1 Introduction

1.1 Whilst at University, all students should be able to study and perform to the best of their ability, in a safe and comfortable environment. The reality of University life means that students not only work in close proximity to each other and to staff, but also often live in close proximity to each other. While many students find studying and living in such an environment easy and enjoyable, others can find it more challenging.

1.2 In order to maintain and enhance the quality of life in the University community, students need to conform to certain standards of behaviour, and the University has a Code of Conduct and Disciplinary Regulations in place to deal with students whose behaviour falls outside these standards. However, it is recognized that the cause of misconduct or of unreasonable demands being placed on staff and students may include issues relating to a student's health and general well-being, where disciplinary action may not always be appropriate.

1.3 The term ‘fitness to study’ as used in this Policy and related procedure applies to the entire student experience, and not just a student's ability to engage with their studies. For example, unless it is informed otherwise, the University expects its students to be able to live independently and in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them. Where it is informed that a student cannot meet these expectations, the University has a duty to make a reasonable adjustment to enable a student to do so.

1.4 The contexts in which this policy is to be applied shall include all learning and residential settings, including Field Trips and Placements, as well as University owned or managed properties and ‘partnership halls’.

2 Reasons for Use of Fitness to Study Procedure

2.1 A student’s fitness to study may be brought into question for many reasons and in a wide range of circumstances. These include (but are not restricted to) the following:-

- Serious concerns about the student emerge from a third party (i.e. house-mate, friend, colleague, placement provider, member of the public, medical professional etc) which indicate that there is a need to question their fitness to study.
- The student has told a member of the university that they have a problem and/or provided information which indicates that there is a need to question their fitness to study.
- The student’s disposition is such that it indicates that there may be a condition which is having a significant adverse impact on their health or which causes them to have difficulty responding to adjustments of a reasonable nature that may indicate a need to address an underlying mental health problem, for example if they have demonstrated moods swings; shown signs of depression; become withdrawn.
- The student exhibits behaviour, which would otherwise be dealt with as a disciplinary matter, but which it is considered may be the result of an underlying physical or mental health problem.
The student's academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

2.2 In all cases, staff members who have these concerns or have been alerted to them by others should consult the Academic Registrar (or designated nominee) for advice about the appropriate first step and the appropriate member of staff who should undertake it. The Academic Registrar (or designated nominee) will undertake a risk assessment and consult appropriate colleagues in the process of constructing this advice.

3 Relationship with Fitness to Practise and Other Regulations

3.1 Where there are concerns about the behaviour of a student on a work or study placement away from the University, then the Academic Registrar (or nominee) will consult the Associate Deans Student Experience and Strategy & Development of the appropriate Faculty to determine if there are any separate or additional procedures related to the behaviour of student in these settings which should be followed (such as Fitness to Practice).

3.2 Where there are concerns about the behaviour of a student on programmes which include professional practice placements such as education, healthcare or social care, Fitness to Practise procedures would normally need to be followed once sufficient evidence has been gathered during level 1 of the Fitness to Study procedure and these would normally take precedence over the Fitness to Study procedures. In such cases, the Academic Registrar (or nominee) will consult with the Associate Deans for Student Experience and Strategy & Development of the relevant Faculty to determine and instigate the most appropriate course of action. It should be noted that determination of Fitness to Practise does not just apply to student behaviour during placements, but at all times during their academic career, so all concerns need to be reported to the Associate Deans.

4 Operating Principles

4.1 A student's fitness to study may be questioned if health problems or an inability to manage their own health and safety are, even with the introduction of reasonable adjustments by the University acting in accordance with its responsibilities under the Equality Act, disrupting their own studies or the studies of others, or result in what are perceived to be unreasonable demands being placed on staff or other students. In addition, the University has a duty of care to its community and is bound by health and safety legislation, which means it is obliged to take action if a student appears to present a risk to themselves or to others.

4.2 The Fitness to Study procedure detailed below has three levels. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three levels.

4.3 Levels 2 and 3 of this procedure are intended for use only in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature, particularly if the student seems not to accept that their behaviour is inappropriate or is not prepared to engage in a discussion of a constructive response by themselves and the University to the apparent problems. Except in unusual circumstances, the various support services available to students should be used at Level 1 prior to taking any formal action.

