



Hull York Medical School

Code of Practice on Fitness to Study

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To obtain this Code in an alternative format please contact (governance@hyms.ac.uk)

Definition of terms

The following terms will apply throughout this Code of Practice.

Assessment	refers specifically to a piece of academic work which is a requirement for academic progression at programme level. This will include summative and formative assessment. There is a wide range of assessment types such as written essays, portfolio submissions, written examinations, oral examinations, posters, presentations, online activities and practical work.
Affected assessment	is one where the outcome is likely to have been affected by relevant exceptional circumstances for which acceptable evidence has been provided. The assessment may have been missed, failed or passed.
Assignment submission	assessments that require work to be submitted by a specific deadline. Such assessments might include essays, portfolio submissions, online activities, posters and practical work books.
Case Management Group	a core group of experienced senior staff responsible for considering all student cases brought to its attention by Phase Leads/Programme Directors and/or the Hull York Medical School Student Support Office. This group will determine what action and/or escalation is most appropriate for individual students based on all of the information and evidence that is available at that time. If required this group will initiate an investigation into any concerns about a student's health, conduct, or progress, issue a Caution or refer directly to the Student Fitness to Practise Committee.
Clinical examination	assessments that occur on a specific, dedicated fixed date and require a student to participate in an examined piece of work involving real or simulated patients in a clinical setting. These include OSCEs and OSLEs.
Day	a working day: Monday, Tuesday, Wednesday, Thursday or Friday (<i>excluding public holidays/university shutdown days</i>).
Fit to Sit	a student who attends or participates in a clinical examination (e.g. with patients/simulated patients) is declaring themselves to be in a fit state to do so. By

declaring themselves 'fit to sit' a student cannot normally submit a retrospective claim that their performance was adversely affected by exceptional circumstances. This is aligned with the principle that a Medical Practitioner must be 'Fit to Practise' and has a responsibility and duty of care to ensure that this is the case. *In some cases, exceptional circumstances on the day of or during an examination may be taken into consideration*

Fitness to Study

the capacity of any individual to participate fully and satisfactorily as a student on a Hull York Medical School programme or module, in relation to academic studies and more broadly in the life of the Medical School community

Non-clinical examination

assessments that occur on a specific, dedicated fixed date and require a student to participate in an examined piece of work individually or as a group. These might include written examinations, oral examinations, practical examinations, presentations.

Programme

means any academic activity, and/or clinical placement or experience undertaken by a student for the purpose of achieving the award of credits, a certificate, diploma or degree

Student

all students studying a Hull York Medical School programme.

Supporter

means a friend, fellow student, Students' Union representative¹ or member of Hull York Medical School staff who may assist the student. This is a University process and so attendance of legal representation as a supporter is not permitted although students may seek legal advice before and after any discussions which take place.

Further Guidance

All staff and students of the Hull York Medical School are strongly encouraged to consider this Code of Practice very carefully. It is also important that this Hull York Medical School specific guidance is considered in the context of the more detailed level of information provided in both universities' policy and procedures in relation to fitness to study.

These university documents can be found as outlined below:

¹ Reference to Students' Union throughout this Code means Hull University Union (HUU), York University Students' Union (YUSU) or the Graduate Student Association (GSA) – all of which are available as a source of support and advice dependent on the student's programme of registration.

University of Hull Fitness to Study Policy and Procedures²

https://evision.hull.ac.uk/urd/sits.urd/run/siw_lgn (requires login)

University of York Fitness to Study Policy and Procedures³

<https://www.york.ac.uk/staff/supporting-students/issues/academic/taught/fitness-to-study/>

Students may seek support and advice on all aspects of this Code of Practice from the Hull York Medical School Student Support Office or the Students' Unions, including the Graduate Students' Association (GSA).

Hull York Medical School: student.support@hyms.ac.uk
University of Hull: studenthelp@hull.ac.uk
University of York: student-support@york.ac.uk

Student support

If a student is experiencing any problems, difficulties or circumstances affecting their ability to study, whether personal, medical, financial or other, and no matter how big or small, they should contact the Hull York Medical School Student Support Office in the first instance, for advice on the best course of action to take.

Email: student.support@hyms.ac.uk (*this email address is for both UG and PG students*).

Other Policies available, which may be relevant to particular circumstances include:

[HYMS Policy on Exceptional Circumstances](#)
[HYMS Code of Practice on Student Fitness to Practise](#)
[HYMS Policy on Disability and Reasonable Adjustments in Assessments](#)
[HYMS Policy on Student Welfare and Support](#)
[HYMS Policy on Leave of Absence](#)
[HYMS Equal Opportunities Policy for HYMS Students](#)

Abbreviations

GMC	General Medical Council
HJSC	Hull York Medical School Joint Senate Committee
MB BS	Bachelor of Medicine, Bachelor of Surgery
NHS	National Health Service
PA	Physician Associate
QAA	Quality Assurance Agency
SFtP Committee	Student Fitness to Practise Committee

² This documentation provides good examples throughout for each stage of the process.

