

Higher Education Fitness to Study Policy & Procedure

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A. Scope

This policy and procedure has been designed primarily for the HE provision residing within the Faculty of HE and therefore this policy is mandatory for that provision. However, the Faculty of HE considers this policy and procedure to be good practice in HE and therefore the OfS regulated HE provision outside of the Faculty of HE can decide to adopt, adapt, contextualise or disregard it. The decision to do any of these resides with the relevant Head of Department, quality assurance related managers and, ultimately, the Vice Principal Quality and Compliance. Whichever action is selected, it is the responsibility of the Vice Principal Quality and Compliance to ensure and assure that, in relation to Fitness to Study, that the selected policy and procedure is consistently applied.

1. Introduction

- 1.1. The Faculty of Higher Education and the College are committed to equality and diversity, widening participation and ensuring the welfare of all its higher education students. The Faculty of Higher Education therefore expects that its students are in a fit state, subject to equality and diversity law, to:
 - a) benefit from their programme and pursue it for the required period, with reasonable prospects of successfully obtaining the award for which they registered
 - b) not prevent, hinder or disrupt the study or assessment of other students at the College, staff in the discharge of their duties or visitors to the College from carrying out their lawful business
 - c) not to constitute an unacceptable risk to the health or safety of themselves or others
 - d) be in a position to engage satisfactorily in any elements of study or assessment which take the form of placements in a professional and/or work-based setting.
 - e) be able to engage with the requirements of a programme related trip linked to unit/module outcomes (where this is not possible, but 1.1(a) to (d) are not in issue, an alternative form of assessment can be utilised, where the programme specification permits).
- 1.2. In most cases when concerns are raised by attendance, engagement or conduct, these are likely to be addressed in line with relevant College policies and procedures, such as the *Higher Education Student Attendance and Engagement Policy and Procedure* or the *Higher Education Student Disciplinary Policy and Procedure*.
- 1.3. However, there are occasions when serious concerns about a student's conduct, appearance or academic engagement are raised that suggest that a student is 'not fit' to fulfil some or all of the expectations listed in 1.1 above. In such instances, it might not be appropriate to use the standard disciplinary or academic progress routes to attempt to resolve the situation that has arisen. Such occasions usually arise when it is suspected that there are underlying medical, behavioural or personal difficulties which have not been recognised and/or appropriately addressed by the student with or without the help of others.

In such circumstances disciplinary or other action will normally be suspended until a review of a student's fitness to study has been undertaken, and the student has been given the opportunity and support to try to resolve their difficulties. There are occasions, however, when other formal requirements take precedence over the fitness to study procedure. At present, this includes circumstances where a student's behaviour presents a serious and immediate risk to self or others, and/or the College's reputation. In such cases, emergency action(s) may need to be taken (see section 7 below).

- 1.4. This document describes the procedures to be followed when there is likely to be benefit in assessing a student's fitness to study in order to find a way to resolve difficulties. Particular circumstances may require adjustments to the procedures outlined below in order to act in the best interest of the student and, when relevant, any other individuals or bodies concerned.
- 1.5. Reasonable steps should be taken to maintain confidentiality, with any disclosure of a student's name being limited to those who need to know in order to help resolve the situation that has presented itself.

