

# Fitness to Study Policy and Procedure

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## 1. Purpose and Scope of Policy

- 1.1 This policy is concerned with supporting student wellbeing. The RAU recognises that awareness and management of physical and mental health issues is critical to student learning and achievement, as well as the wider student experience. It is therefore essential that concerns about a student's wellbeing should be acted upon promptly. The procedure set out below sets out possible responses where concerns about student wellbeing are raised.
- 1.2 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 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.
- 1.3 In order to maintain and enhance 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 recognised that the cause of misconduct may include issues relating to a student's health and general well-being, where disciplinary action may not always be appropriate.
- 1.4 The term 'fitness to study' as used in this policy and related procedure relates 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. This procedure is not designed to be used to address academic performance issues or with issues relating to attendance or individual mitigating circumstances.
- 1.5 Similarly, a student's fitness to study may be questioned if health problems are disrupting their own studies or the studies of others, or result in 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 presents a risk to themselves or to others.

- 1.6 The level of risk posed by a student will be measured by the use of a risk assessment process, which will be used throughout the procedure, once invoked, to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Student Support Services Manager (or designate) working in close collaboration with the Disability Officer where appropriate or relevant academic and student support staff.
- 1.7 As a general rule this procedure is only intended for use 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 unaware that their behaviour is inappropriate or unprepared to engage in a discussion on the issue. Except in unusual circumstances, the support services available to students should be used as the first port of call prior to taking any formal action.
- 1.8 The University reserves the right to take measures pursuant to its Disciplinary Regulations to deal with behaviour which is the result of physical or mental health issues, (having due regard for the provisions of the Equality Act in respect of disabled students)\* depending on the individual circumstances of the case, 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.
- 1.9 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.*
- 1.10 If concerns are raised while a student is on placement, where the University's ability to engage with the student may be limited, the University will discuss with the placement provider alternative arrangements that might address any concerns.

\* Known, or potential, disabled students

Inappropriate behaviour is sometimes a defining feature of mental impairments and may be triggered by a range of impairments [both physical and mental] included in the definition of disability.

- If a student is registered as disabled, the Disability Officer should be involved from the outset;
- If an impairment is suspected, the Disability Officer should be consulted at an early stage.

## **2. Triggers 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, including frequent and on-going applications for coursework extensions and/or mitigating circumstances claims, 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 making 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, the student's Personal Tutor, Programme Manager or Dean of School should be notified so that the School is aware of the situation and can provide any necessary support.

## **3. Stage 1 – Initial Action by the School**

3.1 Should any previous informal action be unsuccessful, a member of staff should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have emerged. This would ordinarily be a member of staff within the School with primary responsibility and/or knowledge of the student concerned (e.g. their Personal Tutor or Programme Manager). However, if concerns arise within the student residences, then the Student Support Services Manager or the Student Accommodation Officer should take the lead, in consultation with the student's Programme Manager or Personal Tutor. Should a member of staff require advice or guidance on this they should contact the Student Support Services Manager.

- 3.2 The student should be made aware of the precise nature of the circumstances that has caused these concerns to be raised, including, if appropriate, reference to the level of perceived risk presented by the student as measured by the risk assessment process. 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, and be encouraged to think about using one or more of the support services offered by the University (such as disability support) or available outside the University (for example through contact with Validium). It may also be appropriate to look into the possibility of making special arrangements to enable the student to study effectively.
- 3.3 It is hoped that in most cases issues can be resolved at this level, and that students will respond positively, co-operating fully with the process and taking advantage of the support available.
- 3.4 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 to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the procedure
- 3.5 The informal discussions, advice and any undertakings made by the School and /or the student should be documented for the benefit of both the School and the student.
- 3.6 If a student is unable to co-operate with the above process or modify their behaviour, they should be informed that more formal action under Stage 2 of this policy may be considered appropriate.

#### **4. Stage 2 – Case Review Group**

- 4.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the policy can be invoked. A meeting of a Case Review Group shall be convened by the Dean of School, or delegate, made up of appropriate representatives of the School with direct involvement in the student's studies, and the Student Support Services Manager [and Disability Officer in the case of a disabled student, or where a disability is revealed by the medical assessment] . A representative from the Accommodation Office, the University Nurse and a representative

from University Security may also attend for information and advice if felt appropriate.

4.2 Before the meeting, a medical assessment may be sought. The student will be encouraged to consent to this, as it will ultimately enable the University to address the student's difficulties in the most effective manner possible, 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 their fitness to study and manage the demands of student life;
- any impact it may have or risk it may pose to others;
- whether any additional steps should be taken by the University in light of the medical condition to enable the student to study effectively;
- whether the student will be receiving any on-going medical treatment or support.

