedure, the School may, as necessary and in accordance with the validating university's academic regulations, be required to report this to the validating university.

⁴ Deferrals of assessment can only be granted by the Board of Examiners. Where deferral of assessment is considered, the School must contact the relevant Board of Examiners to make this request on behalf of the student before it may be authorised.

8. Emergency Powers of Exclusion or Suspension of a Student

8.1 In exceptional circumstances, the Emergency Powers of Exclusion or Suspension of a Student may be involved under these procedures. The policy can be found on the School website at <https://www.nscd.ac.uk/policies-and-procedures/>

9. Right of appeal/complaint against a decision made under these procedures

- 9.1 Following a decision by the Case Conference Panel taken under Stage Three (Case Conference) of these procedures, the student has the right of appeal against that decision. Full details can be found in section 3 of Appendix 1: Procedures - 'Right of Appeal/Complaint'.
- 9.2 Where a student wishes to make a complaint about any other aspect of the Support Through Studies procedures, the [Student Complaints Procedure](#) should be used.

APPENDIX 1

Support Through Studies Procedures

1. Overview

Support Through Studies procedures

- 1.1 NSCD has both informal and formal Support Through Studies procedures. Consideration will always be given as to whether or not it is necessary to invoke formal procedures, and where appropriate, informal support under Support Through Studies will be given and may not necessitate entering into any of the formal stages of these procedures. However, the decision to refer a student into any stage of the formal Support Through Studies Procedures is made in the best interests of the student and to help the School ensure that the most appropriate level of support is in place.
- 1.2 The formal procedures have three stages. Any stage of the process may be entered at any time, as deemed appropriate to the circumstances, following a risk assessment where necessary. In exceptional cases of risk or where there are highly significant and/or serious concerns, the process may be started directly at Stage Three. The procedure is designed to be as flexible as possible to meet the needs of each case, therefore similarly a case that has reached Stage 3 may be referred as appropriate down to Stage 2 or Stage 1. At all stages, a note of the agreement will be recorded which sets out agreed actions and expectations.
- 1.3 NSCD is committed using this policy and its procedures to assist all students to achieve their aims and successfully complete their courses, and will make all reasonable efforts and reasonable adjustments to do so. However, we recognise that there may be cases where it becomes clear that the student may not be in a position to retrieve their studies, or to successfully complete the course, notwithstanding support. Where a student's studies are withdrawn under the Support Through Studies procedures, this does not affect any academic credit already held by the student that has been ratified by the Board of Examiners.

2. Referring a student

Informal procedures

- 2.1 The informal Support Through Studies procedures do not have any 'stages' (unlike the formal procedures). Informal procedures under this Policy may be invoked by the School as appropriate in order to support a student. Informal procedures may, for example, simply constitute an informal meeting with one or more staff. They may as necessary involve an Action Plan to ensure that information and actions are clear and agreed by all parties.
- 2.2 If concerns which may indicate a need for a student to be supported under this Policy (see Section 5 of the policy for examples) have been identified by, or raised with, a member of

staff, then that member of staff should talk to their line manager or their course leader (or equivalent in the School) to highlight these concerns. The staff member will then be supported in determining if there should be an attempt at informal Support Through Studies or if the level of concern means that the formal Support Through Studies procedures should be initiated (see below).

- 2.3 Where a School has endeavoured to resolve support needs and/or concerns informally but subsequently determines that there is a need to invoke formal procedures, at this stage the case may be referred under Stage 1, Stage 2 or Stage 3 of the procedures as deemed necessary, and it should always be clear to the student which stage their case is being referred under. A report of endeavours made to resolve the case informally should be made and submitted for record purposes to the student and relevant School parties at the relevant stage, using the Cause for Concern form (**Appendix 2**).

Risk Assessment

- 2.4 When the School determines that a student should be formally referred under this Policy, a risk assessment⁵ may 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. A risk assessment may also be undertaken to assist in determining the Stage of the procedure into which the case should be referred.
- 2.5 All appropriate evidence should be taken into consideration when undertaking the risk assessment, and documentary evidence considered should be listed with the ensuing risk assessment report.