2. Level 1: emerging concerns about a student's fitness to study

- 2.1 Academic, administrative or student services staff may receive reports about a student's behaviour or their physical or emotional health, breaches of health and safety procedures or reports of failure to engage in effective study without due explanation. These concerns may be raised by teaching, administrative or student services staff, fellow students or family members. Level 1 assessment is appropriate when the nature of the concerns raised suggests that if prompt and relatively informal action is taken, the student may respond to the support offered, and be able to take steps themselves to remedy their situation and resolve the concerns raised.
- 2.2 In such cases, those raising their concerns are directed to report them straight away to the Programme Leader. If this is not possible and/or appropriate, concerns should instead be raised to the relevant Programme Partnership Manager. It may at this stage be appropriate for the Programme Leader to first ask other colleagues if they also have concerns, paying due regard to the need to preserve appropriate levels of confidentiality.
- 2.3 Where the concern(s) relate(s) to evidence of episodes of non-attendance at teaching or assessment events, work placements or non-submission of coursework or other work that risks academic failure, the Programme Leader should also refer the student under the *Higher Education Student Attendance and Engagement Policy and Procedure*. Where the concerns suggest that there may be more general and widespread issues regarding the student's fitness to study, the Programme Leader should follow the *Higher Education Fitness to Study Policy & Procedure* and, where it is considered, that a more formal response is required, may refer the student direct to Level 2 of this Procedure as set out in section 4 below.

- 2.4 If the Programme Leader remains concerned about a student's fitness to study, they will promptly arrange a meeting with the student in order to raise these concerns in a sympathetic and understanding way. The date, time and place of the meeting should be notified in writing to the student's College email address and contact address at least five working days before the meeting. The student may, if they wish, be accompanied by a friend, family member or Student Union member, provided that the Programme Leader is informed of their identity at least two working days before the meeting. It is the responsibility of the student to inform any attending third party of the date, time and location of the meeting. The meeting may proceed in the student's absence if, having been properly invited, the student fails to attend.
- 2.5 The aim of the meeting will be to attempt to identify the underlying causes leading to the concerns about the student's fitness to study and discuss any actions that might be taken to resolve the difficulties presented. For example, the Programme Leader might discuss the possibility of making appropriate adjustments to the teaching or environment or assessment tasks to help the student continue to manage their workload and/or alleviate any health concerns. The possibility of voluntary interruption might also be suggested. In addition, the student should be specifically referred to relevant sources of additional support, for example, the Student Services. The Programme Leader may wish to seek informal guidance from Student Services as to the most appropriate source of help for the circumstances presented.
- 2.6 The Programme Leader should make it clear to the student that a written record of the discussion will be kept and placed on their College file normally for the duration of their registration as a student of the College. The student should also be given a copy of this record, which should include an outline of the actions to be taken by the student and that of any other parties who might be involved in advising and supporting the student. The written record/action plan should be issued within five working days of the meeting and will be sent to the student's College email address and contact address.

3. Review of Level 1 finding and/or outcome

- 3.1 A student may request within five working days of receipt of the outcome of the Level 1 discussion and any action plan, that the finding arising from the Level 1 discussion, and/or any ensuing action plan, be reviewed if they have a concern about any aspect. The review - which shall normally be on the papers, including the record of the discussion and any action plan together with a statement by the student setting out their concerns - shall be undertaken by the relevant Programme Partnership Manager. The reviewer may, if they consider that it would inform the review, invite the student to a meeting. In such circumstances, the student may, if they wish, be accompanied as set out in paragraph 2.4 above.
- 3.2 The reviewer shall:

- (a) confirm the finding and/or action plan
- (b) set aside the finding and/or action plan
- (c) adjust the finding and/or action plan.

The outcome of the review shall be issued to the student within five working days of the request for a review and notified in accordance with paragraph 2.6 above.

The review completes the internal procedures of the College at Level 1.

- 3.3 If the student does not agree to or follow the finding and/or action plan and it is considered that the student's behaviour could present a serious and immediate risk to self or others, and/or to the College's reputation, emergency or required action may need to be taken immediately as set out below (Level 3: emergency or required action). The Programme Leader who held the initial Level 1 meeting or the Programme Partnership Manager who reviewed Level 1 shall make a case to the Dean of Higher Education for a referral to Level 3: emergency or required action. This case shall be put to the Head of Student Services as set out in section 7 below.

