REGULATIONS

E8 FITNESS TO STUDY POLICY

1. Introduction

1.1. While 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 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 regulations and procedures in place to deal with students whose behaviour falls outside these standards. This Fitness to Study policy is intended to apply to situations where disciplinary action may not be appropriate, in particular where episodes of behaviour which could be considered misconduct, or unreasonable demands being placed on staff and other students, may arise from issues relating to a student's health and general wellbeing. This Fitness to Study policy is, therefore, principally designed to be supportive of students who face difficulties that may result in their actions or behaviour giving other members of the University community cause for concern in the broadest sense. Nevertheless, at any point before or during the use of this Policy the University reserves the right to initiate conduct procedures if that seems 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.

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', and any and all other contexts in which students of the University interact with other members of the University community or generally the public more broadly.

2. General Matters

2.1. The nature of the situations for which this Policy has been developed are varied, complex and often unique. This Policy may therefore need to be adapted as appropriate to respond to the circumstances of an individual student. The Academic Registrar will agree any such variations after consultation with staff as they may deem appropriate.

2.2. 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 2013 and the general rights and expectations of a student with respect to confidentiality. In cases where the formal Fitness to Study Policy has been invoked, consideration needs to be given to which members of staff within the University need to be aware of the decision reached by the Case Review Group (CRG – see Section 7), and the student should be told who will be informed. Where appropriate, the Chair of the CRG 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.

2.3. 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.

2.4. 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 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.

2.5. 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.

2.6. The Head of Wellbeing shall maintain a register of all cases dealt with at the formal level which are deemed to require continued attention. They will work with relevant staff to ensure a well-informed and coordinated response to each case and the needs of each student. The appropriateness of sharing information with other members of staff and with placement providers will be considered where this is relevant. The Academic Registrar or nominee will undertake an annual evaluation of the use and impact of this policy and undertake any necessary remedial action or revision.

3. Reasons to use the Fitness to Study Policy

3.1. 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:

- The student has told a member of the University that they have a physical or mental health issue which indicates there is a need to question their fitness to study.
- Serious concerns about the student emerge from a third party (e.g. housemate, 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's 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 the ability of staff to undertake their work.
- The student is perceived to be placing unreasonable demands on staff or other students.
- There is evidence to suggest that the student may have a condition which is having a significant and adverse impact on their health, or which causes them to have difficulty responding to adjustments of a reasonable nature, but the student does not accept this evidence or demonstrate an awareness of their condition.
- 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 conduct is not acceptable and this is thought to be the result of an underlying physical or mental health problem.
- The student appears to present a risk to themselves or others which contravenes health and safety legislation and the University's duty of care to its community.
- There is reason to believe that a consistently poor academic record, especially consistently failing assessment, is due to underlying health or other issues

3.2. Staff members or students who have these concerns, or have been alerted to them by others, should seek advice about the appropriate first step and who should undertake it. The Academic Registrar will normally delegate responsibility for Fitness to Study concerns to the Head of Wellbeing who should be approached in the first instance. The Academic Registrar may also, as appropriate, delegate responsibility to another senior staff member other than the Head of Wellbeing. The Head of Wellbeing will undertake a risk assessment and consult appropriate colleagues in the process of agreeing how best to respond to a student's situation

4. Relationship with Fitness to Practice and Other Regulations

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

4.2. 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 Practice procedures would normally take precedence over the Fitness to Study procedure. In such cases the Head of Wellbeing will consult with the Associate Deans Student Experience and Strategy & Development of the relevant Faculty to determine and instigate the most appropriate course of action. Determination of Fitness to Practice applies to student behaviour at all times during their academic career (not just during placements) and all concerns need to be reported to the Associate Deans.

5. Implementation of the Fitness to Study Policy

5.1. The Fitness to Study procedure detailed below has two levels. Depending on the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at either of the levels.

5.2. The first level is an informal stage. This would normally 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.

5.3. The second level is a formal stage. Action at the formal stage will be initiated when the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature, particularly (but not necessarily) if the student seems not to accept that their behaviour is inappropriate or is not prepared (or able) to discuss a constructive response by themselves and the University to the apparent problems.

5.4. The level of risk posed by a student will be assessed by the Head of Wellbeing working in close collaboration with such other staff as they deem appropriate.

6. Fitness to Study Policy First Level: Informal intervention

6.1. Normally, the first stage of addressing a student's behaviour is that an appropriate member of staff would approach the student and explain 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 Coordinator, Module Leader or Student Support Coordinator). 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 guidance on this, they can consult the Head of Wellbeing for advice.

