

RADA Academic Regulations and Policies 2017-18

Appendix 5: Fitness to Train policy and procedures

What is fitness to train?

'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.

RADA is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement.

The following lists reasonable expectations of any student:

- That they can demonstrate they 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.
- That they can demonstrate that they can undertake private study or activity without supervision.
- That they can participate in assessments throughout the academic year, with adjustments if required.
- That they arrive consistently at RADA at the time required and meet other attendance requirements.
- That they are aware of their own health and safety and that of others, including changing behaviour if it is pointed out to them that they are potentially breaching health and safety requirements.
- That they are abiding by the provisions of the Student Code of Conduct.

In cases where these expectations are not being met the Fitness to Train policy may be applied.

The purpose of the policy is to sustain the progress of students 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

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?

The policy may be applied in relation to student behaviour while on RADA premises or on industry placements outside RADA.

Each application of the policy will be based on individual circumstances and is to be used when a student's 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.

- The student discloses difficulties relating to alcohol or drug problems or other personal circumstances and where this means that they behave in a manner which gives cause for concern.
- A student has disclosed a disability and reasonable adjustments and appropriate support are in place but the student has continued and ongoing insurmountable difficulties in meeting the core elements of the training.

- A third party such as another student, staff member, or healthcare professional reports concerns about a student's health or personal circumstances which are having a negative impact on their ability to engage with their studies.
- Multiple complaints are received about the student from other students and/or staff.
- The student is in serious and continued breach of the attendance policy.
- The student behaves 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

The Fitness to Train policy should be distinguished from other RADA policies:

- **Intermittence Policy:** when a student requests temporary interruption to their studies on the course owing to ill health or personal circumstances.
- **Mitigating Circumstances:** when a student is unable to participate in a specific assessment owing to ill health or personal circumstances.
- **Disciplinary Policy (student misconduct):** when a student may have formal sanctions applied to them owing to a contravention of the academic regulations. Students may be referred to disciplinary procedures when their behaviour continues to be disruptive to students and/or staff and there is no indication of the student's willingness to engage with the Fitness to Train procedure.
- **Reasonable adjustments policy:** this outlines the steps that the Academy will take to accommodate disabled students' needs and to make any short-term adjustments to the training for other students.

Confidentiality

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.

RADA will seek the student's informed consent before disclosing sensitive information and consider the student's best interests before disclosing information to a third party. Information will be disclosed in accordance with the terms agreed by the student.

RADA will respect a student's right to withhold consent for the disclosure of sensitive information but will ensure the student is made aware of the implications of non-disclosure.

RADA may breach a student's confidentiality under exceptional circumstances (for example, where there is a reasonable risk that the student might do harm to him/herself, to other students or other members of the Academy.)

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

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.

At all and any stages used, a risk assessment should be undertaken to identify the level of risk to the student and/or others and to consider whether the student's presence within the Academy puts the student and/or others at an unacceptable level of risk or exacerbates the student's difficulties. All appropriate evidence should be included within the risk assessment. This will include ensuring that RADA makes 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.

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 the needs of the student concerned and of the Academy. This means that as well as moving directly to Stage Three, RADA may choose to reduce the level of action based on relevant assessments of risk. At all stages, RADA will produce a note of agreement outlining what is expected of the student.

The three stages are as follows:

Stage One: Initial Concerns

Stage Two: Continuing and/or significant concerns

Stage Three: Case conference for highly significant, serious or persistent concerns

Details of the procedures for each of these stages is outlined below.

Procedures

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 the student setting out concerns, how or why the student is not meeting his or her obligations and strategies for resolving the situation.

The possible outcomes at Stage One in the process are:

- the matter is considered resolved and no further action is needed;
- an action plan is established which may include referral to additional support services;
- the matter is referred directly to the next stage or, in serious cases, to Stage Three.

Stage Two: Continuing and/or significant concerns

The Course Leader/Director and another member of the senior team will have a formal meeting with the student which outlines the continuing problems and the agreed strategy for managing the situation and a reasonable timeframe for seeing improvement.

The possible outcomes at Stage Two in the process are:

- the parties (including the student) agree a new action plan, which may include further referral to support services within RADA;
- the student decides 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). Intermitting students are always subject to a review to determine whether they are fit to return to training;
- the student is made aware that if there is no improvement, or a new action plan cannot be agreed upon, the student may be withdrawn from the programme and the matter escalated to the next stage.

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 the student is deemed to be a danger either to themselves or others), the situation will move to a case conference. This will be invoked if:

- the student does not agree or is not engaging with a recommendation

- 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.

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 the particular student case, so this might include nominees from the staff listed below.

- Academy Director
- Director of Actor Training
- Director of Student & Academic Services
- Director of Technical Training

The Panel may organise proceedings at its discretion and may call witnesses if required. The Panel may also request further medical evidence.

The possible outcomes at Stage Three in the process are:

- 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 the student in writing, depending on the circumstances of the case. The decision to suspend a student shall be reviewed as necessary by the Panel.
- 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 the student re-engaging with their programme, then the student may be permanently excluded or required to withdraw. This outcome will only be reached in the most serious cases.
- Any other action considered to be appropriate and proportionate.

The outcome of a Panel meeting will normally be discussed with the student in person.

Temporary suspension

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

Right of appeal/complaint

The student 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.

An appeal should be submitted to the Director within 21 days 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.

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).

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.

The decision of the Case Conference following an appeal is final.

Return to training

RADA will arrange a return to training process for any student who has 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 the student to support their case for returning to training. Given the practical nature of training, and as appropriate, students will also undertake an assessment by relevant teaching staff to ensure that they 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 a student to return.

Office of the Independent Adjudicator (OIA)

Once the internal procedures have been exhausted and an outcome letter provided, a Completion of Procedures letter will be issued, and students 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>

Policy created	June 2015
Version approval and date	Updated 20 June 2017