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# **Fitness to Study: Lessons from the United Kingdom**

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# Content Warning!!!

This session will include content that some audience members may also find upsetting.

The language and imagery may also be upsetting!

**Please take time out of the room should you feel distressed by what is presented**

**1. Context of Higher Education in the U.K.**

**2. Fitness to Practise and Fitness to Teach**

**3. The Legal, Cultural and Moral Context**

**4. Fitness to Study?**

**5. University of Cumbria**

**6. Challenges**

# 1. Context of Higher Education in the U.K.

- The structure of Higher Education is complex in the U.K.
- There are national and regional governmental standards
- Most students undergraduates are funded by student loans which pay for the course of study
- University finances have several funding streams

- Higher Education is usually for those over the age of 18
- To access higher education most students will have completed compulsory education (16) and gone onto Further Education to sit A-Level exams or equivalent
- “Widening Participation Agenda” opened up access to Higher Education to non-traditional students

## 2. Fitness to Practise and Fitness to Teach

- Fitness to Practise covers a range of professions within the health and social care sector, including trainees
- Several professional bodies are responsible for regulating Fitness to Practise procedures
- Some have statutory regulating powers, some are voluntary or self-regulating
- Fitness to Teach covers those in the teaching profession



- Health and Care Professions Council (HCPC) are a statutory regulating body for 16 different professions
- Their definition of fit to practise is broad and covers skills, knowledge and character. The processes involved in fitness to practise are there to protect the public, and not to punish the practitioner

- The Nursing and Midwifery Council (NMC) is the regulatory body for qualified and trainee nurses and midwives
- The NMC set standards for training, education, conduct and performance of nurses and midwives
- Being fit to practise requires the skills and knowledge, good health and good character to do the job safely and effectively

- The General Medical Council (GMC) help to protect patients and improve medical education and practice in the UK by setting standards for medical students and qualified doctors

*"To practise safely, doctors must be competent in what they do. They must establish and maintain effective relationships with patients, respect patients' autonomy and act responsibly and appropriately if they or a colleague fall ill and their performance suffers."* GMC, 2013

- Since devolution, teachers in the U.K. are regulated by different statutory bodies such as the General Teaching Council for Scotland (GTCS)
- Fitness to Teach at a national level is currently under review
- The scope of the policy falls under the Education (Health Standards) Regulation Act 2003, whilst fulfilling the duties under the Disability Discrimination Act 1995
- *However...*

### 3. The Legal, Cultural, and Moral Context

- Disability Discrimination Act 1995 (DDA)
- The definition of “disability” if you have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities
- It does not include addictions, seasonal allergies, amongst others

# Disability Discrimination Act 1995 (DDA) continued

- Companies and service providers were not allowed to treat disabled people less favourably
- Service providers had to make “reasonable adjustments” so disabled people could make full use of the service provided
- From passive and indirect discrimination to proactive and preemptive support. E.g. automated doors to buildings, or assistive software technology installed in public computers, etc.

# Special Education Needs and Disability Act 2001

- This extended the DDA 1995
- All education providers (schools, colleges, universities etc.) have a specific duty to support students with disabilities
- Reasonable adjustments have to be made. This may include a note taker in lectures, assistive software and hardware provided to enable assignments to be written, extra time for exams, etc.

# The Equality Act 2010

- The purpose of the Equality Act 2010 was to bring together several anti-discriminatory acts of law, and to extend other aspects of discrimination to be also outlawed
- The previous acts included:
  - Equal Pay Act 1970
  - Sex Discrimination Act 1975
  - Race Relations Act 1976
  - The Disability Discrimination Act 1995



# The Equality Act 2010

- The Act makes it usually illegal to discriminate (indirectly or directly) on the grounds of:
  - *Age*
  - *Disability*
  - *Gender*
  - *Gender reassignment*
  - *Marriage or Civil Partnership*
  - *Pregnancy and maternity*
  - *Race*
  - *Religion and belief (including atheism/agnostic)*
  - *Sexual orientation*

# Health and Safety at Work etc. Act 1974

- Has a broad regime of regulation
- The main objectives of the Act is:
  - To secure the health, safety and welfare of persons at work
  - Protecting persons, other than persons at work, against risks to health or safety arising out of or in connection with activities of persons at work

# Cultural Aspects

- There is still a great deal of stigma to overcome when it comes to mental illness in the United Kingdom



# Cultural Aspects

- Campaigns such as Time to Change, and organisations such as Student Minds and University Mental Health Advisers Network are changing perceptions



**I CHOSE TO DISCLOSE CAMPAIGN**

# Moral Aspects

- “Duty of Care” much more than tort law
- What is the Duty of Care afforded to students on campus?
- How does it impact on:
  - Peers?
  - Teaching and Student Affairs staff?
  - Wider community?