Support for students undergoing these procedures

- 2.6 A student may be accompanied for support by a member of staff, fellow student, or family member should they wish, to any meeting at any stage in the formal procedures. Further information about being accompanied can be found in Stage 3 Case Conference (see Section 2 C) of these procedures) and in Section 3 'Right of Appeal/Complaint' (see 'Support Through Studies Appeal Panel Procedure').

3. Formal Procedures

- 3.1 To make an initial referral of a case under Stage One, Stage Two or Stage Three of the formal Support Through Studies procedures, the Cause for Concern form (**Appendix 2**) should be completed. The completed form should be forwarded for record purposes to the student and relevant School parties at the relevant stage. A fresh Cause for Concern form may be used if

⁵ See Appendix 4 'Risk Assessment'

necessary to escalate a case to another stage in the procedure, where the School deems this appropriate.

A) Stage One: Emerging or Initial Concerns

3.2 The School will designate the 'Lead Contact' for the case. This will normally be the Student Support & Wellbeing Manager or the Head of Studies. The 'Lead Contact' will have a conversation with the student about the concerns and will discuss strategies for resolving the situation including any action needed by the student. The student may be accompanied for this conversation by a member of staff for support, should they wish. A written record of the Stage One conversation and outcome should be kept.

3.3 The possible outcomes at Stage One in the process are:

- a) the matter is considered resolved and no further action is needed;
- b) an action plan⁶ is agreed by the student and Lead Contact, which may include referral to additional support services and will articulate expected actions, outcomes and timelines;
- c) the matter is referred directly to the next stage, or, in serious cases, to Stage 3.

3.4 Where a Lead Contact has concerns about the outcome of Stage One, they should consider whether the matter should be referred to Stage Two or Stage Three of the procedure.

B) Stage Two: Continuing and/or Significant Concerns

3.5 If not already designated via Stage One or Stage Three of this procedure, the School will designate the 'Lead Contact' for the case.

3.6 The Lead Contact and another member of the senior staff of the School will have a meeting with the student which outlines the continuing problems. The focus of the meeting will be on finding an agreed strategy for managing the situation and a reasonable timeframe for seeing improvement. Notes of the meeting will be taken and circulated for confirmation (and where possible agreement) by the student normally within 48 hours of the Stage Two meeting.

3.7 The possible outcomes at Stage Two in the process are:

- a) a new action plan, or further action plan, is agreed upon, which may include referral to support services. A specific date will be set for a review of the action plan; the review may result in the case continuing to be managed under Stage Two, being referred under Stage One or Three of the procedure, or no further action, as deemed appropriate by the Lead Contact (who may reach this decision in consultation with relevant senior staff and/or support staff, as necessary);

⁶ Appendix 5 'Template Action Plan' should normally be used for an Action Plan for the student.

- b) the student decides that they wish to interrupt studies and intermits for a period, with an agreed review of the case before recommencing to ensure they are fit to return. Conditions for the reintegration of a student returning to the course following intermission may be determined, as necessary, at any stage, in order to manage it flexibly and in the interests of the student and the requirements of the course;
- c) the student is made aware that if there is no improvement, the student may be withdrawn from the course and/or the matter escalated to the next stage;
- d) the Lead Contact and senior member of staff who have conducted the Stage Two meeting determine there is a need to escalate the case to Stage Three of the procedure.

3.8 Where a strategy (including timeframes) for managing the situation cannot be agreed with the student, the matter should be referred to Stage Three of the procedure. Where it is reasonable to do so, the Stage Two meeting may be adjourned for a specific period to give the student time to think about various proposed options before reconvening to endeavour to reach an agreed strategy.

C) Stage Three Case Conference: Highly Significant, Serious or Persistent Concerns

3.9 If not already designated at Stage One or Stage Two of the procedure, the School will designate the 'Lead Contact' for the case.