³ For example, this document provides important information on how specific situations such as when a student is sectioned in accordance with the Mental Health Act should be appropriately handled.

Contents

1. Scope of the Code of Practice on Fitness to Study	6
2. Approach to Fitness to Study	6
3. Stage One: Fitness to Study Concern	7
4. Stage Two: Referral to Case Management Group	7
5. Stage 3: Case Management Referral to Student Fitness to Study Panel.....	8
6. Composition of the Fitness to Study Panel	8
7. Role of the Fitness to Study Panel Chair	9
8. Role of the Fitness to Study Panel Secretary.....	9
9. Powers of the Fitness to Study Panel	10
10. Appeals.....	10
11. Privacy, Confidentiality and Data Protection.....	10
 Appendix One: HYMS Student Fitness to Study Process	 12

1. Scope of the Code of Practice on Fitness to Study

- 1.1. The Hull York Medical School aligns its key regulations, policies and Codes of Practice with its parent universities to avoid duplication, and to ensure that we consistently meet the high standards required by the Quality Code for Higher Education and other relevant bodies. At both universities the key principle underpinning the need for a fitness to study policy with clearly delineated procedures is to enable the institution *'to meet its responsibility to exercise its duty of care to those students who may not be in a position to be supported through the normal regulatory framework, and who may be a risk to either themselves or others'*.
- 1.2. For Hull York Medical School students studying on the MB BS or other professional programmes involving clinical placements, concerns regarding a student's health and ability to engage fully and meaningfully with their programme of study may also be governed and supported via the HYMS Code of Practice on Fitness to Practise, and so reference should also be given to that document. The flow diagram provided in Appendix One (page 12) of this code outlines how these various processes co-exist and subsequently inform referral routes.
- 1.3. For all other Hull York Medical School students, the rationale and the process to support individuals where concerns regarding their fitness to study are raised is addressed in this Code of Practice on Fitness to Study. This specifically outlines the implementation of each stage of the process so that the active management of each student case is operationally consistent with the context and structures of the Hull York Medical School.

2. Approach to Fitness to Study

- 2.1. The purpose of this Medical School specific Code of Practice is not to replicate the process outlined by the University of Hull and the University of York, but to clarify for all students the way in which this is managed in the Hull York Medical School using the terminology and School-based structures which all students should be familiar with. The interpretation and implementation of these university policies in the context of Hull York Medical School is outlined in the flow diagram in Appendix One.
- 2.2. For all students at the Hull York Medical School who have long-standing conditions, disabilities and circumstances which may affect their study students will be expected to have made full use of the appropriate support services provided by the University and Medical School. Where students are aware of these pre-existing long-standing conditions, disabilities and circumstances, it is **expected** that these are declared, and appropriate adjustments be made.
- 2.3. Both Hull York Medical School and its parent Universities offer a range of student support services and opportunities to enable students to manage the challenges and demands of academic study. All support services are accessible to all students directly, without the need for referral. Accessing support when required is a strength and will never be interpreted by the Hull York Medical School as a sign of weakness. It is a feature of academic and subsequent professional success for some students to access support services in order to identify and develop appropriate strategies. It is an **expectation** that Hull York Medical School students will access the relevant services if they require them.

- 2.4. Where necessary, students with conditions or circumstances which cannot be resolved or accommodated within a programme of study may need to consider temporary leave of absence from the programme in order to allow them to re-engage when they are better able to do so. This is often at the request of the student themselves but this Code of Practice on Fitness to Study does also provide a fair and consistent route by which the School will instigate a Leave of Absence where it is considered to be in the best interests of the student. As outlined in Section 9 this may also include a suspension of studies and in some cases termination.
- 2.5. If a student has a physical or mental health issue that has a substantial and long-term negative impact on their ability to study, they should seek support and reasonable adjustments to assessment(s) through Hull York Medical School Student Support and Disability Services at their University of registration. Support and reasonable adjustments, including variable adjustments such as extensions for fluctuating conditions, should be confirmed as part of a Student Support Plan.

3. Stage One: Fitness to Study Concern

- 3.1. Any member of staff or student who has any concerns about any aspect of a Hull York Medical School student's profile should ensure that the Phase Lead/Programme Director/PGR Supervisor is notified of any such concerns. Where possible, these matters will normally be dealt with as part of the on-going business of programme delivery and management. This should be facilitated by a specific meeting between the student and the relevant Phase Lead/Programme Director/PGR Supervisor to agree an action plan for remediation, and where necessary implementation of reasonable adjustments or any other specific arrangements.

