

# Sotheby's INSTITUTE OF ART

## FITNESS TO STUDY PROCEDURE - LONDON

This procedure is applicable to all SIA - London students registered with the University of Manchester

### Introduction

1. Sotheby's Institute of Art - London (SIAL) is committed to maintaining and preserving the physical and psychological wellbeing of all students and staff, and to meeting its legal duty to make reasonable adjustments to enable all students to access SIAL's working and learning environment. SIAL recognises that a student's medical fitness (physical and/or psychological), or circumstances, may affect their fitness to study. The purpose of this document is to provide a procedural framework through which potential concerns can be addressed.
2. Students should be able to participate as fully as possible in SIAL life. This means that they are fit and able to study, both independently and as part of a learning community, and to actively participate in their education e.g., in lectures, seminars, visits and other learning activities. Sometimes SIAL will need to support students, via reasonable adjustments agreed in Teaching and learning Support Agreements, in order to ensure that this happens.
3. There may be occasions when the physical and/or psychological wellbeing of a student declines, resulting in them being unable to continue with the necessary level and intensity of study that is required - even if reasonable adjustments have already been put in place. There may also be occasions when students conduct themselves in a way that has a negative impact on themselves and/or those around them.
4. This Procedure is to be used when a student's fitness to study has become a significant cause for concern and questions are raised relative to their ability to undertake or continue with their academic studies and when all other options and procedures have been exhausted. The **Fitness to Study Procedure** therefore may be applied before a student begins their studies, when a student is currently studying, or when a student has taken a break from academic study but is contemplating a return. It may also be used when SIAL has been unable to balance the requirements of the individual student against the necessity to protect other students and members of staff.
5. In general, matters relating to the health and welfare of students must be treated as confidential although it is recognised that certain situations can be difficult and unpredictable. For this reason, staff should not give absolute assurances of confidentiality to a student. Staff members should inform the student from the outset about the Institute's concern in respect of maintaining their privacy but should

also explain that because of the duty of care owed to the student there may be some instances when information has to be shared with a third party.

6. Staff should seek, wherever possible, the consent of the student in relation to disclosure to any third parties on a strictly need-to-know basis whilst emphasising to the student the fact that the sharing of information will be handled with the utmost discretion. If the student does not give consent the member of staff should make it clear that, in exceptional and urgent circumstances (e.g. if there is evidence of risk of serious harm to the individual, or others), it may be necessary to disclose information to others, regardless of the student's wishes, in order to effectively assist the student.
7. It should be noted that academic study also includes placements and voluntary and/or compulsory trips.

### **Use of the Procedure**

8. The Procedure should be used if SIAL staff members are concerned that a student's physical and/or psychological wellbeing poses a risk to their own wellbeing/safety, or that of others.
9. Concerns leading to the use of this Procedure may be raised by SIAL staff, other students, or third parties (such as employers if a student is undertaking a placement). The SIAL **Cause for Concern Guidance/Procedure** may be consulted and followed in advance of, or at any time, during the **Fitness to Study Procedure**.
10. The **Cause for Concern Guidance/Procedure** is a stepped approach to supporting students. This means most students' health and wellbeing or psychological concerns can be supported through minimal intervention(s), for example, by accessing local NHS GP services, or through the use of the SIAL or other Counselling Services. There are, however, occasions where a student's physical and/or psychological wellbeing is at such a level of concern that their 'fitness to study' becomes subject to review.
11. The **Fitness to Study Procedure** may be used when:
  - students display behaviour that might normally be dealt with as a misconduct/disciplinary matter but is considered to be a result of a deterioration of the student's physical and/or psychological wellbeing;
  - the student may, for example, exhibit poor attendance in class and may fail to submit assignments by given deadlines;
  - the student's behaviour may have a negative impact on their own ability, and that of others, to learn;
  - the student's behaviour may pose an immediate risk to themselves, or others.

12. Actions taken resulting from consultation and application of the Procedure will not be of a disciplinary nature. If there are concerns that a student is unfit to study the aim will be to support the student and to resolve any issues as quickly as possible, balancing the needs of the student with other members of the SIAL community.
13. SIAL always will aim to work collaboratively with the student to resolve any fitness to study issues. This is likely to involve Student Support, the Registrar or the Head of Quality, Academic and course/programme administration teams, as well as liaison with external services, as required, e.g., a medical practitioner.
14. This Procedure is comprised of three stages and can be entered into at any stage; however, in most cases, Stages 1 and 2 should be used before escalation to Stage 3 and only if issues have not already been resolved at these first two levels (please refer to SIAL's **Cause for Concern Guidance/Procedure**). Stages 1, 2 and 3 can be initiated by a member of staff who has a direct link to, or primary responsibility for, the student's needs.
15. **Please note that a Fitness to Study Form (Appendix 1) should be completed at each stage in order to document meetings: for Stage 1 to Stage 2, Stage 2 to Stage 3 and when recording the outcome of Stage 3.**
16. The three stages are explained below.