4.4 The level of risk posed by a student will be assessed by a process led by the Academic Registrar (or nominee) working in close collaboration with other staff (see Appendix 1).

4.5 The University reserves the right to take measures in accordance with its Disciplinary Regulations to deal with behaviour which may be the result of health problems and, in particular, where a student's health or behaviour poses a risk to themselves or others or where the student fails to positively respond to more supportive interventions. These measures shall include the use of the Vice-Chancellor's powers to immediately and temporarily suspend a student from access to all University facilities where the evidence of risk indicates that this is appropriate.
4.6 All information provided regarding fitness to study will remain confidential for use within this procedure and is subject to the requirements of the Data Protection Act. Only staff directly involved in the process will be given access to confidential information.

4.7 The Academic Registrar (or nominee), having due regard for the framework set out in section 2.6 above, shall maintain a register of all students dealt with at Levels 2 and 3 and which are deemed to be cases that require continued attention. He/she will convene a regular ‘monitoring’ case conference, involving relevant staff, to ensure that there is a well informed and co-ordinated ongoing response to each case and the needs of each student. These case conferences shall include consideration of the appropriateness of sharing information with placement providers where this is relevant.

5 Fitness to Study Procedure Level 1: Direct Personal Intervention

5.1 Normally, the initial action would involve an appropriate member of staff approaching the student and explaining to them in a supportive and understanding manner that concerns about their fitness to study have emerged. This would probably be a member of staff within the academic department with primary responsibility and/or knowledge of the student concerned (e.g. Academic Adviser, Subject Co-ordinator, Module Leader or Student Support Co-ordinator). However, if concerns arise within the student residences, then the Hall Manager or a Duty warden may make the initial approach. Should a member of staff require advice or guidance on this they will be assisted by the Head of Counselling.

5.2 The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised, including, if appropriate, reference to the nature of perceived risk. The member of staff will attempt to resolve the matter through discussions with the student. The student should be given the opportunity to explain their own views on the matter, be encouraged to think about using one or more of the support services offered by the University or available outside the University and assisted with referral if they wish to make use of one or more of these services. It may also be appropriate to look into the possibility of making special, alternative arrangements within the framework of equality legislation to enable the student to continue to study.

5.3 It is hoped and intended that in most cases issues can be resolved at this level through a combination of the student responding positively, co-operating fully with the process, making use of the support available and the University implementing any reasonable adjustments that are possible.

5.4 A review period should be determined as part of the risk assessment (if possible by agreement between the member of staff and the student) to allow the student to consider their own behaviour and seek advice from the support services available. At the end of this period a meeting should be held between the member of staff and the student to discuss any steps taken by the student to address the concerns and the effectiveness of the University’s reasonable adjustments. If the concerns have been addressed satisfactorily, this will be noted. If, however, the concerns have not been satisfactorily addressed, a further review period may be agreed, or the case will move to the next stage of the procedure.

5.5 The informal discussions, advice and any undertakings made by or on behalf of the University and/or the student should be documented for the benefit of both the department and the student by the member of staff involved and a copy filed with the Academic Registrar (or nominee).

5.6 If a student is unable to co-operate with the above process or modify their behaviour, the member of staff dealing directly with the student will consult the Academic Registrar (or nominee) about progression of the case to Level 2. If appropriate, the student should be informed that more formal action under Level 2 of this policy may be considered appropriate.
6 Fitness to Study Procedure Level 2: Case Review Group (CRG)

6.1 If the action taken under Level 1 has not been successful, or it is felt that the case is too serious to be dealt with through Level 1, Level 2 of the policy can be invoked. For students on programmes which include professional practice (in health and social care and in education), the case should be passed to the Associate Deans Strategy & Development and Student Experience of the relevant Faculty for the Fitness to Practice procedure to be followed (cf section 3 above). In other cases, a meeting of a Case Review Group (CRG) shall be convened by the Academic Registrar (or nominee). For the panel of staff from which a CRG can be convened, see Appendix A. The CRG should always consist of at least three members of staff.