6.2. The student should be made aware that the meeting is part of the Fitness to Study procedure and of the precise nature of the behaviour that has caused concerns to be raised, including, if appropriate, reference to perceived risk. The student should be given the opportunity to explain their own views on the matter and demonstrate their understanding of the concerns presented to them and the reason for the meeting. The member of staff will attempt to resolve the matter through discussion with the student. This may include the possibility of making alternative arrangements within the framework of equality legislation to enable the student to continue to study.

6.3. Where appropriate, the student should be encouraged to engage with 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. The student should be encouraged to take responsibility for their own wellbeing in the context of their fitness to study, and to agree with the member of staff concerned how this can be monitored (e.g. evidence of engagement with support services or permission to liaise with them if appropriate).

6.4. The member of staff and the student should agree a review period to allow the student to consider their behaviour and seek additional support and to implement any reasonable adjustments to be made by the University. At the end of this period a meeting should be held between the member of staff and the student to discuss 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 and no further action will be required under Fitness to Study procedures. However the member of staff and the student may agree further meetings, to ensure ongoing support. If concerns have not been satisfactorily addressed, a further review period may be agreed, or the case will move to the second level and a formal intervention (see Section 7).

6.5. 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 Head of Wellbeing.

6.6. If a student is unable to cooperate with the above process or modify their behaviour, the member of staff dealing directly with the student will consult the Head of Wellbeing about progression of the case to the second level. The student should be informed that more formal action under the second level of this policy may be considered appropriate.

7. Fitness to Study Policy Second Level: Formal procedure

7.1. If the action taken under the first level has not been successful, or it is felt that the case is too serious to be dealt with through an informal discussion, then formal proceedings at the second level can be invoked.

7.2. To invoke the formal procedures at the second level of this Policy the member of staff who has raised concerns with the student should inform the Head of Wellbeing of the situation, with details of any actions agreed at the informal level of the procedure.

7.3. The Head of Wellbeing will inform the student that the matter is now being considered at the second level of the Fitness to Study Policy and will invite the student to attend a meeting to discuss the concerns that have been raised.

7.4. The student will be given notice of the meeting and informed of its purpose. They may be accompanied to the meeting, e.g. by a Students' Union representative, a fellow student, or other advisor. Students with a disability may be accompanied by a support worker if required. Students may not be accompanied by an individual acting in a legal capacity. The Head of Wellbeing may also be accompanied by other staff, as appropriate.

7.5. The purpose of the meeting with the Head of Wellbeing will be:

- To make the student aware 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 studying.
- To ask the student to provide medical evidence relating to their fitness to study and/or to consent to the release of information held by Wellbeing.
- To ensure that the student is fully aware of the possible outcomes if difficulties remain.

7.6. The student will be encouraged to consent to the release of information, as it will ultimately enable the University to address the student's difficulties in the most effective manner (including the implementation of any reasonable adjustments within the framework of the Equality Act) and make an accurate assessment of risk. The information provided will be used to determine the following matters:

- The nature and extent of any medical condition from which the student may be suffering
- The extent to which the condition (or any associated treatment, such as medication) may affect the student's 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 on-going medical treatment or support

7.7. The outcome of the meeting with the Head of Wellbeing will be either an action plan agreed by mutual consent for the student to continue with their studies or a recommendation by the Head of Wellbeing that the case be considered by a Case Review Group (CRG). The Head of Wellbeing will also make an assessment of risk at the meeting, and may request that the Academic Registrar suspend the student for a maximum of four weeks.

7.8. If the Head of Wellbeing considers it necessary to refer the case to a CRG, they shall prepare a summary of the student's situation and present this summary with such evidence as may be

appropriate to the CRG. In this way the CRG will be advised by the Head of Wellbeing but the Head of Wellbeing will not be a member of the CRG.

7.9. The CRG will be chaired by the Registrar, Academic Registrar or a Pro-Vice-Chancellor and include at least two other members of staff drawn from:

- Members of the University's Executive Committee.
- Associate Deans (Student Experience)
- Head of Student Central

7.10. The CRG should normally meet within four weeks of the meeting with the Head of Wellbeing. The CRG will consider the case put to it by the Head of Wellbeing and agree a response. It will not normally meet with the student directly. It may meet virtually if that expedites consideration of a student's situation.

7.11. If the student is unable to provide acceptable medical evidence they may be asked to consent to a medical assessment arranged by the University.

