

# Royal Academy of Dramatic Art Academic Regulations 2020-21

## Appendix 5: Fitness to Train

**PLEASE NOTE: this policy is currently under review and this version applies until that review is completed during autumn term 2020.**

### What is fitness to train?

1. 'Fitness to Train' refers to a student's ability to engage positively and fully with their training and to fulfil the expectations of the course without negative impact on students or staff. This might be because of particular health, well-being matters, or personal circumstances. It applies to all students, including those who have disclosed a particular disability or impairment.
2. In this document, "you" and "your" means the student; "we", "us" and "our" mean RADA.
3. We are committed to supporting student wellbeing and recognise that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement.
4. The following lists our reasonable expectations of you, as of any student:
  - a. That you can demonstrate that you are able to attend and engage effectively in a range of classes, workshops, rehearsals, lectures and tutorials including with staff, students and professionals, with adjustments if required.
  - b. That you can demonstrate that you can undertake private study or activity without supervision.
  - c. That you can participate in assessments throughout the academic year, with adjustments if required.
  - d. That you arrive consistently at RADA at the time required and meet other attendance requirements.
  - e. That you are aware of your own health and safety and that of others, including changing behaviour if it is pointed out to you that you are potentially breaching health and safety requirements.
  - f. That you are abiding by the provisions of the Student Code of Conduct.
5. In cases where these expectations are not being met the Fitness to Train policy may be applied.
6. The purpose of the policy is to sustain your progress in a supportive environment, but also to be mindful of RADA's duty of care to all its students, and to manage any concerns and situations in positive, sensitive and co-ordinated manner.

### Disabled students and reasonable adjustments

7. RADA has a legal and moral obligation to identify barriers that a disabled student might face in their training and to take steps ('reasonable adjustments') to identify and remove these barriers wherever possible. There is every reason to expect that a student with long-term disability or health condition will successfully complete their training. Please see the Reasonable Adjustments Policy for further details of how RADA supports disabled students.

### **When should the fitness to train policy be applied?**

8. The policy may be applied in relation to your behaviour while on RADA premises or on industry placements outside RADA.
9. Each application of the policy will be based on individual circumstances and is to be used when your fitness to train may be a cause for concern. The following list provides examples of situations when the policy may be applied, but it should not be considered exhaustive.
  - a. You disclose difficulties relating to alcohol or drug problems or other personal circumstances and where this means that you behave in a manner which gives cause for concern.
  - b. You have disclosed a disability and reasonable adjustments and appropriate support are in place but you have continued and ongoing insurmountable difficulties in meeting the core elements of the training.
  - c. A third party such as another student, staff member, or healthcare professional reports concerns about your health or personal circumstances which are having a negative impact on your ability to engage with your studies.
  - d. Multiple complaints are received about you from other students and/or staff.
  - e. You are in serious and continued breach of the attendance policy.
  - f. You behave 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 could provide mitigating factors.

### **Limitations**

10. The Fitness to Train policy should be distinguished from other RADA policies:
  - a. Intermittence Policy: when you request temporary interruption to your studies on the course owing to ill health or personal circumstances.
  - b. Mitigating Circumstances: when you are unable to participate in a specific assessment owing to ill health or personal circumstances.
  - c. Disciplinary Policy (student misconduct): when you may have formal sanctions applied to you owing to a contravention of the academic regulations. You may be referred to disciplinary procedures if your behaviour continues to be disruptive to students and/or staff and there is no indication that you are willing to engage with the Fitness to Train procedure.
  - d. Reasonable adjustments policy: this outlines the steps that we will take to accommodate disabled students' needs and to make any short-term adjustments to the training for other students.

### **Confidentiality**

11. This policy will be managed in accordance with RADA's obligations under the Data Protection Act 1998 and, where appropriate, The Equality Act 2010 and will be applied in accordance with RADA's obligations for data protection and student confidentiality.
12. RADA will seek your informed consent before disclosing sensitive information and consider your best interests before disclosing information to a third party. Information will be disclosed in accordance with the terms agreed by you.

13. RADA will respect your right to withhold consent for the disclosure of sensitive information but will ensure you are made aware of the implications of non-disclosure.
14. RADA may breach your confidentiality under exceptional circumstances (for example, where there is a reasonable risk that you might do harm to yourself, to other students or other members of the Academy.)

### **What happens when a student's Fitness to Train is questioned?**

15. Students and/or staff should bring the matter to the attention of the Course Director or leader in the first instance (or the Director of Student & Academic Services if the Course Director/leader is not available). They will then, in consultation with other senior members of staff where appropriate, follow the procedures outlined below.
16. At all and any stages used, a risk assessment should be undertaken to identify the level of risk to you and/or others and to consider whether your presence within the Academy puts you and/or others at an unacceptable level of risk or exacerbates your difficulties. All appropriate evidence should be included within the risk assessment. This will include ensuring that we make sure that both male and female staff at an appropriate level of seniority can be involved in any process where, for example, both Course Director and Academy Director are male.
17. Normally there will be a three-stage process once it has been established that a Fitness to Train issue has arisen. However, any stage of the process may be entered into at any time as appropriate to the circumstances following a risk assessment. In exceptional cases of risk, on the Academy Director's judgment, the process may move directly to Stage Three. The process is designed to be as flexible as possible to meet your needs and ours. This means that as well as moving directly to Stage Three, we may choose to reduce the level of action based on relevant assessments of risk. At all stages, we will produce a note of agreement outlining what is expected of you.
18. The three stages are as follows:
  - a. Stage One: Initial Concerns
  - b. Stage Two: Continuing and/or significant concerns
  - c. Stage Three: Case conference for highly significant, serious or persistent concerns
19. Details of the procedures for each of these stages is outlined below.

