

Sheffield Occupational Health Service

Appeals guidance for Sheffield Hallam University students and applicants

Purpose

This guidance is designed to support Sheffield Hallam University (SHU) when dealing with challenges and appeals from students regarding the outcome of an occupational health assessment provided by SOHS and medical opinion in respect of 'Fitness to Study', 'Fitness to Practice' and 'Fitness to Practise' (for clarification see attached document).

If you are an applicant or student, this document is to be used if you are considering raising an appeal against the medical judgement provided by SOHS.

If you are considering appealing against the University's decision following the outcome of an Occupational Health assessment then please refer to the relevant [University Policy](#), this will either be the 'Appeals and Complaints procedure for Applicants' or the 'Appeals Policy and Procedure'.

The guidance also seeks to clarify the distinction between an 'appeal' and a 'complaint' in respect of any Occupational Health intervention.

The role of Sheffield Occupational Health Service

As a training institution, SHU is obliged to arrange assessment of all students entering regulated professions for fitness to train at enrolment. Assessment of fitness to train includes the assessment of fitness to practise and work in healthcare.

Vocational students, particularly in healthcare and related fields, require a health assessment prior to commencing their studies to ensure that they are medically capable of achieving the competences required to qualify and register with their professional regulatory body.

SOHS provides medical opinion to SHU in respect of a student's clinical fitness to train and any adjustments and/or support the applicant or student may require in order that they are able to fulfil the course and placement requirements.

Medical opinion is provided about a student's 'fitness to study', 'fitness to practice' and 'Fitness to Practise' in accordance with national standards such as HEOPS guidance, Faculty of Occupational Medicine, NHS England, GMC, NMC, HCPC standards and immunisation standards as set in the "Green Book". Furthermore, we take into account requirements of the appropriate professional regulator e.g. the Nursing and Midwifery Council and HCPC in respect of health, conduct, disability and competence. Candidates for health courses involving exposure prone procedures are assessed for blood borne viruses in accordance with Public Health England guidance.

Each student is assessed uniquely and fitness standards are consistent, objective, based on functions intrinsic to the discipline. The safety of patients and service users is always the paramount consideration.

SOHS also undertakes reviews through the management referral process to provide a medical opinion about a students' 'fitness to study' and 'fitness to practice' during the term of their studies, including advice to students who 'return to study' post a period of ill-health.

The interpretation of all health screening is undertaken in accordance with national and professional guidance including:

- Higher Educational Occupational Physicians (HEOPS)
- General Medical Council (GMC)
- Nursing and Midwifery Council (NMC)
- Department of Health and Social Care
- Health and Care Professions Council (HCPC)

If a student declares health problems or disabilities, the student will be referred to a Specialist OH Nurse or Consultant Occupational Physician for assessment as appropriate. This may be undertaken in the form of a telephone or face to face appointment. Our assessment will use a bio-psychosocial model assessing the individual holistically including:

- Nature of the problems
- Impact on function
- Likely impact on study, placement and subsequent employment
- Risk of deterioration
- Adjustments required under the Equality Act (2010) to facilitate study, placement and employment. It is worth noting that any adjustment has to be reasonable and feasible. Also the regulatory body competency standards are non-negotiable.
- Risk to third parties e.g. students or service users

Our OH assessment is based on the individual and not the diagnosis. Particular attention is paid to:

- Functional capacity including mobility, upper limb function, dexterity, vision, communication and other disabilities
- Infection risk: skin conditions presenting infection control issues, exacerbated by hand cleaning in care settings. Students also assessed for blood borne viruses and infective tuberculosis
- Cognitive function including impact of neurological conditions, mental health and neuro-diversity on ability to learn and function safely in clinical or social work/care settings in placement and work

Where required, additional information will be sought from supporting clinicians to complete a robust assessment and in complex cases, specialist assessments may be recommended. SOHS obtain the student's consent for disclosure of information relevant to their fitness to undertake their chosen course.