4. Stage Two: Referral to Case Management Group

- 4.1. Where it has not been possible to deal with a fitness to study concern at Stage One as outlined in Section 3.1, the relevant Phase Lead/Programme Director may decide to escalate the concern and bring the details of the matter to the attention of the Case Management Group. The matter will then be considered in detail and in the context of the overall student profile. This central point for all concerns is to ensure consistency of decision making and judgement across all Hull York Medical School programmes.
- 4.2. The Case Management Group will have available to it a number of referral routes to consider, including:
- 4.2.1. Referral back to the Phase Lead/Programme Director for the situation to be actively managed. Appropriate intervention undertaken at a programme level should be reported back to the Case Management Group.
 - 4.2.2. Referral to the Hull York Medical School Student Support Office and/or the extensive networks of student support available at the Universities of Hull and York
 - 4.2.3. Referral to the Occupational Health Service

4.2.4. Appointment of an Investigating Officer to gather factual information of the case and compile a report for consideration. Where an investigation is undertaken this will be in accordance with the Hull York Medical School 'Guidance for Investigating Officers' and this must be sufficiently thorough and comprehensive so that it meets the needs of the Case Management Group and, if required, any subsequent Student Fitness to Study/Practise Panel/Committee. Where an investigation has been initiated and reported back to the Case Management Group the report will form the basis of subsequent action by the Case Management Group itself, or it may form the basis of a referral to the Student Fitness to Practise Committee/ Fitness to Study Panel.

4.2.5. Referral directly to the Student Fitness to Practise Committee

4.2.6. Referral to a Student Fitness to Study Panel⁴

5. Stage 3: Case Management Referral to Student Fitness to Study Panel

5.1. The Fitness to Study Panel is constituted by the Board of Studies and operates independently with the specific powers stated in section 9 by the Board of Studies.

5.2. Each case will be dealt with on an individual basis.

5.3. Where a Case Management Group investigation has taken place, the student case will be considered in light of the factual account outlined in the Investigating Officer's Report.

5.4. The Case Management Group will notify the Board of Studies if the case needs to be considered by a Fitness to Study Panel.

6. Composition of the Fitness to Study Panel

6.1. The Fitness to Study Panel shall comprise no fewer than three and no more than five members. A secretary shall also attend to takes minutes.

6.2. The Chair of the Panel and Panel members shall be appointed by the Chair of Board of Studies.

6.3. The membership shall be drawn from the academic staff membership of the Hull York Medical School Board of Studies.

6.4. No Panel member shall be a current tutor, mentor, or supervisor of the student under consideration.

⁴ This will normally be after the receipt and consideration of an Investigating Officer's report outlining the factual matters of the individual case. However where this is not the case and a direct referral to a Fitness to Study Panel is considered appropriate the Chair of the Fitness to Study Panel can initiate an Investigation so that the Panel has the necessary evidence from which to base their discussions with the student.

7. Role of the Fitness to Study Panel Chair

- 7.1. The Chair of the Fitness to Study Panel bears responsibility to ensure that the process is fair and transparent; this includes proceedings where the student is not in attendance.
- 7.2. The Chair bears responsibility to ensure that the student is offered an opportunity to discuss the documentation provided to the Panel, provide additional information verbally and agree an enhanced action plan (see 9.1.2).
- 7.3. The Chair will ensure that if the student is not in attendance, the Panel satisfies itself that all reasonable attempts have been made to inform the student of the Hearing, that the student has been given adequate opportunity to attend and that, as far as can reasonably be ascertained, the student has declined to attend. Once the Panel has been satisfied on these points, the Hearing may proceed in the student's absence.

8. Role of the Fitness to Study Panel Secretary

- 8.1. The Secretary of the Panel will:
 - 8.1.1. Inform the student within 5 working days of the decision to hold a Hearing.
 - 8.1.2. Set dates for a Fitness to Study Hearing, this must be at least 21 days later, to allow the student to prepare and to arrange a supporter to attend with them, if required. The supporter may be a friend, fellow student, Students' Union representative⁵ or member of Hull York Medical School staff who may assist the student. This is a University process and so attendance of legal representation as a supporter is not permitted although students may seek legal advice before and after any discussions which take place.
 - 8.1.3. Ensure that all documents are circulated to members of the Student Fitness to Study Panel and the student.
 - 8.1.4. Ensure that any Hull York Medical School staff who may have relevant information to the case, and any other person(s) who may be able to provide expert advice on specific aspects of the case are notified of the Hearing so that they may contribute if necessary.
 - 8.1.5. Attend the Fitness to Study Panel Hearing, take minutes and record the enhanced action plan.
 - 8.1.6. Ensure minutes, the enhanced action plan and the date of the review meeting are circulated to Panel members and the student.