4.3 The student will be asked to authorise full disclosure to the University of the results of any examination. 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, the University may either continue this policy based on the information already in its possession, or use another appropriate means to address the issue.

4.4 The student will be given at least 7 days' notice of the Case Review Group 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 in good time for the meeting.

4.5 The student may be accompanied at the meeting by a member of the Students' Union, a fellow student, or other advisor. Disabled students may also be accompanied by a support worker if required.

4.6 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 agree the best way to proceed,
- to ensure that the student is fully aware of the possible outcomes if difficulties remain.

4.7 The Case Review Group will order its proceedings at its own discretion and may invite other staff or students to attend, including support staff working with the student, and institute enquiries to assist its deliberations.

4.8 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 Stage 3;
- To recommend part-time study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the School concerned and by the student and appropriately processed. The student should also be advised to seek guidance regarding the possible financial implications 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 Stage 3;
- Where the student is on placement, to propose to the student suspending the placement or (if available) undertaking suitable alternative activities as a substitute for the placement activity.
- With the consent of the student, to agree that their studies be suspended for a mutually agreed period of time;
- To refer the case to the Academic Registrar to be considered under Stage 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 the student does not agree.

4.9 The decision of the Case Review Group, 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 within the Registry.

## **5. Stage 3 – Formal Review Panel**

- 5.1 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 institution).
- 5.2 Pending the hearing by the Review Panel, the Academic Registrar shall consider whether interim suspension of the student pending further action is appropriate, including from University accommodation.
- 5.3 The Academic Registrar, in consultation with the Vice-Principal, shall then convene a Review Panel which shall be chaired by the Vice-Principal or nominee. This will normally comprise the Vice-Principal, the Dean of School, the Student Support Services Manager and Disability Officer in the case of a disabled student and a member of Academic Board. If judged appropriate, the Review Panel may also seek advice from the University's lawyers as part of its considerations.
- 5.4 The Academic Registrar will fix a date for a formal meeting of the Review Panel to hear the case and invite the student to attend to discuss the concerns and all relevant issues. A member of the University Admissions Office will act as Secretary to the Panel.
- 5.5 Wherever possible the student will be given at least 7 days' notice of the meeting of the Formal Review Panel. 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 in good time for the meeting.
- 5.6 The student may be accompanied at the meeting by a member of the Students' Union, a fellow student or other supporter. Disabled students may also be accompanied by a support worker where required.
- 5.7 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.
- 5.8 The Formal Review Panel will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, including support staff working with the student, which may include requesting further medical assessments of the student's fitness to study. It will also consider an updated risk assessment where appropriate.

5.9 The decision it arrives at shall be made by the Vice-Principal or nominee, having received the advice of other members of the panel.

5.10 The student shall be notified of the decision within 7 working days of the meeting of the Formal Review Panel. 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 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 School, the student should convert from full-time to part-time study with support; special academic arrangements are put in place; or an interruption of studies occurs. 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 the concerns identified to the University's satisfaction.
- To recommend that the Vice-Principal exercise their statutory power to suspend or exclude the student from University study for a specified period of time, or to recommend that the Vice Principal exercise their statutory power to expel the student, permanently, from the University.
- Any other action considered to be appropriate and proportionate.

5.11 The outcome of the hearing shall also be reported to Academic Board at its next meeting.

## **6. Return to Study**

6.1 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 Dean of School, having taken advice from the Student Support Services Manager.

- 6.2 To this end, the Student Support Services Manager, in consultation with the School, will identify the issues of concern the University has in respect of the student's fitness to study. The Student Support Services Manager will contact the relevant medical professional for an assessment of the student's ability to manage the demands of studying at the University, drawing attention to the nature and extent of the student's previous problems and the University's concerns about them.
- 6.3 Students will only be permitted to return if, after receiving medical advice, the University is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return.
- 6.4 For suspensions made by the Vice-Principal, the same medical evidence will normally be required to inform the Vice-Principal in deciding if the suspension may be lifted.
- 6.5 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 examinations by doctors/specialists nominated by the University, at the University's cost, to allow the situation to be properly evaluated.
- 6.6 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. 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.

## **7. Right of Appeal**

- 7.1 A student who wishes to appeal against a decision to suspend or exclude them may do so in writing to the Academic Registrar.

## **8. General Matters**

- 8.1 Any of the functions of the Vice-Principal under this policy may be delegated to a School Dean or Academic Registrar either generally or in respect of a particular case.

- 8.2 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 and the general rights and expectations of a student of confidentiality. In cases where Stages 2 or 3 of the fitness to study procedure have been invoked, the Chair of the review panel 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.
- 8.3 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.