### **Stage 1 (Initial Cause for Concern)**

17. Early concerns about a student's fitness to study which may relate to a student's physical and/or psychological wellbeing may be dealt with informally, or as a result of the **Cause for Concern Guidance/Procedure** being used, as a means of attempting an early resolution (Stage 1). Where there is existing collaboration between a student and programme, or course, team it is likely that a plan will be put in place without the need for arrangements to progress to Stage 2 or Stage 3. Please note that it is anticipated that the majority of student cases of this nature may be dealt with on a relatively informal basis before reaching Stage 2 or Stage 3 of the Procedure.

**\*\*A Fitness to Study Form is to be completed at the end of this Stage.\*\***

### **Stage 2 (Continuing Concerns)**

#### The Use of Stage 2

18. In cases where it is necessary to escalate the Procedure, an appropriate member of staff who knows the student (e.g. Personal Tutor, Programme Director/Course Leader) should arrange a meeting as soon as possible and within a maximum of four (4) weeks, once deemed that investigation and consultation at Stage 1 has been insufficient. A member of staff from Student Support may also be present at the meeting. The student should be informed in advance of who will be present at the meeting and that they may bring a friend (preferably another student currently

studying at SIAL, or member of SIAL staff) with them for support, if they wish. The member of staff should inform the student about the nature of the concern and that it is being dealt with according to Stage 2 of the Procedure. The member of staff should provide the student with a copy of the Procedure and explain that the nature of the meeting will be to further explore the concern that has been raised in relation to the student's fitness to study.

19. The aim of the meeting will be for the member of staff and student to discuss the concern and the student should be given sufficient opportunity to respond. The member of staff should take into consideration the student's perception of the concern – they may do this in consultation with other members of staff. Following the Stage 2 meeting, one of the following outcomes may be considered:
  - a) no further action to be taken;
  - b) additional support arrangements/reasonable adjustments to be put in place for the student;
  - c) a structured action plan to be written setting out how the situation will be managed and within what timescale. The student may be requested to seek assistance from an independent agency for further assessment; for example, if an undiagnosed or new medical condition or mental health condition is suspected. Review meetings will need to be set up at regular intervals to ensure that the action plan is adhered to and that there are no additional concerns arising;
  - d) an *Interruption of Studies* may also be recommended to the student;
  - e) the matter is referred to Stage 3 of the Procedure.

**\*\*A Fitness to Study Form is to be completed at the end of this Stage.\*\***

### **Stage 3 (Continuing and/or Serious Concerns)**

20. If staff members have ongoing significant concerns about a student's wellbeing and/or behaviour following the completion of Stage 1 and/or Stage 2, or, if there are serious concerns about a student's fitness to study which might not have been sufficiently dealt with by Stage 2, then Stage 3 of this Procedure should be invoked.

#### The Use of Stage 3

21. Stage 3 has a formal, committee-focused approach and may be used if there is concern that stages 1 and 2 have failed to address the student's issues or there is a serious deterioration in a student's physical and/or psychological wellbeing or behaviour and that it is negatively impacting on their ability to undertake their studies.
22. Stage 3 might apply in the following cases:
  - there may be a sudden and obvious negative impact on the student's attendance at classes, or their ability to meet deadlines or to successfully complete their work;
  - Stage 3 may also be used if a student has been considered at Stage 1 or Stage 2 but is not adhering to an action plan that has been agreed.

23. If, in the opinion of the Quality Team, in consultation with Student Support and the Programme Director, the case is sufficiently urgent or serious to warrant an immediate referral with or without consideration at Stage 1 or 2, a **Fitness to Study Committee** may be convened by the Registrar to urgently consider the case and to meet with the student. The **Fitness to Study Committee** will be composed of the following members:
- Head of Quality;
  - Programme Director;
  - A member of the Student Support team;
  - Secretary to the Committee (usually the Registrar or nominee).
24. The student will be contacted by the Registrar, who will inform them that there is a concern in relation to their fitness to study. The student will be provided with a copy of the **Fitness to Study Procedure** and will be told about the nature of the concern and the fact that it will be considered under Stage 3 of the Procedure. The fact that the purposes of the Procedure is to support the student should be emphasised. The student may attend the **Fitness to Study Committee** with a friend (preferably an SIAL student or member of staff) and will be given up to five (5) days' advance notice of the date of the meeting. The student should be informed of the Committee membership.
25. If a student fails to attend an arranged Committee meeting the meeting will take place in the student's absence. The student will have the opportunity to submit documentation to the Committee (e.g., medical documentation) for consideration and will be sent copies of any other documents to be considered by the Committee members.
26. The Committee may invite witnesses to attend the meeting, if required, and may also request further (medical) evidence, if needed.
27. The Committee should provide the following for the student:
- a clear explanation of the concern(s) raised and review of action taken at Stage 1 and Stage 2, if appropriate;
  - an opportunity for the student to provide their perspective about the concerns raised;
  - clarification of regulations and boundaries about which the student should be aware and of the student's responsibilities (e.g., being properly fit to study and engaging and adhering to action plans and any support being provided) should be emphasised. The student should also be given a clear indication of the possible Stage 3 recommendations that the Committee may make;
  - consideration of what might be helpful for the student (actions and support) that might help minimise the concerns;
  - an agreed review date which will allow the student sufficient time to seek support, if needed, and for any academic or personal factors to be considered.