6.2 Before the CRG, a medical assessment and information held by the University’s Disability Service may be sought at the request of the Academic Registrar (or nominee). The student will be encouraged to consent to the medical assessment and the release of the information, as it will ultimately enable the University to address the student’s difficulties in the most effective manner possible (including the implementation of any reasonable adjustments within the framework of the Equality Act), and make an accurate assessment of risk. The medical assessment will be used to determine the following matters:

- the nature and extent of any medical condition from which the student may be suffering;
- their prognosis;
- the extent to which it may affect his/her fitness to study and manage the demands of student life;
- any impact it may have upon, or risk it may pose to, others;
- whether any additional steps should be taken by the University to enable the student to study effectively;
- the availability of any on-going medical treatment or support.

6.3 The student will be asked to authorise full disclosure to the University of the results of any examination and of the information about them held by the University Disability Service. The University recognises that any such information disclosed will constitute “sensitive data” for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination or to agree to the release of information held by the University Disability Service, the University may either continue with the Fitness to Study procedure based on the information already in its possession, or consider other appropriate means to address the student's refusal to co-operate.

6.4 The student will be given at least 7 days’ notice of the CRG and informed of the purpose of the meeting. They will also be provided with any documents which will be considered by the Group, and asked to provide any documentation they may wish the Group to consider at least two working days before the meeting.

6.5 The student may be accompanied at the meeting by a Students’ Union representative, a fellow student, or other advisor. Disabled students may also be accompanied by a support worker if required.

6.6 The purpose of the meeting will be:

- to make the student aware of the nature of the concerns that have been raised,
- to hear and consider the student’s views,
- to consider any additional steps to be taken by the University to enable the student to continue study
- to agree the best way to proceed,
- to ensure that the student is fully aware of the possible outcomes if difficulties remain.
6.7 The Case Review Group will order its proceedings at its own discretion and may invite other staff or students to attend, including relevant support staff working with the student, and institute enquiries to assist its deliberations.

6.8 The Case Review Group may decide:

- That no further action is required
- To formally monitor the student’s progress for a specified period of time. In this case an action plan will be agreed with the student, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan, which will normally involve their fitness to study being considered at Level 3 of this procedure
- To recommend part-time study (where appropriate and available), Approved Time Out (ATO), or that reasonable adjustments, including special academic arrangements, be put in place. Such recommendations would need to be agreed by the relevant Faculty and by the student and appropriately processed. The student should also be provided with guidance regarding the possible financial implications and/or visa status of moving to part-time study before agreeing to this change. The student will be informed that unless these arrangements remedy the concerns to the University's satisfaction, their fitness to study may be considered at Level 3
- Where the student is on a placement not covered by Fitness to Practise procedures (cf section 3 above) to propose to the student suspending the placement or (if available) switching programmes to a ‘without placement’ equivalent
- To refer the case to be considered under Level 3 of this procedure. This will only be appropriate in the most serious of cases, where for example evidence of a serious risk to either the health and safety of the student or others has been identified, and it is thought that suspension, exclusion or expulsion of the student may be the appropriate course of action, or where a particular course of action has been recommended (such as part-time study or suspending a placement) but where the student does not agree to accept the recommendation

6.9 The decision of the CRG, together with a concise record of the meeting, should be sent to the student within 7 working days from the date of the meeting and a copy kept on the student’s personal file.

7 Fitness to Study Procedure Level 3: Formal Review Panel (FRP)

7.1 This stage of the procedure will only be implemented following a referral from a Stage 2 Case Review Group, or if in the opinion of the Academic Registrar (having consulted as appropriate) initial concerns are raised which are sufficiently serious as to warrant the consideration of the student's suspension, exclusion or expulsion (e.g. if they pose a potential threat to the health and safety of themselves or others, or disruption to the working of the University or any part of it).

7.2 Pending the hearing by the FRP, the Academic Registrar shall consider whether interim suspension of the student (including from University accommodation), pending further action, is appropriate

7.3 The Academic Registrar, in consultation with the Registrar, shall then arrange to convene an FRP which shall be chaired by the Registrar or nominee. This will normally comprise the Registrar or nominee, the Dean of Faculty or nominee and the Academic Registrar. If judged appropriate, a member of the University’s Legal Services department may also be in attendance

7.4 Before the FRP is convened, a medical assessment and information about the student held by the University Disability Service may be sought if this has not already been done (see 5.2 above)
7.5 Wherever possible, the student will be given at least 7 working days’ notice of the meeting of the FRP. The student will be informed of the purpose of the hearing. The student will also be provided with any documents to be considered at the meeting and asked to provide any documentation he/she may wish the Group to consider not less than two working days before the meeting.

