

QA 73 – Fitness to Study Policy

Purpose and scope of the policy

The Fitness to Study policy addresses concerns that a student's health is jeopardising their studies or the studies of others. The term "fitness to study" as used in this policy encompasses all aspects of university life, including engagement with peers and University staff on Campus and through Distance Learning media. The University seeks to maintain a safe learning environment which is conducive to the well-being, academic and personal development of all.

The policy outlines the scope of options available to support the student to continue studies through an appropriate mode and with an agreed level of support, or to take a Leave of Absence until Fitness to Study is reviewed.

In rare circumstances when it is apparent that a student is not able to identify a deterioration in their health or well-being, the University will intervene to ensure the safety and environment for staff and students. The Fitness to Study policy may be used in cases where a health condition has not been diagnosed or when the University has not been notified of the diagnosis. As a range of support services are available to students, this policy will only be implemented in cases of a serious nature and when other support systems have been unable to bring resolution according to the Cause for Concern procedure.

The Fitness to Study Policy is underpinned by the following principles:

- The University will act in a fair and proportionate manner when dealing with vulnerable individuals;
- The University will act to safeguard the individual student and the wider University community;
- The University will comply with legal duties and responsibilities;
- The University will consider the impact of any breaks in study and provide advice, information and guidance for students concerned.

This policy complements the Student Conduct and Disciplinary Procedure and the Safeguarding Policy.

Support for students in the process

Students may be accompanied to the Fitness to Study Panel by a friend, family member, a Health and Social Care professional or Student Representative. Students are required to inform the panel of anyone who will be accompanying them. Any other representative (such as a Legal Adviser) would not usually be allowed without express advance permission.

Confidentiality

When the Fitness to Study Policy is invoked the University will take account of the rights of the student under the Equalities Act and the Data Protection Act. Staff will act with regard for the expectation of an appropriate level of student confidentiality. Any personal information that is disclosed will be handled and stored as sensitive data. When consent is not given, this decision will be respected with the exception of certain circumstances:

- When the student's mental health has deteriorated to the extent of threatening his/her personal safety;
- When the student is at risk of serious abuse or exploitation;
- When the student's behaviour is adversely affecting the rights and safety of others;

- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed);
- Where the student is either under 18 years or a vulnerable adult (see University Safeguarding Policy).

Staff should first consult with the Lead Safeguarding Officer if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

STAGE 1:

Beginning the process: referral made through the application of the Cause for Concern Policy. Officer making referral should submit a chronological overview of evidence in support of the escalation of the issue surrounding the student. Conversation between student and one of HoCO/SSM to discuss concerns and agree forward action. This discussion will be supportive in nature and will communicate to the student the precise nature of the behaviour that has caused concern to have been raised. The student will present any mitigating circumstances and, where appropriate, an action plan may be agreed with set dates for review. A letter outlining the conversation and agreements should be sent to the student within 5 working days.

At the end of the review period, the case should be reviewed to assess if the actions have been effective. If there are no further concerns, the student is able to continue with their studies. If concerns remain, then Stage 2 of the policy should be implemented.

STAGE 2:

Where a Stage 1 meeting has not been successful, or the student has not implemented the action plan or their behaviour provides serious grounds for concern, a formal review meeting would be convened. Behaviour that would trigger this level of concern includes:

- Continuous complaints from other students/staff about concerning behaviour;
- A significant concern for academic achievement;
- Where the student refuses to access support or demonstrates strange behaviour that gives cause for concern e.g. withdrawal from interaction, missed appointments, poor attendance.

The meeting would be convened by the Director of Student Experience and include a Programme Team Leader and a Quality Team Leader and in the case of an International/Tier 4 visa student an International Student Adviser

The student shall be given reasonable written notice of the meeting. The letter or email shall inform the student:

- of the meeting under the Fitness to Study Policy and the nature of the meeting is supportive;
- of the purpose of the meeting and request any necessary detailed information and documentation including, if appropriate, medical evidence;
- that they can be accompanied by a friend/supporter/representative.