### **Procedures**

20. **Stage One: Initial concerns:** This is an informal stage. It is expected that this can be handled within the teaching team of the department, with advice from Student & Academic Services as necessary. The Course Leader or Course Director will have a conversation with you setting out concerns, how or why you are not meeting your obligations and strategies for resolving the situation.
21. 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 plan is established which may include referral to additional support services;
  - c. the matter is referred directly to the next stage or, in serious cases, to Stage Three.
22. **Stage Two: Continuing and/or significant concerns:** The Course Leader/Director and another member of the senior team will have a formal meeting with you which outlines the

continuing problems and the agreed strategy for managing the situation and a reasonable timeframe for seeing improvement.

23. The possible outcomes at Stage Two in the process are:
- a. the parties (including you) agree a new action plan, which may include further referral to our support services;
  - b. you decide to interrupt studies and intermits for a period (note that with some programmes, particularly acting, it may be necessary to intermit for a calendar year). You will be subject to a review to determine whether you are fit to return to training;
  - c. we tell you that if there is no improvement, or a new action plan cannot be agreed upon, you may be withdrawn from the programme and the matter escalated to the next stage.
24. **Stage Three: Case conference** for highly significant, serious or persistent concerns: If there has been no resolution of the problems or change in behaviour, or in serious cases such as where you are deemed to be a danger either to yourself or others), the situation will move to a case conference. This will be invoked if:
- a. you do not agree or is not engaging with a recommendation
  - b. if in the opinion of the Director of Student & Academic Services the case is sufficiently serious to warrant immediate referral without moving through the prior stages.
25. The Director of Student and Academic Services will convene a Fitness to Study Panel which will comprise at least two of the following senior staff. The Panel will include at least one person who has had no direct involvement in your case, so this might include nominees from the staff listed below.
- a. Academy Director
  - b. Director of Actor Training
  - c. Director of Student & Academic Services
  - d. Director of Technical Training
26. The Panel may organise proceedings at its discretion and may call witnesses if required. The Panel may also request further medical evidence.
27. The possible outcomes at Stage Three in the process are:
- a. Suspension with conditions for a period up to twelve months. A student who is suspended from RADA may be prohibited from participating in RADA activities and may also be prohibited from entering RADA premises or have restricted rights to enter the premises. The terms of the suspension will be notified to you in writing, depending on the circumstances of the case. The decision to suspend you shall be reviewed as necessary by the Panel.
  - b. Exclusion or requirement to withdraw. If the Panel concludes, taking into account the individual circumstances of the case and any supporting evidence, that there is no reasonable prospect of you re-engaging with your programme, then you may be permanently excluded or required to withdraw. This outcome will only be reached in the most serious cases.
  - c. Any other action considered to be appropriate and proportionate.

28. The outcome of a Panel meeting will normally be discussed with you in person.

### **Temporary suspension**

29. The Director of Student & Academic Services may refer the case directly to the Director if it is considered that the risk to you or to us is very high and that you should thus be immediately suspended. The terms of suspension will be individual to each case and will be notified to you in writing. A temporary suspension order does not affect your status as a member of RADA. It will normally be reviewed after four weeks at your request.

### **Right of appeal/complaint**

30. You may appeal a fitness to train decision on the following grounds:
- a. That there is evidence of significant administrative or procedural error in the fitness to train process which affected the Case Conference decision.
  - b. That there is evidence of prejudice or bias in the fitness to train process.
  - c. That there is additional relevant information which was, for valid reasons, not able to be considered at the time of the Case Conference and which warrants further consideration of the case.
31. An appeal should be submitted to the Director within seven calendar days (one week) of the formal written notification of the Case Conference decision and clearly state upon which ground(s) the appeal is made and provide supporting evidence.
32. A senior member of RADA's staff (or Council, the board of trustees) previously unconnected with the case, will be appointed to review the appeal and determine whether it warrants a new Case Conference (convened on the grounds outlined above).
33. The appeal reviewer will determine whether the Case should be referred back to the original members of the Case Conference. In cases concerning allegations of prejudice or bias, or on the judgment of the appeal reviewer a new conference may be convened which does not include the original parties. Members of the new Case Conference may interview the original conference members to gather information and understand the context and events which led to the Stage 3 process.
34. The decision of the Case Conference following an appeal is final.

### **Return to training**

35. RADA will arrange a return to training process if you have intermitted or been suspended from study. This will involve as many members of the original Panel as possible. In the case of intermittence/suspension on medical grounds, further medical evidence will be requested from you to support your case for returning to training. Given the practical nature of training, and as appropriate, you will also undertake an assessment by relevant teaching staff to ensure that you are fit to cope with the physical demands of the training. Both the outcome of this assessment and any medical information will be taken into account in making a decision about permitting you to return.

### **Office of the Independent Adjudicator (OIA)**

36. Once the internal procedures have been exhausted and an outcome letter provided, a Completion of Procedures letter will be issued, and you are entitled to ask the OIA to consider any unresolved complaint.

<http://www.oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>

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