

FACULTY OF BIOLOGY, MEDICINE AND HEALTH

Student Fitness to Practise

Co-operation with Medical Assessments and

Disclosure of Specialist Reports

Introduction

When a student is referred to the School or Faculty Fitness to Practise Committee, the student remains entitled to choose not to disclose specialist reports about their health to the Fitness to Practise Committee.

The purpose of this guidance is to explain the possible implications of not co-operating with an assessment of health or a decision to withhold consent for disclosure of a specialist report to the Committee.

Background

Where a programme of study requires the student to undertake training in a quasi-professional role in relation to patients, clients or service users, the University has a duty to protect patients, clients or service users and to comply with the requirements of professional regulatory bodies.

On occasions, a School in the Faculty of Biology, Medicine and Health will be sufficiently concerned about the health of a student to refer that student to the Occupational Health Department, for advice. The question inherent in such a referral is whether the student is medically fit to participate in a programme of study; in some cases, there will also be concerns about the student's fitness to practise.

For advice to be provided, the Occupational Health Department will need to see the student by appointment at the Occupational Health Department on one or more occasions, tests (for example screening for drug or alcohol abuse) may be required and the Occupational Health Department may require medical information to be provided by one or more professionals who are or have been treating the student.

In some cases, in order to provide a medical opinion, the Occupational Health Department may require the advice of an independent specialist, in which case the Occupational Health Department will need to make a referral to the independent specialist. A fundamental principle is that the choice of the independent specialist is a matter solely for the Occupational Health Department; the principle of independence is lost if the choice is made by the School or the student. It is likely that the independent specialist will need to be local to the University, so that the specialist can advise about suitable treating physicians in the locality of the University. The cost of the specialist's report will be met by the School.

Failure to co-operate

Most students fully co-operate with the necessary assessment and reporting processes, recognising the fundamental importance of assessing health and wellbeing and fitness to practise in health and social care students.

However, failure to co-operate may arise in a number of ways, including:

- failing to co-operate with any required testing process (e.g., for drugs or alcohol abuse);
- being unwilling to agree to disclosure of medical information to the Occupational Health Department or to an independent specialist;
- being unwilling to be referred to an independent specialist; and/or
- being unwilling for a report (from the Occupational Health Department or from an independent medical assessments specialist) to be fully disclosed to the University of Manchester Fitness to Practise Committee.

The implications of non-cooperation

1. The immediate effect may be that the Department of Occupational Health will be unable to provide advice about whether or not the student is medically fit enough to participate in the programme of study. In this situation, a report will be sent to the School indicating that because of lack of co-operation, a medical opinion about the student's fitness to study cannot be provided.
2. If a School is sufficiently concerned about a student's health to refer that student to the Occupational Health Department to see if the student is medically fit to study, and if the student fails to co-operate thereby preventing a medical assessment, then as far as the protection of patients, clients and service users is concerned, it is likely that an inference will be drawn that the student is currently unfit to study.
3. Whilst the advice of the various health and social care regulators varies, there are some general principles that must be borne in mind:
 - a student's own poor health may put patients, clients, service users, colleagues or themselves at risk;
 - students must seek medical or occupational health advice, or both, if there is a concern about their health, including mental health;
 - students must accept that they may not be able to accurately assess their own health and be willing to be referred for treatment and to engage in any treatment programmes; and
 - given the over-riding need to protect patients, clients and service users, a health or social care student who is unwilling to fully co-operate with a medical assessment of fitness to study is, as a result, likely to raise concerns about his or her fitness to practise, which may ultimately necessitate suspension of studies and/or referral to the Faculty's Fitness to Practise Committee.

Implications where a student has been referred to the Fitness to Practise Committee

The School Concern Review Panel or the Fitness to Practise Committee may require a student to attend the University of Manchester's Occupational Health Service in order that a report can be made on his or her fitness for study and/or practise on medical grounds.

In most students, health conditions and disabilities will not raise fitness to practise concerns, provided that the student receives and co-operates with the appropriate assessment and care and has in place the reasonable adjustments necessary to study and work safely in a clinical environment.

However, in a case where health concerns have caused the School to question a student's fitness to practise, and to refer the matter to the Fitness to Practise Committee, then that Committee will require full and unrestricted access to the report of the Occupational Health Department and any independent specialist report commissioned by the Occupational Health Department.

The Committee will need these reports in order to determine whether a student's health poses a present or future risk to patients, clients and service users, or themselves and to ensure that the University fulfils its duty to provide support and make necessary reasonable adjustments in the case of a student with a disability. Without access to these reports, the Committee will not be able to make a final decision about a student's fitness to practise, and the inevitable uncertainty about the student's health is likely to prevent the student continuing on the programme.

Confidentiality of medical reports

Students may well be concerned about this. They may be reassured to know that whilst the Fitness to Practise Committee will require full and unrestricted access to reports by the Occupational Health Department and any independent specialist commissioned by the Occupational Health Department, there is no requirement for these reports to be disclosed to other University staff outside of the Occupational Health Department.

Advice and support

Students with any concerns should be encouraged to seek advice from the student support services within their School (including for clinical medical students their base hospital), or their medical/dental/pharmacy defence organisation, their professional organisation (such as the BMA, BDA, Royal College of Nursing) or the University of Manchester Student's Union.

Faculty of Biology, Medicine and Health
University of Manchester