7.6 The student may be accompanied at the meeting by a Students' Union representative, a fellow student or other supporter. Disabled students may also be accompanied by a support worker where required.

7.7 The purpose of the meeting will be to consider the evidence available, including the student’s perception of these concerns and to reach an appropriate decision, action plan or other outcome.

7.8 The FRP will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, including consulting support staff working with the student, and/or requesting additional medical assessments of the student's fitness to study. It will also consider an updated risk assessment where appropriate.

7.9 The decision shall be made by the Registrar or nominee, having received the advice of other members of the panel.

7.10 The student shall be notified of the decision within 7 working days of the meeting of the FRP. This may include one or more of the following:

- To formally monitor the student's progress for a specified period of time. In this case, the FRP Panel will provide the student with an agreed action plan, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan.
- That, following consultation with the academic department, the student should convert from full-time to part-time study with support; special academic arrangements are put in place; or there is a period of APO. The student should be advised to seek guidance regarding the implications of such a measure. The student will be informed of the consequences should these arrangements fail to remedy, to the University's satisfaction, the concerns identified.
- To recommend that the Vice-Chancellor exercises statutory powers to suspend or exclude the student.
- Any other action considered to be appropriate and proportionate.

8 Return to Study

8.1 After a period of suspension on health grounds reached by mutual consent, the decision as to whether to permit the student to return to study will be made by the Academic Registrar (or nominee) in conjunction with the Associate Dean (Student Experience) of the relevant faculty.

8.2 To this end, the Academic Registrar, in consultation with the Senior Management Team of the relevant Faculty and/or members of the Accommodation Management Team, will identify the issues of concern the University has in respect of the student's return to study. The Academic Registrar (or nominee) will contact the relevant medical professional for an assessment of the student's ability to manage the demands of studying at University and for advice on any reasonable adjustments that the University needs to make.

8.3 Students will only be permitted to return if, after receiving medical advice and having introduced any recommended reasonable adjustments, the University is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return.
8.4 In cases where the University has any continuing concerns about the individual’s fitness to study, it may require a second medical opinion. In this case a student may be asked to submit themselves for medical examination by doctors /specialists nominated by the University, at the University’s cost, to allow the situation to be properly evaluated.

8.5 In any case where a student returns to study following the implementation of the fitness to study procedure, the University may decide that there should be regular review meetings with the student that can be used to monitor and support a return to study plan, including the effectiveness of any reasonable adjustments made by the University. If so, the student must provide their continued co-operation in this respect and such review meetings may continue for part or all of their remaining time at University.

9 Right of Appeal

9.1 For detail of Appeal procedure, see Appendix 2

10 General Matters

10.1 Any of the functions of the Registrar under this Policy may be delegated to a Pro-Vice-Chancellor either generally or in respect of a particular case.

10.2 The University will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Human Rights Act, the Equality Act 2010 and the general rights and expectations of a student with respect to confidentiality. In cases where Levels 2 or 3 of the Fitness to Study Procedure have been invoked, the Chair of the CRG or FRP will make a decision about whether the student's emergency contact/next of kin should be informed, and discuss with the student whether any statutory services should be contacted.

10.3 The University acknowledges that as a result of implementing this policy it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data is handled, processed and stored accordingly.