3.10 If the case is considered to be of serious or critical concern (eg where the student is deemed to pose a danger either to themselves and/or to others), or if there has been no satisfactory resolution of the problem(s) or necessary change in behaviour, the Lead Contact, with the agreement of a member of the School's Senior Management Team, will convene a Case Conference Panel. The Panel will consider the student's case with a view to determining whether the student may continue on the course, will be suspended for a period of time (through intermitting their training) or withdrawn from the course entirely. As far as possible, the process will endeavour to reach a decision with the agreement of the student, which may or may not include attendance at the Case Conference, however the School recognises that this may not always be possible.

3.11 If a student has declared a disability and has a Learning Agreement in place, the Case Conference Panel should consider whether all agreed reasonable adjustments articulated in the Learning Agreement have been made and take this into consideration in reaching a decision. The Cause for Concern form should indicate whether a Learning Agreement is in place.

Membership of the Case Conference Panel

3.12 The membership of the Case Conference panel will include:

- A Chair of the Panel, who will be either a member of the School's Senior Management Team, or a senior member of staff of a similar institution in accordance with a Joint Working Agreement
- The Lead Contact, who will be a member of NSCD staff
- A member of staff responsible for student welfare and support, either from the School or from another small specialist arts institution (in accordance with a Joint Working Agreement)

The School Principal will not normally sit on the Case Conference Panel except in exceptional circumstances warranting their involvement (e.g. where they have already been significantly involved in, and have full knowledge of, the case).

In addition, as required and appropriate, the Panel may include:

- an individual (external to the School) with specialist expertise relevant to the case (e.g. a psychologist/GP/appropriate health worker)
- any appropriate tutor of the student;
- another member of staff, either from the School or external to the School, with specialist expertise relevant to the case.

3.13 All those present must, at all times, treat all evidence (including written and oral representations by the student) as confidential. Notes of the meeting, including a record of agreed actions, will be taken.

Notification to the student, attendance and representations

3.14 The student should be informed of the case conference and its purpose in a clear written statement. This information will normally come from the Secretary to the Case Conference Panel, on behalf of the Chair of the Case Conference Panel, or from a member of School staff nominated by the School's Senior Management Team. The student should be given as much notice of the case conference (including Case Conference Panel membership) as is both possible and reasonable, with at least 7 days normally being given, unless it is foreseen that there may be an immediate risk presented by the student either to themselves and/or to others, in which case it may be deemed appropriate to give a shorter period of notice. The student should also be given a clear point of contact to communicate with regarding the case conference.

3.15 Where the student is invited to attend the case conference, they will have the right to be accompanied by a friend, family member, or other person for support. They will also have the right to be accompanied by a representative, or to be represented in absentia, where

there is good cause agreed by the Chair of the Case Conference Panel. The student should notify the Chair of the Case Conference Panel of the name(s) of any accompanying person(s), normally at least 48 hours in advance of the conference meeting. The Chair of the Panel has the ultimate discretion to allow or refuse any representative.

3.16 The student will be entitled to submit written representations to the Case Conference Panel and, at the discretion of the Chair of the Case Conference Panel, the student will normally be invited to attend the Case Conference. Where the student is not being invited to attend, the reason(s) for this decision should be articulated in the written notification of the forthcoming case conference.

3.17 Where the student is invited to attend the Case Conference but is unable to do so yet wishes to attend, they may request a deferral of the Case Conference at the earliest opportunity and in any case at least 48 hours beforehand, by contacting the Chair of the Case Conference (or nominee as per paragraph 2.9) in writing (this includes via email). The student must state the reason(s) for the request, and the request will be considered by the Chair of the Case Conference Panel (or nominee). Where appropriate and applicable, the Chair of the Case Conference Panel may request that the student forward evidence supporting their request.

3.18 Any second or further request for a deferral of the meeting will only be granted in exceptional circumstances, where the Chair of the Case Conference Panel is satisfied that it is the most appropriate course of action. Where a deferral is not granted, the meeting will proceed as scheduled without the attendance of the student, if their attendance is not possible.