The table below denotes the grounds for appeal and the grounds for complaint:

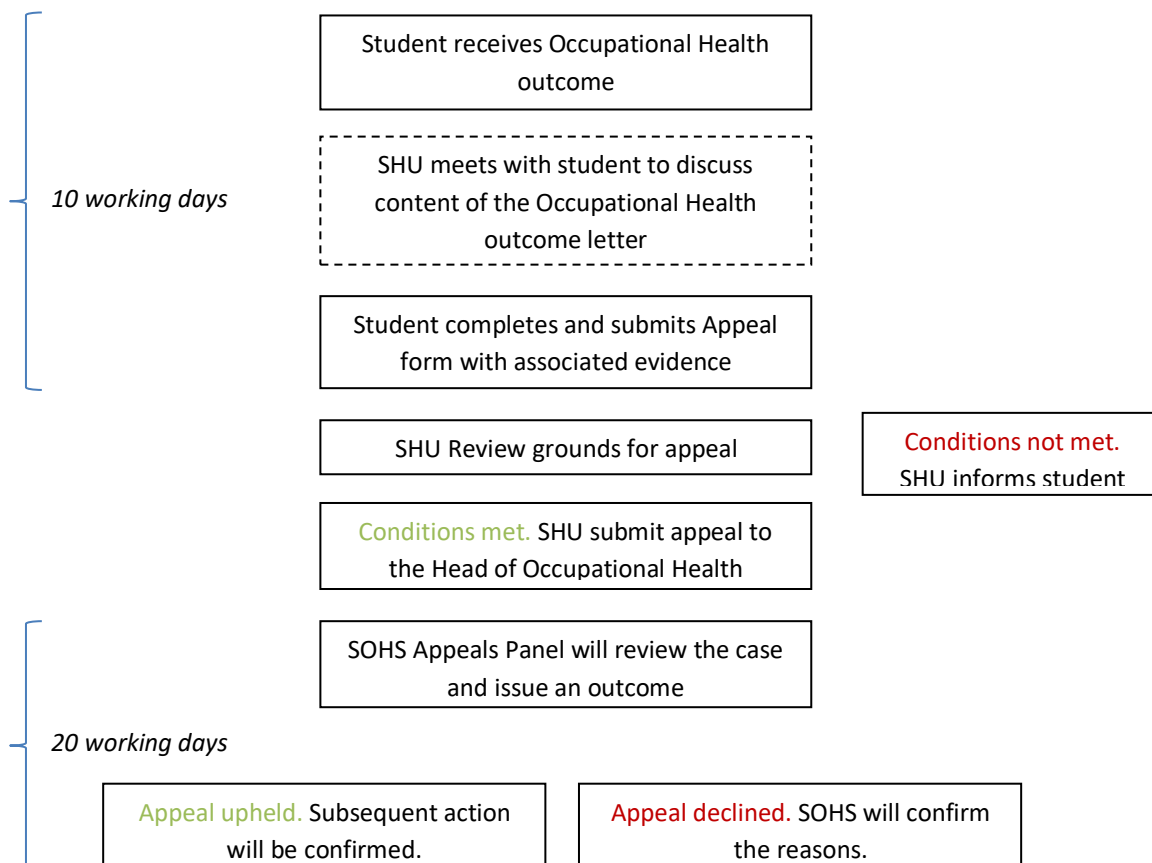
Grounds for Appeal	Grounds for Complaint
Additional evidence previously not available	Agreed process not being followed in a timely manner
Irregularity in the application of the process or procedure	Unprofessional conduct or behaviour by a SOHS member of staff
Proportionality of the decision	Inappropriate attitude
Evidence of discrimination or bias	Lack of communication or information
Factual inaccuracies	Inadequate assessment

Process for appeal

A student may appeal against the medical opinion received as a result of the above process if they provide information and/or evidence which meets the criteria listed above. Appeals should be made to the Professional Issues Team (Health and Social Care) at hwb-professional-issues@shu.ac.uk or the Department Manager in Teacher Education at tedSS@shu.ac.uk who will review the grounds for appeal and if it is agreed there are sufficient grounds, SHU will submit the form detailed in Appendix I. The form will subsequently be submitted to the Head of Occupational Health.

Additional evidence for consideration must be submitted with the appeal at the time of submission. The case will subsequently be reviewed by an SOHS multi-disciplinary panel whose decision will be final.

Summary of process of SHU student appeal



Fitness to study, fitness for practice and fitness to practise; Guidance on the meaning and implication of these terms

Introduction

These apparently similar terms “*fitness to study*”, “*fitness for practice*” and “*fitness to practise*” are commonly used in discussing fitness issues for healthcare students and by professional regulators but there is potential for confusion between these terms. This guidance explains the meaning and the implications of these terms, and propose simpler and more distinctive terminology to minimise confusion.