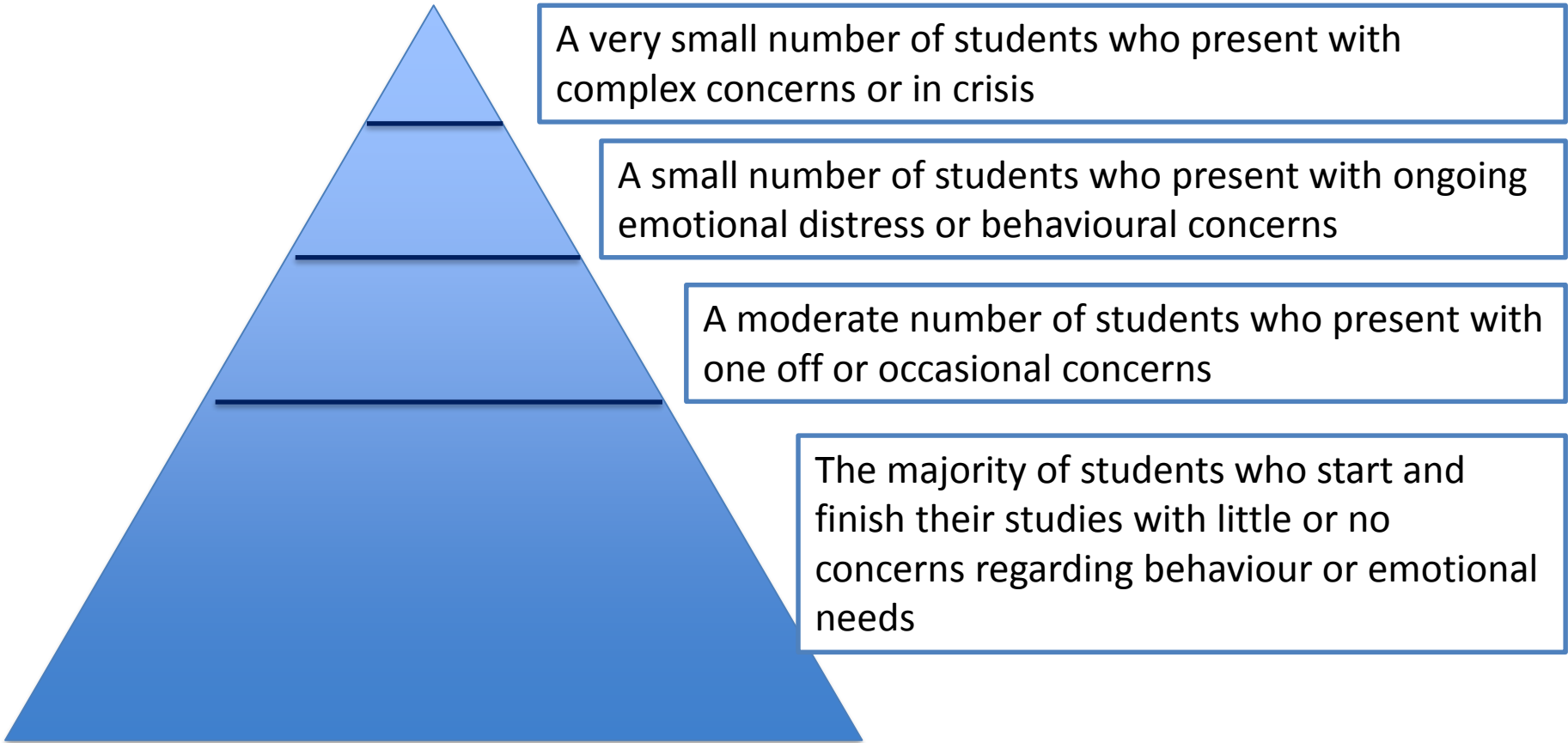
## 4. Fitness to Study?

- In the UK around 50% have a specific “Fitness to Study” policy as a stand alone policy. Also known as:
  - Fitness to Attend
  - Fit to Study
  - Fit to Sit (specifically for exams)
  - Health, Wellbeing and Fitness to Study
  - Support to Study

# What does a Fitness to Study policy and procedure look like?

- Often the primary focus is helping a student to stay on course in a supported manner
- Acknowledging the Duty of Care to the individual student, their campus community, and the wider community
- Whilst balancing the duties under the Equality Act, and Health and Safety at Work etc. Act
- Striking the balance is a challenge!

# What is “fitness to study”?





# What does a Fitness to Study policy and procedure look like?

- Most are not concerned with academic progress
- Most focus on mental health difficulties and psychological distress (some also focus on behaviour)
- The main focus is ensuring a consistent and sensitive approach to supporting students
- Fitness to Study is for students on a programme of study that does not lead to a professional qualification or the professional aspect of such a course

# The three steps

- Step 1
- Often considers emerging, mild or initial concerns
- Mostly managed informally within the pastoral elements of personal tutoring
- May require signposting to money advice, academic skills, disability or counselling services
- No risk involved
- A review to take place within a specific timeframe

# The three steps

- Step 2
- Often considers continuing or significant concerns
- Counselling or disability assessment may be required
- Some risk
- Formal three-way meeting between faculty, student and counselling
- Action plan drawn up and reviewed

# The three steps

- Step 3
- Often considers serious or persistent concerns
- Senior members of Faculty and Student Affairs. Student Union, likely to be involved
- Case conference convened for enhanced action plan
- Intercalation or suspensions may be considered (as a last resort)
- Moderate to High risk

# Additional steps

- These may include:
  - Review of suspensions
  - Appeals against suspensions
  - Disciplinary procedures
  - Return to study support

## 5. University of Cumbria

- Is a small multi-campus university in North-West of England (and a small campus in London)
- Firmly committed to the widening participation agenda
- Many students on allied health professions and teaching degrees
- Fitness to Study brings together existing processes

# The what, where, how, when etc

- In 2014 task was to create a Fitness to Study Policy and Procedures to have a more consistent approach to supporting students
- Researched other HEI policies
- Late 2014 UniversitiesUK developed best practice guide
- Early 2015 1<sup>st</sup> draft policy created
- Sent to colleagues in Faculty and Services for feedback

# The what, where, how, when etc

- Early Spring 2015 2<sup>nd</sup> Draft sent out with minor changes
- Early Summer 2015 Academic Board approved (but with some suggestions)
  - Suggestions included a flowchart to be added
  - Screening tool to be created
  - Training package to be created
  - Removal of Mental Health Policy (seen as duplication)



## 6. Challenges

- In small groups, decide what is your campus definition of a “fitness”?
- Do you have a similar policy already in place? If so, what are the challenges you encountered?
- If not, do you recognise a need? If not, why not?