3.19 Deferrals will only be granted where the Chair of the Case Conference Panel is satisfied that reasonable grounds (e.g. illness, bereavement) exist to prevent the student from attending the meeting, and also that any risk to the student and/or the School community or other parties would, on the balance of probabilities, not be exacerbated by a deferral of the meeting. The Chair of the Case Conference Panel has the ultimate discretion to grant or refuse a request for a hearing to be deferred.

Outcomes of Case Conference

3.20 The Case Conference Panel will determine one or more as necessary of the following agreed actions:

- a) a referral back to Stage One or Stage Two for the respective procedures at either stage to be invoked, or
- b) an emergency Action Plan with a specified review date, or
- c) an enhanced Action Plan with a specified review date, or

- d) required interruption of studies for a specified period with a specified review date, where appropriate including an Action Plan specifying expected remedial actions, or
- e) required suspension from the course for a specified period with a specified review date, with conditions set which, if not met, will normally result in a withdrawal of student status, or
- f) required exclusion from certain aspects of the course or areas of the School, or
- g) withdrawal of student status on the basis of a finding on the balance of probabilities that the student will not succeed with their studies for one or more reasons that fall within the scope of this policy.

3.21 In accordance with the Equality Act (2010), in determining the agreed action the Case Conference Panel will take into account whether there are any reasonable adjustments that can be put in place, or whether the limits of reasonableness have been reached at that time.

3.22 As deemed necessary and appropriate, the Case Conference Panel may reach a decision which includes future review or monitoring of a case in accordance with Stage One or Two of the Support Through Studies procedures.

3.23 The decision(s) of the Case Conference Panel will be communicated and confirmed to the student in writing normally within 7 days of the date of the Case Conference. Where appropriate, the decision(s) may be communicated verbally to the student either at the culmination of the Case Conference or subsequently, in the interests of managing the student's wellbeing and/or circumstances.

4 Right of appeal/complaint

4.1 These procedures are designed to support students to complete their course by assisting them in a supportive and flexible manner, and should not be used as an alternative to other procedures such as the Non-Academic Misconduct procedures⁷. Decisions made under Stage 1 or Stage 2 of these procedures should be made with the agreement of the student. Where there is a failure to agree, the case may be escalated to a further Stage of the Support Through Studies procedures.

4.2 A student wishing to make a complaint about the Support Through Studies process should follow the Student Complaints Procedure⁸. The Student Complaints Procedure cannot, however, be used to contest or appeal a decision made under Stage Three (Case Conference) of these procedures; where a student wishes to contest a decision taken by the Case Conference Panel at Stage 3, the appeal procedures below should be used.

⁷ The Non-Academic Misconduct Policy can be found at <https://www.nscd.ac.uk/policies-and-procedures/>

⁸ The Student Complaints Procedure can be found at <https://www.nscd.ac.uk/policies-and-procedures/>

4.3 Where a student wishes to contest or make an appeal against a decision taken by the Case Conference Panel at Stage 3, an appeal must be made under one or more of the specific grounds of appeal set out below, in accordance with the following procedure:

4.4 Making an appeal against a decision of the Case Conference Panel

4.5 An appeal should be made using the Support Through Studies Appeal Form (**Appendix 3**), and submitted via email to quality.office@nscd.ac.uk **no later than 21 days** of formal written notification of the decision of the Stage 3 Case Conference Panel. The Support Through Studies Appeal Form can be accessed from the School website at: <https://www.nscd.ac.uk/policies-and-procedures/>

4.6 Appeals received outside of the 21-day timeframe will not normally be accepted for consideration unless the Chair of the Board of Trustees is satisfied that there are exceptional grounds that warrant further consideration of the case. It will be at the discretion of the Chair of the Board of Trustees as to whether or not a late appeal will be accepted for consideration; such acceptance is no indication of the merits of an appeal nor is it an indication that the appeal will or should be upheld.

4.7 An appeal should be made under one or more of the following stated grounds:

Grounds under which an appeal against a decision of the Case Conference Panel may be made	
a)	That there is evidence of significant administrative or procedural error in the Support Through Studies process which affected the Case Conference decision
b)	That there is evidence of prejudice or bias in the Support Through Studies process, which warrants fresh consideration of the case
c)	That there is relevant additional or new information which was for valid reasons unable to be considered at the relevant time the Case Conference Panel made its decision, 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.