10.4 The Academic Registrar or nominee will undertake an annual evaluation of the use and impact of this policy with a view to undertaking necessary remedial action or review.
Appendix 1

Case Review Group (CRG)

Panel from which a CRG may be drawn:

- Academic Registrar (or nominee)
- Head of Wellbeing
- Head of Counselling
- Head of Disability Service
- Senior Accommodation Officer
- Hall Manager
- Duty Warden
- Dean of Faculty (or nominee)
- Student’s Academic Adviser
- Faculty Student Support Coordinator
- University Safety Officer

Appendix 2

1 Appealing against a decision of a University Fitness to Study Formal Review panel (FRP).

1.1 The student may request an appeal on one or more of the following grounds:

- they wish to present new evidence that they could not have reasonably produced before or at the FRP and that casts substantial doubt upon the appropriateness of the decision of that Panel;
- there was a procedural irregularity such that there is a reasonable possibility that the decision of the FRP would have been different had the irregularity not occurred;
- the decision is inappropriate in relation to the risk presented by the student to themselves and/or to others.
- The University has failed to exercise its responsibility to introduce reasonable adjustments in response to the student’s disclosed problems

1.2 A student who wishes to appeal shall write to the Student Disputes Officer in Student Central, setting out the grounds under which they wish to appeal and the details of the appeal, including any evidence they wish to be considered as part of the appeal.

1.3 If the Student Disputes Officer believes that an appeal is entirely without substance and/or merit, they shall normally summarily dismiss the appeal. Otherwise they shall forward the full appeal to the Chair of the FRP for their written comments and shall convene an Appeal Committee. The decision imposed by the FRP shall be held in abeyance and the Chair of the FRP shall consider whether to refer the case to the Vice-Chancellor for action if it is considered that continued suspension or exclusion of the student is necessary because of the level of risk presented.

2 The Appeal Committee

2.1 The Appeal Committee shall normally consist of three members of the Board of Governors. At the hearing the Appeal Committee shall only consider the issues raised in the appeal from the student.

2.2 At the end of the hearing, in relation to each point the Committee shall decide whether to:

- reject the appeal; or
- uphold the appeal in full or in part.
2.3 If the Appeal Committee upholds any part of the appeal, it shall refer the case back to the FRP for a rehearing of some or all the case, including at least those aspects affected by the successful appeal. If the Appeal Committee rejects the appeal, the decision of the FRP shall come into effect, subject to any appropriate variations in timings determined by the Chair of the FRP.

2.4 Where possible the Chair of the Appeal Committee shall inform the student at that end of the hearing of the decisions they have made but in any event the Student Disputes Officer shall write to the student as soon as reasonably practicable setting out:

- the finding of the Appeal Committee in respect of each point of the appeal and the details of any consequent actions;
- the brief reasons for the decisions, including the key facts and/or evidence that were considered in reaching them;
- where the Appeal Committee rejected the entire appeal, that the decision completes the University's internal procedures.

3 Review of a decision of the Student Disputes Officer

3.1 If the Student Disputes Officer summarily dismisses a request to appeal against a decision of the FRP, they shall inform the student of their decision and the reason for it.

3.2 A student who believes that the Student Disputes Officer's:

- interpretation of this procedure, or
- decision to summarily dismiss a request

is inappropriate, may request that it be reviewed. A student who wishes to do so shall write to the Student Disputes Officer, setting out the reasons why they believe the decision was inappropriate. If the Student Disputes Officer does not receive the full details of such a request within fifteen working days of the dispatch of their original interpretation or decision, they shall normally summarily dismiss the request. Otherwise they shall forward all the relevant documentation to the Review Officer. In this instance the Review Officer shall normally be either the Registrar or the Academic Registrar, dependent upon their involvement in the FRP's decision.

3.3 The Review Officer shall decide whether or not to uphold the Student Dispute Officer’s interpretation or decision and shall write to the student as soon as reasonably practicable after having made their decision, setting out:

- whether or not they upheld the Student Disputes Officer’s interpretation or decision;
- if they overturned the Student Dispute Officer’s interpretation, what the revised interpretation is and that this is final;
- if they overturned the Student Dispute’s Officer decision, that the procedure shall recommence at the point at which it had been terminated;
- the brief reasons for their decision, including the key facts and/or evidence that they considered in reaching it;
- if the decision was to uphold the Student Dispute Officer’s decision, that this completes the University’s internal procedures.

4 Completion of the University’s internal procedures

4.1 If a student has completed this procedure and they are still dissatisfied with the outcome, they may be able to refer the issue as a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that it is eligible under the OIA’s Rules. A letter stating that a student has completed this procedure shall comply with the OIA’s guidance for a “Completion of Procedures” letter.