4. Level 2: serious concerns about a student's fitness to study

- 4.1 Level 2 action will be taken when there is evidence that a more formal response is required to resolve presenting or reported difficulties. For example, there may be clear evidence of risk of harm to self, or of harm or disruption to others. Where the issue relates to evidence of persistent non-attendance at teaching or assessment events or work placements or non-submission of coursework or other work that risks academic failure, the Programme Leader should refer the student under the *Higher Education Student Attendance and Engagement Policy and Procedure* unless the concerns suggest that there may be more general and widespread issues regarding the student's fitness to study, in which case the Programme Leader should follow the *Higher Education Fitness to Study Policy & Procedure*.
- 4.2 Level 2 action may be taken as the first response to reports of concerns about fitness, or may follow Level 1 action, when there is evidence of a deterioration or lack of improvement in the behaviours that first brought the student to the attention of those expressing concern.
- 4.3 In such cases, those raising their concerns are directed to report them straight away to the Programme Leader, who shall notify the relevant Programme Partnership Manager. In accordance with the provisions set out in paragraph 4.1 above, a student's Programme Leader may refer a student direct to Level 2 of this Procedure after consulting with the relevant Programme Partnership Manager.
- 4.4 In both these circumstances the student, if well enough, will be invited to attend a formal fitness to study review meeting with the Dean of Higher Education (or their representative) and the Head of Student Services (or their representative). Where the case or concerns cover health matters, the Dean of Higher Education (or their

representative) and the Head of Student Services (or their representative) should be advised by an appropriate professionally qualified (written or oral) opinion. The person providing such opinion may or may not be present at the meeting.

4.5 The date, time and place of the meeting shall normally be notified in writing to the student's College email address and contact address at least five working days before the meeting, unless there are good reasons for taking more immediate action. The student may, if they wish, be accompanied by a friend, family member or Student Union member, provided that the Programme Leader is informed of their identity at least two working days before the meeting. It is the responsibility of the student to inform any attending third party of the date, time and location of the meeting. The meeting may proceed in the student's absence if, having been properly invited, the student fails to attend.

4.6 The letter of invitation to the meeting should:

- (a) clearly outline the causes of concern(s);
- (b) indicate that the student may, if they wish, be accompanied and by whom;
- (c) inform the student of the members of the Fitness to Study Review Panel;
- (d) inform the student that other staff (such as the student's Programme Leader, a Programme Partnership Manager and the Additional Learning Support Manager) may be in attendance when this is considered by the Dean of Higher Education and Head of Student Services to be in the best interests of the student; and
- (e) encourage the student to seek advice from their doctor and/or the Additional Learning Support Manager or other adviser in Student Services as appropriate to the particular case or concern(s) in question prior to their attendance at the meeting.

4.7 Other staff such as the Programme Leader, Programme Partnership Manager or Student Services staff may also be asked to provide reports and, as indicated above, when it is considered by the Dean of Higher Education and Head of Student Services to be in the best interests of the student, to attend in person. If the student declines to attend, or is unable to do so for health reasons, the meeting will be held in the student's absence unless the student provides good reason to the Dean of Higher Education for not attending the meeting, in which case the meeting will be rescheduled as soon as possible. A member of administrative staff from the Faculty of Higher Education shall act as the Secretary to the meeting and shall make a formal record of the meeting and its outcome(s).

4.8 The purpose of the meeting shall be to discuss areas of concern and assess the student's fitness to study. Those responsible for this assessment will endeavour to identify a way forward that is likely to serve the best interests of the student, appropriately balanced, if relevant, with the best interests of other members of the College community and the institution itself. The outcome of the meeting may include one or more of the following (this list is not exhaustive):

- (a) agreement by all concerned that the circumstances that have given rise to the concerns about the student's fitness have been or are very shortly to be

resolved, and that further action is unlikely to be required by the student or the institution;

- (b) agreement by the student to a formal action plan to remedy their situation. This might include referral to Student Services for practical or therapeutic support, or to an externally- provided programme to address, for example, drug or alcohol abuse, or to any other person or persons internally or externally, who are likely to be able to help the student to address their difficulties and improve their fitness to study to acceptable levels. The action plan will include a clearly defined timescale to be met by all parties mentioned;
- (c) agreement by the student to apply for an interruption of study for a specified period, the presumption being that normally such a request will be approved. The return of a student to active study will be subject to the normal return to study processes. Additionally, further specific requirements may be identified (for example, evidence that a student has engaged in a specific therapeutic programme);
- (d) agreement to withdraw from the College.