<p>Fitness for academic study</p>	<p>“Medically well enough to participate and engage in a programme of study”</p>
	<p>It is a medical judgement. In theory, this is a judgment that might lie within the capacity of any treating doctor, whether a general practitioner or a specialist, provided the doctor concerned has</p> <ul style="list-style-type: none"> • sufficient knowledge of the patient, the condition that is being treated • the response to that treatment and prognosis • the degree of co-operation and adherence to treatment by the patient • sufficient understanding of the requirements of the programme of study
	<p>In some situations, for example a student recovering from tonsillitis, or a student recovering from the removal of an appendix, these are simple judgments that (in these two examples) will probably lie within the ambit and expertise of the student’s general practitioner and the surgeon respectively.</p> <p>There are unstated but inherent assumptions in these two simple illustrations:</p> <ul style="list-style-type: none"> • That the student is generally healthy and does not suffer from another health problem or disability • That the programme of study involves straightforward conventional study tasks such as participating in tutorials, attending lectures, using the library, using a computer, reading books and journals, writing essays and dissertations, and attending practical classes
<p>Fitness for Clinical study</p>	<p>The situation becomes considerably more complex when the student has a health problem or disability, which may affect their ability to undertake practical aspects of the course and the programme of study involves exposure to patients, clients service users or the general public, as is the case, for example, in those studying medicine, dentistry, nursing, midwifery, social work, pharmacy, clinical psychology, audiology, speech therapy, optometry, radiology.</p> <p>Assessing fitness for the programme of study therefore includes:</p>

	<ul style="list-style-type: none"> • the health of the student, • the welfare and safety of the public, patients, clients and service users and • the public <p>A medical assessment of a student’s fitness to participate in a programme of clinical study should be made by a doctor who has specialist training and experience in providing such assessments, namely an occupational physician, with input from relevant clinicians involved in the student’s care.</p>
	<p>Ultimately the University has a responsibility to the public, patients, clients and service users when its students come in contact with them as part of their education programme.</p> <p>The public interest has three components:</p> <ul style="list-style-type: none"> • protecting individuals and maintaining their safety, • maintaining public confidence in the relevant part of the health service and • in the University’s capacity to provide adequate supervision, and to uphold and maintain professional standards <p>To do this the University relies heavily upon the input, expertise and medical advice of the Occupational Health Service when it comes to assessing whether or not a registered student is medically well enough and safe to participate in a programme of study.</p> <p>When decisions about fitness to study are being made, the University has a legal responsibility (Equality Act 2010) to consider and provide reasonable adjustments for any student qualifying as disabled under the act. Adjustments are aimed at providing help for such a student to fulfil the core competencies of the course (as defined by the school, based on the requirements of the professional regulatory body. For example, the ability to provide unsupervised care to patients).</p> <p>The legislation makes it clear that there is no legal requirement to make adjustments to the required core competency standards themselves.</p> <p>If the University’s occupational physician has concluded that a student whose programme of study involves exposure to patients, clients or service users, is not fit or safe to study, it follows that the student’s studies must be interrupted. Such students can only return to the programme once the occupational physician is able to certify that the student is fit and safe to join the course.</p>
<p>Fitness for practice</p>	<p><i>“Medically well enough for a student to participate in a placement involving patients, clients or service users”.</i></p>

	<p>In the case of a medical student or student nurse, for example, this refers to being medically well enough to go on hospital or community based placements. As with <i>“fitness to study”</i>, this is a medical Judgement. The difference between the terms is that the word <i>“study”</i> does not differentiate between working in a classroom and going out on a placement, whereas <i>“fitness for practice”</i> plainly refers to a clinical situation rather than a classroom situation.</p>
<p>Fitness to Practise</p>	<p>This is a framework that has been established to enable the University to deal with conduct and health problems that <i>“may render a student not fit or safe to be admitted to a practice, profession or specialty”</i>.</p> <hr/> <p>Clearly there is a potential for overlap, in that a health problem might have the dual effect of making a student both unfit to participate in a programme of study and also unfit to be admitted to that profession.</p> <p>The final decision about fitness to study, fitness for practice or fitness to practise will be taken by the University after considering all the available information from the student, course leader and occupational physician.</p> <p>In the event of an applicant or student feeling aggrieved by the University’s decision they have the right of appeal to by using the university’s appeal process.</p>

Appendix II

Sheffield Occupational Health Service

Sheffield Hallam University Medical outcome appeal request

STUDENT DETAILS:

Name of student

Date of birth

Course title

Date appeal lodged

Supported by (SHU)

Grounds for appeal

	Tick as appropriate
Additional evidence previously not available	
Irregularity in process	
Proportionality of the decision	
Evidence of discrimination or bias	
Factual inaccuracies	

Please provide details of the grounds for appeal

List of evidence

Signed (student)

Date

Print name