28. The Committee will inform the student of its recommendations within ten (10) working days from the date of the **Fitness to Study Committee** meeting.
29. **Possible recommendations, or requirements, of the Fitness to Study Committee may include:**
- a) any of the outcomes, as listed under Stage 2 of the Fitness to Study Procedure
  - b) an agreed action plan with review dates which may be in addition to a plan or plans agreed at Stage 1 and/or Stage 2;
  - c) a short non-punitive suspension to allow the student to be assessed by third party agencies;
  - d) if the Committee considers that the risk to the student or SIAL is very high, it may refer the case to the Director with the recommendation that an immediate non-punitive temporary suspension of studies be put in place. The Director may impose this suspension with immediate effect. This will mean that the student will have no access to SIAL, or any other teaching premises used by SIAL, and may not participate in SIAL activities. The terms of suspension will be agreed upon on a case-by-case basis and will be reviewed after two (2) weeks. A further Fitness to Study Committee meeting will be arranged by the Registrar in order to undertake a review of the case, following a suspension, for the purposes of assessment by third party agencies. As far as practicable, the reviewing Committee will have the same membership as the Committee that originally considered the student case. If the Committee is satisfied that the student is fit to return then it may require further medical evidence (see *Guidance for health professionals writing medical letters* in Appendix C of SIAL's **Disability Policy**) to show that the student is able to fully engage with their studies and to meet the requirements of the programme or course. The Committee will then make a recommendation to the Director who will make a final decision about the student's return. If the student returns to study then the Committee will consider what support might need to be arranged;
  - e) the Committee may also, with the agreement of the Director, decide to permanently withdraw the student.
30. The student should be informed of the **Fitness to Study Committee** outcome within ten (10) days of the Committee meeting taking place, after which they may submit an appeal (see section 3, below).

**\*\*A Fitness to Study Form is to be completed at the end of this Stage.\*\***

## **Appeals**

31. If the student is dissatisfied with the response set forth in the written correspondence from the **Fitness to Study Committee**, the student has the right of appeal. Appeals will only be taken against the conclusions and recommendations, on one or both of the following grounds:
- a) procedural irregularity; and/or

- b) that there is evidence of prejudice or bias on the part of one or more of the committee.
  - c) availability of new evidence which could not reasonably have been expected to be presented at the original **Fitness to Study Committee** meeting.
32. The student may submit a request for an appeal, including a statement of the grounds on which the appeal is being made, in writing to the Registrar to be received within three (3) weeks of the date of the conclusions and recommendations letter sent to the student. A request for an appeal received after this time with good cause shown for its late submission shall only be granted at the discretion of the Registrar.
33. The Registrar shall convene an **Appeals Panel** to hear the appeal of the student. The **Appeals Panel** shall not re-hear the case afresh, but shall consider whether the initial conclusions and recommendations were fair by:
- reviewing the procedures followed; and
  - establishing if there was prejudice or bias on the part of one or more of the committee.
  - establishing whether the student has presented any new evidence that could not reasonably have been expected to be presented at the original **Fitness to Study Committee** meeting and whether this evidence is material and substantial to the conclusions and recommendations.
34. The following SIAL officers shall serve on the **Appeals Panel**:
- One nominated senior member of staff (Chair); and
  - Two members of the academic staff, drawn from SIAL.
35. The **Appeals Panel** shall have a quorum of three members. The Registrar shall attend as secretary but shall not vote. No person shall be a member of the **Appeals Panel**:
- who served on the **Fitness to Study Appeals Committee** which dealt with the matter(s) under review, or was otherwise involved in the proceedings; or
  - who is party to or is a potential witness at a hearing before the **Appeals Panel**;  
or
  - who has taught the student(s) or assessed the student's work; or
  - who has been in any manner closely connected with the case; or
  - in respect of whom a conflict of interest would arise or is likely to arise if he/she were to be a member of the **Appeals Panel**.
36. The Registrar shall inform the student in writing at least two (2) weeks in advance of the hearing of the date, time and place of the hearing, and the names of the members of the **Appeals Panel**.