- 4.9 A written record of the meeting shall be made by the Secretary and this will include any agreed action plan. The written record/action plan will be issued within five working days of the meeting and will be sent to the student's College email address and contact address. Copies of the action plan may also be sent to any others in the College who will be responsible for helping the student to undertake the actions required.
- 4.10 The Secretary to the meeting will arrange for a copy of the record to be kept on the student file and will also send a copy to the Student Services to be lodged on the student's file for the duration of the student's registration as a student of the College plus one year. It will be the responsibility of the Secretary to the meeting to check whether actions arising from the meeting are being followed up.
- 4.11 These latter actions may include scheduling a further meeting of the Review Panel to re-assess the student's fitness once the period specified in any action plan has elapsed. Further review meetings are most likely to be required in the circumstances outlined in paragraph 4.8 (b) above, but may also be required when, despite the outcome of a Level 2 assessment of fitness being that described in paragraph 4.8 (a) above, there is evidence that the concerns about the student's fitness remain, and/or additional concerns have been raised.

Follow-up meetings by the Review Panel

- 4.12 The purpose of a Level 2 follow-up meeting by the Review Panel is to ensure that any agreed actions of a previous assessment of fitness have been taken, and that the student is now fit to continue their studies. The procedure followed will be that described in section 4 above for a first Level 2 review meeting. All attempts

will be made to ensure consistency of panel members, although it may be necessary to find alternates. All those conducting the follow-up review will be given copies of the report(s) of previous assessments and of all other relevant documentation.

- 4.13 The outcome of a second or any subsequent follow-up may be any of those defined in paragraphs 4.8 (a) to (d) above or any other outcome(s). The student will be informed of the outcome(s) within five working days of the follow-up meeting and provided with the formal report of the meeting and any revised or further action plan. Notification shall be via the student's College email address and contact address. Copies of any revised or further action plan may also be sent to any others in the College who will be responsible for helping the student to undertake the actions required.
- 4.14 If the decision of a Level 2 follow-up meeting is that there is no evident improvement in the student's health or behaviour, no likelihood that the student or others can or are able and willing to take action that will improve the student's situation or behaviour in the foreseeable future, and the student will not agree to a voluntary interruption, the Review Panel may agree that it is appropriate for Level 3 – emergency or required action to be taken, and will make the appropriate referral (see section 7 below).

5. Review of Level 2 finding and/or outcome

- 5.1 A student may request within five working days of receipt of the outcome of the Level 2 discussion and any action plan, that the finding arising from the Level 2 discussion, and/or any ensuing action plan, be reviewed if they have a concern about any aspect. The review - which shall normally be on the papers, including the record of the discussion and any action plan together with a statement by the student setting out their concerns - shall be undertaken by the Dean of Higher Education. The reviewer may, if they consider that it would inform the review, invite the student to a meeting. In such circumstances, the student may, if they wish, be accompanied by a friend, colleague or representative, who may provide support as set out in paragraph 4.5 above.

The reviewer shall:

- (a) confirm the finding and/or action plan;
- (b) set aside the finding and/or action plan;
- (c) adjust the finding and/or action plan.

- 5.2 The outcome of the request for review shall be issued to the student within five working days of the meeting.
- 5.3 The review completes the internal procedures of the College at Level 2.
- 5.4 If the student does not agree to or follow the finding and/or action plan and it is considered that the student's behaviour could present a serious and immediate risk to self or others, and/or to the College's reputation, emergency or required

action may need to be taken as set out below (Level 3: emergency or required action). The reviewer at Level 2 shall make a case for a referral to Level 3: emergency or required action to the Head of Student Services as set out in section 7 below.