The meeting will proceed even if the student declines to attend and a decision will be made as to the most positive solution. The meeting will ensure that the student has opportunity to be heard, and to present any evidence in support of their case. The meeting will also ensure that the University acts in the best interests for the wellbeing and academic progress of the student and other parties concerned. The student will agree steps forward and likely outcomes if concerns persist.

Outcomes may include:

- withdrawal;
- Enforced Leave of Absence for an agreed time frame;
- Change of study mode;
- Change of study intensity;
- Referral to other procedures;
- Continuation of studies with agreed action plan;
- Escalation to Stage 3 if the student refuses to accept the outcome.

A written record will be produced outlining the outcome of the meeting and retained in a confidential location. Any action plan will specify desired behaviour, expectations and agreed support structures to be reviewed at a specified deadline. The action plan may also request medical evidence of fitness to study.

STAGE 3

The Registrar, or nominee, will chair the Fitness to Study Panel to ensure a conclusion is reached.

Serious circumstances may warrant the procedure to start at Stage 3. If a student has been suspended through the Student Disciplinary Procedure or Prevent, their Fitness to Study will begin at Stage 3.

The initiation of Stage 3 will be the decision of the Director of Student Experience in consultation with the relevant Head of School. The panel will include:

- Director of Student Experience;
- Head of School;
- Registrar;
- The student, who may be accompanied by a friend, family member, relevant professional. (Students should inform the panel of who will accompany them prior to the panel meeting).
- International Student Adviser where student is on a Tier 4 visa.

The Fitness to Study Panel will decide if a student is required to take a Leave of Absence for a period of time. Students may be offered a return to study at the beginning of the next academic year or relevant study block. Information about the 'Return to Study' procedure and policy will be provided. Student Support will provide information, advice and guidance to the student concerned. A named member of staff will be provided for the student to maintain contact throughout the pause in studies and with whom the student's case and circumstances may be reviewed regarding returning to study. The member of staff will also inform the Student Loans Company, UKVI, or any other relevant person, of the interruption or withdrawal.

The student may be offered a compulsory alternative of a part-time or Distance Learning route to completing their studies, where possible.

Outcomes of the Fitness to Study Panel will be confirmed in writing. The student has a right to appeal against the decision of the Panel. In the case of withdrawal or suspension, the student will be given opportunity to discuss implications with a member of the Student Support Team.

Return to Study

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One month before the end of the Leave of Absence, the University will contact the student to begin discussions about a possible return to study. This is subject to agreement between Student Support and the relevant academic school and will depend on specific circumstances and the context of the original concern. In all cases, return to study will depend on:

- Medical evidence of fitness to study provided by a recognised health professional that has sufficient knowledge of the student's medical situation and the concerns that led to the Leave of Absence;
- An assessment of need undertaken by the Head of Campus Operations (Blended Learning) or Student Support Manager (Distance Learning) to determine additional support requirements and if they can be provided.
- Visa conditions.

The Head of Campus Operations or Student Support Manager is responsible for informing the Fitness to Study Panel of the decision to permit a return to study. They should also ensure that the student is supported in putting relevant financial and support arrangements in place.

Medical Evidence should state:

- Any medical condition from which the student may be suffering;
- The extent of impact on his/her fitness to study and cope with student life;
- Any impact or risk to others;
- Any reasonable adjustments that they University should consider implementing;
- Whether the student will be receiving on-going medical treatment or support.

If medical evidence is not provided, the University will make a decision based on available information or may decide to address the issue under an alternative policy, such as Student Conduct and Disciplinary.

Medical evidence will be one factor considered within the decision of Return to Study – all available evidence will be considered.

If concerns remain about the suitability of a Return to Study, the decision should be re-referred to Stage 3.

Right of Appeal

The student has a right to appeal to the Vice-Chancellor or nominee within 10 working days, outlining the grounds for the appeal. The Vice-chancellor or nominee shall consider the appeal and decide whether to amend or uphold the decision. This decision will be final.

If the student remains dissatisfied with the outcome, they may approach the Office of the Independent Adjudicator within three months of the conclusion of University procedures. They should enclose a copy of the University's final decision and state the reasons for applying to the Higher Education Independent Adjudicator for assistance.

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