



## Hull York Medical School

### Code of Practice on Fitness to Study

Approval Process:	
Committee	Outcome/Date of approval
Board of Studies	2 June 2021
Joint Senate Committee	30 June 2021
To be implemented from:	1 August 2021
Responsibility to update:	Chair, Academic Cases Committee

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

## **Definition of terms**

The following terms will apply throughout this Code of Practice.

<b>Academic Cases Committee</b>	The committee with responsibility for the consideration of cases of academic misconduct and fitness to study. Its terms of reference are stated in the <a href="#">Code of Practice on Academic Committees</a> .
<b>Assessment</b>	An 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.
<b>Case Management Group</b>	This is a core group of experienced 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 Team. 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 Academic Cases Committee or Student Fitness to Practise Committee.
<b>Day</b>	A calendar day unless stated otherwise.
<b>Fitness to Study</b>	This is 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
<b>Investigating Officer</b>	This can be any member of Hull York Medical School staff, including academic, senior administrator, member of Academic Cases Committee or honorary appointments within the NHS. The investigating officer should not be the student's current or recent tutor, mentor or supervisor. All investigating officers follow the Hull York Medical School <a href="#">Guidance Notes for Investigating Officers</a>

<b>Programme</b>	All academic activities, and/or clinical placements or experiences undertaken by a student for the purpose of achieving the award of credits, a certificate, diploma or degree, or for the purpose of achieving progression within training and meeting requirements for registration as a doctor with the General Medical Council, or other Professional and Regulatory Body, as prescribed in the relevant regulations.
<b>Student</b>	Any student studying a Hull York Medical School programme.
<b>Supporter</b>	A friend, fellow student, Students' Union representative <sup>1</sup> 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.

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<sup>1</sup> 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.

## 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' policies and procedures in relation to fitness to study.

These university documents can be found as outlined below:

**University of Hull** [Fitness to Study Policy and Procedures](#)<sup>2</sup> (requires login)

**University of York** [Fitness to Study Policy and Procedures](#)<sup>3</sup>

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

Hull York Medical School: [studentsupport@hyms.ac.uk](mailto:studentsupport@hyms.ac.uk)  
University of Hull: [studenthelp@hull.ac.uk](mailto:studenthelp@hull.ac.uk)  
University of York: [student-support@york.ac.uk](mailto: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 or other, and no matter how big or small, they should contact the Hull York Medical School Student Support Team in the first instance, for advice on the best course of action to take.

Email: [student.support@hyms.ac.uk](mailto: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 Mitigating and 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

<b>ACC</b>	<b>Academic Cases Committee</b>
<b>CMG</b>	<b>Case Management Group</b>
<b>HJSC</b>	<b>Hull York Medical School Joint Senate Committee</b>
<b>MB BS</b>	<b>Bachelor of Medicine, Bachelor of Surgery</b>

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<sup>2</sup> This documentation provides good examples throughout for each stage of the process.

<sup>3</sup> 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.

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## 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 1 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 Hull York Medical School-specific Code of Practice is not to replicate the processes 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 with which all students should be familiar. The interpretation and implementation of these university policies in the context of Hull York Medical School is outlined in the flow diagram in Appendix 1.
- 2.2. All students at the Hull York Medical School who have long-standing conditions, disabilities and circumstances which may affect their study will be expected to have made full use of the appropriate support services provided by their University and the Medical School. Where students are aware of these pre-existing long-standing conditions, disabilities and circumstances, it is **expected** that these are declared, so that appropriate adjustments can 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. Support services are accessible to 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 and/or Health Passport.

### **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 CMG. 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. CMG will have available to it a number of options 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 CMG.
  - 4.2.2. Referral to the Hull York Medical School Student Support Team 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 CMG and, if required, any subsequent Student Fitness to Study/Practise Panel/Committee. Where an investigation has been initiated and reported back to CMG, the report will form the basis of subsequent action by CMG itself, or it may form the basis of a referral to the Student Fitness to Practise Committee or ACC.
- 4.2.5. Referral directly to the Student Fitness to Practise Committee.
- 4.2.6. Referral to ACC. This will normally be after the receipt and consideration of an Investigating Officer's report outlining the factual matters of the case.

## **5. Stage Three: Case Management Group referral to Academic Cases Committee**

- 5.1. As set out in the Code of Practice on Academic Committees, the ACC is responsible for scrutinising and considering any Fitness to Study referrals on a case-by-case basis.
- 5.2. Following careful consideration of a referral, the ACC may decide to commission an Investigation, if not already commissioned by CMG. The ACC has the power to conduct further investigations on any allegation that has been previously investigated by other groups, committees, or organisations.
- 5.3. Following careful consideration of the Investigating Officer report, the ACC may make the following recommendations to the Board of Studies:
  - 5.3.1. That no action is required.
  - 5.3.2. That additional support, monitoring, supervision or appraisal is arranged.
  - 5.3.3. That the student meet with the ACC chair and Student Support to agree an enhanced action plan. The Investigating Officer may also be present at such a meeting. The Committee Secretary should attend to take notes for the record.
  - 5.3.4. That a Fitness to Study Panel be appointed and a formal Fitness to Study Hearing take place.
- 5.4. The ACC also has the power to recommend action based on the Panel Hearing to the Board of Studies.
- 5.5. In cases where the student voluntarily requests to take a leave of absence after the initiation of Fitness to Study procedures, the ACC will suspend those procedures for the duration of the leave of absence. On the student's return, the ACC will monitor their progress through reports from the relevant Phase Lead, Programme Director and/or Supervisor. If progress over the first three months following return from leave of absence is not deemed to be satisfactory, the ACC has the power resume the Fitness to Study procedures.



## **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 take minutes.
- 6.2. The Chair of the Panel and Panel members shall be appointed by the Chair (or delegated deputy) of the ACC.
- 6.3. The membership shall be drawn from the academic staff membership of the Hull York Medical School, University of Hull or University of York.
- 6.4. No Panel member shall be a current or recent tutor, mentor, or supervisor of the student under consideration.

## **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 held virtually if deemed appropriate or 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 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.
  - 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.

## **9. Powers of the Fitness to Study Panel**

- 9.1. The Student Fitness to Study Panel, following consideration of the case, and in the interest of safeguarding the student and others, may recommend to the Academic Cases Committee:
  - 9.1.1. That 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 student's 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. A Fitness to Practise referral.
- 9.2. The Chair (or delegated deputy) of the ACC will consider the Hearing Panel's recommendation and make a formal recommendation to the Board of Studies.

## **10. Appeals**

- 10.1. When the Hull York Medical School Board of Studies has confirmed the recommendation of the ACC, 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 UK General Data Protection Regulation, the Data Protection Act 2018, and the Equality Act 2010.

## Appendix I: Hull York Medical School Fitness to Study Process