37. If the student has any objection to (a) the time or date of the hearing, and/or (b) the membership of any person or persons participating on the **Appeals Panel**, the student may, by written request to the Registrar, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Appeals Panel**. The student should give the reason(s) for the request and the request should be received no later than one week before the date that the hearing is to be held. The Registrar shall have the power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Appeals Panel**:
- i. Subject to the provisions of this Procedure, the Chair shall determine all issues of procedure at the hearing of the **Appeals Panel**. The **Appeals Panel** shall give the student(s) the opportunity to present his/her/their case at the hearing;
  - ii. The student may be accompanied at the hearing of the **Appeals Panel** by a friend (preferably an SIAL student), or member of staff, acting as an observer, only;
  - iii. conclusions and recommendations may be made by a majority of the **Appeals Panel**. The Chair may vote and shall have, in addition, a casting vote. The **Appeals Panel** may elect an alternate Chair;
  - iv. the **Appeals Panel** shall conduct its business in accordance with the rules of natural justice. The **Appeals Panel** shall have the authority, if the student presents new evidence that is material and substantial to the **Appeals Panel**, to refer the case back for consideration by a newly constituted **Fitness to Study Committee**. In such event the student(s) will have another opportunity to appeal the conclusions and recommendations of the newly constituted **Fitness to Study Committee**;
  - v. the **Appeals Panel** shall inform the student in writing within two weeks of the hearing of the **Panel's** decision on the appeal, together with reasons for the decision. A Completion of Procedures Letter will be issued by the Registrar.
  - vi. the **Appeals Panel** shall send a copy of the decision of the appeal to the SIAL Director at the same time as it sends the decision to the student;
  - vii. the **Appeals Panel** has the power to adjourn a hearing to another date, as it thinks fit;
  - viii. following receipt of the decision of (i) the initial **Appeals Panel** or (ii) a subsequently constituted **Appeals Panel** should the initial **Appeals Panel** have referred the case back to a newly constituted **Fitness to Study Committee** the student has the right to seek a review by SIAL's validating partner, the University of Manchester. This is subject to the regulations and policies of the University. The student should refer to the University of Manchester's Teaching and Learning Support Office for details of procedures for appeal, and for the relevant staff contacts, which are set forth at: <http://www.tlso.manchester.ac.uk/appeals-complaints/>
  - ix. In the event that a student has appealed to the University of Manchester for a review and the issue remains unresolved to their satisfaction, the student is entitled to ask the OIA to review his/her/their complaint about the outcome of the Institute's misconduct process. The student should make any such complaint to the OIA within 12 months of the date of issuing of a Completion of Procedures Letter by the University of Manchester. For further information go to: <https://www.oiahe.org.uk/students/>



## Director's Powers

38. In the event that it proves impracticable to convene the **Fitness to Study Committee** or the **Appeals Panel** because of the unavailability of a sufficient number of individuals who are eligible to serve on such a **Committee** or **Panel**, SIAL's Director may appoint such other person or persons to serve on such **Committee** or **Panel** as he sees fit.

<b>Title</b>	Fitness to Study Procedure
<b>Date first implemented</b>	2017
<b>Approving body</b>	Academic Board
<b>Version</b>	September 2022
<b>Supersedes</b>	September 2021
<b>Next review date</b>	Summer 2025
<b>Frequency of review</b>	Every three years
<b>Policy owner</b>	Quality Team

# Sotheby's INSTITUTE OF ART

## Fitness to Study Report Form

Staff should use this form in conjunction with the **Fitness to Study Procedure**, to be completed following completion of either/and Stages 1, 2 and 3. The purpose of the form is to document the outcome and recommendations at each stage of enquiry. For recommendations at Stage 3, **refer to p. 6** of the Procedure.

**Please note that this form also may be used in conjunction with the *Cause for Concern Guidance Incident Form*.**

Student Name .....

Study Programme/Course .....

Fitness to Study Stage  
(Stage 1, Stage 2 or Stage 3) .....

Date/time of meeting .....

1. Summary of the concerns leading to the meeting:
  
  
  
  
  
  
  
  
  
  
2. Summary of main issues discussed at the meeting:
  
  
  
  
  
  
  
  
  
  
3. Outcome and recommendations of member of staff/ Fitness to Study Committee following meeting:

Escalate from **Fitness to Study Procedure** Stage 1 to Stage 2? Yes/No  
Escalate from **Fitness to Study Procedure** Stage 2 to Stage 3? Yes/No

Please forward this form to Jo Mills-Foy ([j.mills-foy@sia.edu](mailto:j.mills-foy@sia.edu))