Appeal Procedure

4.8 On receipt of the appeal, the appeal will be forwarded to the Chair of the Board of Trustees who will appoint an Appeal Adjudicator (see below). The Lead Contact, the Principal of the School and, if different, the Chair of the Case Conference Panel, will be notified that an appeal has been received. On receipt of an appeal, the Chair of the Board of Trustees shall appoint a senior member of staff who is 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 Support Through Studies Appeal Panel. The Appeal Adjudicator shall be a senior member of staff from NSCD, or from another small specialist arts institution.

4.9 The Appeal Adjudicator shall consider whether the appeal meets one or more of the specified grounds and shall notify the student of the outcome of this consideration in writing, copying in the Lead Contact, normally within 21 days of receipt of the appeal.

Appeal Adjudicator's finding

4.10 The Appeal Adjudicator will review the appeal and make one of the following findings:

a) That the appeal may meet one or more of the specified grounds

OR

b) That the appeal does not on the face of it provide a case under one or more of the specified grounds.

4.11 Where the Appeal Adjudicator finds that on the face of it an appeal does not provide a case under one or more of the specified grounds, the appeal will be dismissed. Where the appeal is dismissed by the Appeal Adjudicator, the Appeal Adjudicator's decision is final, and a Completion of Procedures Letter will be issued within 28 days of the Appeal Adjudicator's Appeal Outcome letter to the student.

Membership of the Support Through Studies Appeal Panel

4.12 No member who has served as a Case Conference Panel member will serve as a member of the Support Through Studies Appeal Panel. However, as part of its consideration of the case, the Appeal Panel may call upon any members of the original Case Conference Panel to respond to any queries or provide information. The Panel may consult as necessary with any members of the original Case Conference Panel but those members will act in an advisory capacity only and will have no vote in the agreement of the final Appeal Panel decision reached.

4.13 Whilst not serving as a member of the Support Through Studies Appeal Panel, the Lead Contact will normally attend the meeting of the Panel (whether a documentary review or a full Panel Hearing) to provide information to the Appeal Panel about the case. Where the Lead Contact is unable to attend, they may nominate an appropriate member of School staff with knowledge of the case to attend on their behalf.

4.14 No member of staff previously involved in the student's case at any stage of the procedure will serve as a member of the Support Through Studies Appeal Panel.

4.15 The core membership of the Support Through Studies Appeal Panel will include:

A Panel Chair, appointed by the Chair of the Board of Trustees, who shall either be the Principal of the School, or a senior member of staff either from NSCD or from another small specialist institution

- At least one member of senior staff (either professional services or teaching staff), who may or may not be from NSCD or from another small specialist arts institution, with no prior involvement in the case
- Another member of staff, either from the School or from another small specialist arts institution, or an independent governor, to facilitate fair consideration.

In addition, as required and appropriate, the Panel may include, or may seek advice from:

- an individual with specialist expertise (e.g. a psychologist/GP/appropriate health worker);
- the student's tutor(s);
- another member of staff with specialist expertise.

4.16 Whether a documentary review or full hearing is recommended by the Appeal Adjudicator, the core membership of the Support Through Studies Appeal Panel will remain the same. The Chair of the Panel will determine, in consultation with the Secretary of the Panel and, if necessary, the Chair of the Board of Trustees, whether any additional members or advisors as set out above are required for the Panel's consideration of the case.

4.17 The Appeal Adjudicator (or nominee) will serve as the Secretary to the Panel.

Support Through Studies Appeal Panel procedure: Documentary Review

4.18 The Secretary to the Support Through Studies Appeal Panel will arrange a meeting. The student will be notified in writing (via email) of the date that the Panel will meet to consider the case as a documentary review as soon as possible and normally at least 72 hours in advance of the Panel meeting.