7.12. The student will be asked to authorise full disclosure 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 CRG 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 situation. Refusal to allow the University access to appropriate medical and/or other forms of evidence will not prevent further consideration of the student's case

7.13. The CRG will order its proceedings at its own discretion and may invite other staff or students to attend any meeting it holds, including relevant support staff working with the student, and institute enquiries to assist its deliberations.

7.14. The CRG will decide on an appropriate course of action, which may include (but is not limited to) one of the following broad responses:

- That no further action is required
- To formally monitor the student's progress for a specified period of time. An action plan will be agreed with the student, outlining steps which they need to take and/or support to be provided to help them address the concerns identified. Regular review meetings will be arranged with a nominated member of staff (to ensure that the action plan is being followed and/or that reasonable support to enable the student to study effectively is being provided). The student will be informed of the consequences of any breaches of the action plan.
- 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 impact on visa status of moving to part-time study, before agreeing to this change. The student should be informed that unless these arrangements remedy the concerns to the University's satisfaction, other action may be taken.

- Where the student is on a placement not covered by Fitness to Practice procedures to recommend that the student suspend the placement or (if available) switch programmes to a 'without placement' equivalent.

- To suspend or exclude the student from the University.

- Any other action considered to be appropriate and proportionate.

7.15. The student will be informed in writing of the decision of the CRG by the Head of Wellbeing.

7.16. The student shall be informed of their right to appeal this decision, and how to implement the appeal process.

8. Return to Study

8.1. After a period of Approved Time Out (ATO) or suspension on health grounds, the student may apply to return to study. This application will normally be considered by the CRG, in conjunction with the Associate Dean (Student Experience) of the relevant Faculty.

8.2. The CRG will:

- Consider evidence that the student has complied with any conditions agreed as part of the Fitness to Study procedure (for example, accessing support services)

- 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 the University needs to make.

- Make recommendations about a return to study plan, including regular review meetings.

- Permit the student to return if, after receiving medical advice and having introduced any reasonable adjustments, the University is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return.

- Require a second medical opinion where the University has continuing concerns about a student's fitness to study. The student may be asked to attend a medical examination by doctors/specialists nominated by the University, at the University's cost.

8.3. Where a student returns to study following the implementation of the Fitness to Study procedure, the CRG will normally recommend regular review meetings with the student to monitor and support a return to study plan, including the effectiveness or any reasonable adjustments made by the University. Such review meetings may continue for part or all of their remaining time at University

9. Appeals

9.1. All action plans agreed either informally during the first informal stage of this Policy or as an outcome of the meeting with the Head of Wellbeing will be implemented only with the consent of the student. A student cannot, therefore, appeal against such a decision, rather they will withhold their consent. Should a student withhold their consent to an action plan their situation will be escalated for consideration by the CRG. Decisions taken by the CRG are not subject to a student's consent and, therefore, a student has the right to appeal against such a decision.

9.2. A student may appeal a decision taken by the CRG on one or more of the following grounds:

- that they wish to present new evidence that they could not have reasonably produced for consideration by the CRG that casts substantial doubt upon the appropriateness of the decision of the CRG; and/or

- that there was a procedural irregularity such that there is a reasonable possibility that the decision of the CRG would have been different had the irregularity had not occurred; and/or

- that the decision is inappropriate in relation to the risk presented by the student to themselves and/or to others; and/or

- that the University has failed to exercise its responsibility to introduce reasonable adjustments in response to the student's disclosed problems

9.3. 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.

9.4. 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 convene and forward the full appeal to the Appeal Committee.

9.5. The decision imposed by the CRG shall remain in force unless and until it is amended by the Appeal Committee

9.6. The Appeal Committee shall be formed in the same manner as the CRG except that no individual who served on the CRG that considered the student's situation shall be a member of the Appeal Committee. The Student Disputes Officer shall act as Secretary to the Appeal Committee.

9.7. The Appeal Committee shall consider the issues raised in the appeal from the student and the documentation considered by the CRG.

9.8. At the end of its consideration the Appeal Committee shall decide whether to:

- Decline the appeal; or

- Uphold the appeal in full; or

- Uphold the appeal in part.

9.9. If the Appeal Committee upholds the student's appeal in full or in part it shall amend the decision of the CRG in as far as it see fits to do so. The student will be informed of the Appeal Committee's decision in writing by the Student Disputes Officer.

9.10. The decision of the Appeal Committee will be final. The communication of the Appeal Committee's decision shall include a Completion of Procedures letter so that the student may request their situation be considered by the Office of the Independent Adjudicator for Higher Education (OIA) at the discretion of the OIA.

For further information about these regulations, please contact the Head of Wellbeing.

Approved by:
Academic Board, 12 November 2014