6. Review of Level 2 follow-up meeting(s)

- 6.1 Except in cases when emergency action is necessary to ensure the safety of self or others (see section 7 below), the student may request within five working days of receipt of the outcome of a Level 2 follow-up meeting (as set out in paragraphs 4.12 to 4.14 above) and any revised or further action plan, that the finding arising from a Level 2 follow-up meeting and/or any revised or further action plan, be reviewed if they have a concern about any aspect. The review procedure and timescales shall be those outlined in paragraphs 5.1 to 5.4 above.

7. Level 3: emergency or required action: Mandatory interruption to study

- 7.1 Where a student's behaviour presents a serious and immediate risk to self or others, and/or to the College's reputation, or there is no evidence of effective engagement by the student despite efforts made informally and via Levels 1 and 2 assessment(s) and Level 2 follow-up meeting(s), emergency or required action may need to be taken.
- 7.2 Consideration of such cases will be the responsibility of the College's Fitness for study Panel which shall comprise:
- (a) The Head of Student Services
 - (b) A Programme Partnership Manager
 - (c) A suitably qualified nominee
 - (d) The Dean of Higher Education
 - (e) A Secretary to the panel who is at a managerial level from Student Services
- 7.3 Referrals to the Panel may be made by a Programme Partnership Manager after discussions with the relevant Programme Leader, a member of the Student Services Team after discussions with the Head of Student Services and a Programme Partnership Manager or a manager of HE provision that sits outside the Faculty of Higher Education. The referral document should indicate the nature of the concern and include the documentation and notes of meetings that have given rise to the concerns about the student's fitness for study.
- 7.4 The panel shall meet to consider a student case at the nearest possible opportunity and not more than 5 working days after the date of the referral of a student to the panel.

- 7.5 The panel shall consider the documentation provided with the referral and make a decision on the papers as to whether a mandatory interruption to study is required.
- 7.6 The panel shall have the power to require a mandatory interruption to the student's study. This power shall be exercised where the panel regards the continuation of the student's studies to pose a significant risk to themselves or others or where the student's fitness for study is sufficiently undermined by their current circumstances such that they are unable to engage effectively with their studies or make progress.
- 7.7 The interruption period shall be set by the panel and should not exceed 12 months in duration. The Secretary to the panel shall ensure that all processes and inter-departmental and faculty liaison regarding the interruption are carried out.
- 7.8 The student shall be notified of the panel's decision within 5 working days of the date of the meeting.
- 7.9 The student's return to study shall be subject to the existing Return to Study processes for students who interrupt their study on medical grounds.
- 7.10 Where the panel is satisfied that the student's fitness for study is not impaired to such a degree that a mandatory interruption is necessary, the case shall revert to Level 2 and a follow up meeting in accordance with 4.12 above will be held within 10 working days. This meeting will determine how best the student be supported in continuing their studies and what ongoing monitoring may be required to ensure that the student's fitness for study is kept under review for as long as the relevant concerns persist.
- 7.11 The reports, action plans and formal recommendations of those who have been responsible for any prior consideration) of the student's behaviour or health at Levels 1 or 2 (including follow-up review(s)) will form the primary evidence to be considered.

8. Return from mandatory interruption to study

- 8.1 A student may return to study following a period of required interruption or following a fitness for study assessment provided that the College is satisfied that the issues giving rise to the interruption have been satisfactorily addressed, and subject to a decision as to any academic conditions for return e.g. the need to repeat some or all of the programme of study.

9. Confidentiality and equality

- 9.1 At all stages of the process due consideration will be given to issues of confidentiality and data protection.
- 9.2 The College is committed to equality issues and shall act throughout in accordance with its duties under the Equality Act 2010. In particular, the College shall make any reasonable adjustment(s) to its practices that emerge as necessary as a result of a better understanding of the student's position.