4.19 The Panel will meet either remotely or in person, to consider the case.

4.20 All those present must, at all times, treat all evidence (including written and oral representations by the student) as confidential. Notes of the meeting, including a record of agreed actions, will be taken.

Support Through Studies Appeal Panel procedure: Full Hearing

- 4.21 At the discretion of the Chair of the Support Through Studies Appeal Panel, the student will normally be invited to attend the Appeal Panel Hearing. Where the student is not being invited to attend, the reason(s) for this decision should be articulated in the written notification of the forthcoming Appeal Panel Hearing.
- 4.22 Where the student is invited to attend the Hearing, they will have the right to be accompanied by a friend, family member, or other person for support. They will also have the right to be accompanied by a representative, or to be represented in absentia. The student should notify the Appeal Adjudicator of the name(s) of any accompanying person(s), normally at least 48 hours in advance of the Hearing. The Chair of the Panel has the ultimate discretion to allow or refuse any representative.
- 4.23 In addition to their appeal submission, the student will be entitled to submit additional written representations to the Support Through Studies Appeal Panel in advance of the Appeal Panel Hearing. Any such additional written representations must be sent to the Appeal Adjudicator, and must normally be received not less than 48 hours in advance of the Hearing. Where representations are received after this deadline these shall be accepted at the discretion of the Chair of the Support Through Studies Appeal Panel.
- 4.24 The student should be given as much notice of the Appeal Hearing as is both possible and reasonable, with at least 7 days normally being given, unless it is foreseen that there may be an immediate risk presented by the student either to themselves and/or to others, in which case it may be deemed appropriate to give a shorter period of notice.
- 4.25 Where the student is invited to attend the hearing but is unable to do so yet wishes to attend, they may request a deferral of the hearing at the earliest opportunity and in any case at least 48 hours before the hearing, by contacting the Secretary to the Panel in writing (this includes via email). The student must state the reason(s) for the request, and the Secretary will forward the request to the Chair of the Appeal Panel. Where appropriate and applicable, the Chair of the Panel may request that the student forward evidence supporting their request. Any second or further request for a deferral of the meeting will only be granted in exceptional circumstances, where the Chair of the Case Conference Panel is satisfied that it is the most appropriate course of action. Where a deferral is not granted, the meeting will proceed as scheduled without the attendance of the student if their attendance is not possible.
- 4.26 Deferrals will only be granted where the Chair of the Appeal Panel is satisfied that reasonable grounds (eg illness, bereavement) exist to prevent the student from attending the hearing, and also that any risk to the student and/or the School community or other parties would, on the balance of probabilities, not be exacerbated by a deferral of the hearing. The Chair of the Appeal Panel has the ultimate discretion to grant or refuse a request for a hearing to be deferred.

4.27 In order to respond to any questions the Support Through Studies Appeal Panel may have, the following individuals will be invited to attend an Appeal Panel Hearing:

- The Chair of the Case Conference Panel
- The Lead Contact
- Any other pertinent individual who has either:
 - sat as a member of the Case Conference Panel;
 - who has specialist expertise relevant to the case;
 - who may have material information to provide to the Panel in respect of the case.

4.28 All those present must, at all times, treat all evidence (including written and oral representations by the student) as confidential. Notes of the meeting, including a record of agreed actions, will be taken.

4.29 Where the student (including the student's representative) and members of the original Case Conference Panel have attended an Appeal Panel Hearing, they will normally be invited to wait whilst the Panel reaches its decision, and thereafter to receive the decision in person. The exception to this is where the Chair determines this may not be appropriate (such as where the complexity of a case may necessitate lengthy deliberations by the Panel to reach this finding), in which case all relevant parties will receive the outcome in writing.

Appeal Outcome Letter

4.30 As soon as possible after the Support Through Studies Appeal Panel Documentary Review/Hearing, and normally within 7 days of the Panel taking place, the Final Appeal Outcome letter will be sent to the student by the Appeal Adjudicator, which will include the following:

- A summary of the major points made during the appeal
- A concise statement of the Support Through Studies Appeal Panel's findings, along with rationale;
- Confirmation of any next steps, where relevant;
- Confirmation of completion of procedures.