⁵ Reference to Students' Union throughout this Code means Hull University Union (HUU), York University Students' Union (YUSU) or the Graduate Student Association (GSA) – all of which are available as a source of support and advice dependent on the student's programme of registration.

9. Powers of the Fitness to Study Panel

9.1. The Student Fitness to Study Panel may, following consideration of the case, and in the interest of safeguarding the student and others recommend to the Board of Studies:

9.1.1. No further action is required

9.1.2. An enhanced action plan to include a support package for the student, a date for review and agreed measures to be taken relating to the students adherence to the plan.

9.1.3. Consequences if the action plan is breached or fails to deliver the desired outcomes.

9.1.4. A Leave of Absence/Suspension of Study for the student, including conditions for return to study.

9.1.5. That a recommendation of termination of studies be made to the student's University of registration. This would normally only be a recommendation when a previous Stage 3 intervention had been unsuccessful, and/or the nature of the case was of a most serious nature.

9.1.6. The Panel may also recommend a Fitness to Practise referral

10. Appeals

10.1. When the Hull York Medical School Board of Studies has confirmed the outcome of a Student Fitness to Study hearing, the student concerned may appeal against the decision in accordance with the terms of the Hull York Medical School Code of Practice on Academic and Fitness to Practise Appeals.

11. Privacy, Confidentiality and Data Protection

11.1. Records created under this Policy will be kept securely at all times. Decisions and a record of the outcome will be held as part of the student record but supporting case notes and other documentation generated as part of the process will normally only be held for six years from the student's completion of their academic programme.

11.2. Information created under this Policy will normally be treated as confidential. However, where it is necessary to discharge the processes and procedures of this Policy or the outcomes of its implementation or in the case of appeals, appropriate information may be disclosed to Hull York Medical School staff or members of the University of Hull or the University of York.

11.3. Any Fitness to Study Investigation and Hearing will be treated with the highest level of confidentiality that can be maintained. Hull York Medical School, the Universities of Hull and York and any other relevant body will only disclose confidential information relating to any student to members of staff who are directly involved in the administration and

consideration of the concern, and as necessary to allow an open and fair investigation and for the outcome of the investigation to be reported appropriately. This is in order both to protect the privacy of the student and to protect members of staff from unsubstantiated public allegations.

- 11.4. Depending on the nature of the matter, the information gathered may include third party data, opinion and information which was provided in confidence. This information needs to be handled consistently and fairly and in accordance with common data protection principles, making it clear to all parties that the sharing of this information is agreed for the purposes of reaching an informed and fair decision.
- 11.5. The relevant laws covering the processing of personal information are the Data Protection Act 2018 and the Equality Act 2010.

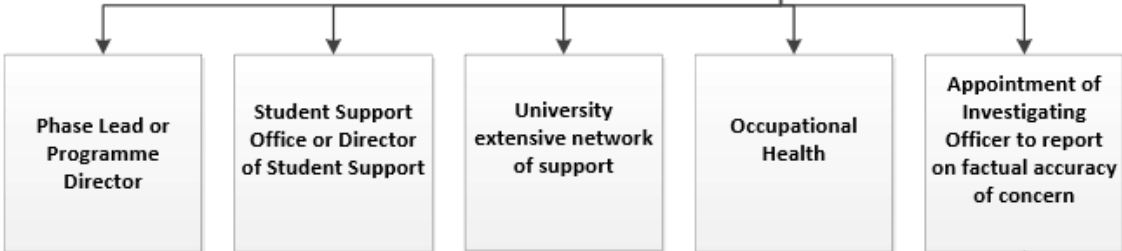
Appendix One: HYMS Student Fitness to Study Process

Stage 1: Receiving concerns regarding a student

Phase Leads/Programme Director
 Receives a concern from the student themselves, any other student(s) and/or member of staff and determines if the case needs to be referred to the Case Management Group

Stage 2: Review of student case by the Case Management Group (regular meeting)

Case Management Group
 Receives and reviews the student case and makes appropriate referral



Case Management Group
 Considers the Investigating Officer's Report and makes a collective decision on whether or not to submit a direct referral to the Student Fitness to Study Panel or Student Fitness to Practise Committee

Stage 3: Formal Panel Hearing by the Student Fitness to Study Panel

Student Fitness to Study Panel
 Held in accordance with the Code of Practice on Fitness to Study

Stage 4: Notification of Hearing outcome and opportunity to appeal

Student is informed of the outcome of the Panel Hearing

Student may appeal against the decision in accordance with the Code of Practice on Academic and Fitness to Practise Appeals

Stage 5: Reporting

The matter is recorded at the next full meeting of the Board of Studies