4.31 A copy of the Final Appeal Outcome Letter will be sent to the Chair of the Board of Trustees, the Chair of the Case Conference Panel and the Lead Contact for the case. Other School staff may receive a copy on a strictly necessary basis.

Support Through Studies Appeal Panel Outcomes

4.32 Whether via documentary review or via full Panel Hearing, following consideration of the case the Panel will first determine whether the student has established grounds for their appeal to be upheld and will make a **finding** that the appeal is either **upheld** or **not upheld**.

4.33 In reaching its finding that the appeal should be upheld/not upheld, together with one of the above decisions, the Panel will reach its findings and decisions in private.

a) Appeal upheld

Where an appeal satisfies at least one of the stated grounds, the Panel will uphold the appeal.

Where the appeal is upheld, the Panel will reach one of the decisions outlined below:

- a) That the original Case Conference Panel decision be modified. In modifying this decision, the Appeal Panel may take into account the decisions available to the Case Conference Panel stated in Section 3 of these procedures
- b) That the original Case Conference Panel decision be overturned, and replaced with a new decision. In replacing this decision, the Appeal Panel may take into account the decisions available to the Case Conference Panel stated in Section 3 of these procedures;
- c) That the matter should be referred back to the original Case Conference Panel, for further consideration;
- d) That although the appeal has been upheld, the original Case Conference Panel decision is the most appropriate outcome and therefore the original decision should stand;
- e) That the original Case Conference decision be quashed, and the student reinstated to the course. In this event, the Appeal Panel may determine any conditions to facilitate a successful return to the course (which may where necessary include a defined period before the student may return).

4.34 Where the Appeal Panel determines that the original Case Conference decision be modified, or overturned, as deemed appropriate by the Chair, the Panel may invite the student and any members of the original Case Conference Panel to (re-)join the Appeal Panel for a discussion to enable (as far as possible) an agreed decision (including any Action Plan) with the student to be reached. The Appeal Panel may, accordingly, defer the final outcome of the case pending such a discussion. However, as deemed appropriate by the Chair and in accordance with the circumstances of the case, the Panel may reach a decision without such a discussion with the student. Where the student is not present for this decision-making process, the

4.35 In the event that a student who was previously suspended or withdrawn is allowed to return to the course by the Support Through Studies Appeal Panel, the Panel will determine the timeframe and manner by which the student might most appropriately re-join the course, taking the interests of all parties into account and consultation as necessary.

b) Appeal upheld; case referred back to the original Case Conference Panel

4.36 Where the Support Through Studies Appeal Panel refers the case back to the original Case Conference Panel:

- the Support Through Studies Appeal Panel Outcome Letter will be issued to the student, normally within 7 days of the date of the Panel meeting;
- the new/further Case Conference will be held as quickly as possible, and in accordance with Section 3C of these procedures;
- the decision of the Case Conference Panel appointed by the Support Through Studies Appeal Panel, is final;
- the Case Conference final outcome letter will be issued normally within 7 days of the date of the Case Conference being held;
- a Completion of Procedures letter will be issued within 28 days of the final Case Conference Outcome Letter.

c) Appeal not upheld

4.37 Where the Support Through Studies Appeal Panel determines that the appeal is not upheld, there will be no further consideration of the case and the steps outlined below will be followed:

- this decision is final;
- the Support Through Studies Appeal Panel Outcome Letter will be issued to the student, normally within 7 days of the date of the Panel meeting;
- a Completion of Procedures Letter will be issued within 28 days of the Panel final decision outcome letter.

5 Office of the Independent Adjudicator

5.1 Once the School's internal procedures have been exhausted i.e. once the final decision letter regarding an appeal has been sent to the student, a Completion of Procedures letter will be issued by the School⁹ within 28 days of the final decision outcome letter, and students are entitled to ask the OIA to consider any unresolved complaint: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>

⁹ For students on University of Kent-validated programmes, Completion of Procedures letters will be copied to the University on a case-by-case basis, issued where appropriate.