

Fitness to Study Procedure

Sector good practice

In drawing up the attached procedure we looked at sector good practice and the policies and procedures for five other major universities. These universities have all followed roughly the same format as our proposed procedure.

University consultation

- **Student Welfare Panel:** Commissioned the Procedure. Reviewed the first draft and forwarded to LTSS.
- **Learning, Teaching & Student Support Committee:** Considered the second, third and fourth drafts with suggestions for improvement incorporated.
- **Student Support Forum:** Considered the third draft and made suggestions for improvement which were incorporated.
- **Senior Tutors:** Invited to comment, with improvement incorporated.
- **Students' Union:** Consulted on each draft. Approved fourth draft. Agreed participation in the process. Requested a review after one year of operation.

Key points

- The purpose of the procedure is to empower staff to make a positive intervention at the earliest sign of concern about an individual student's well-being which affects their or others' ability to study.
- It enables a wide range of staff, both professional and academic, to raise concerns and be confident that there is a process that supports action and safeguards the rights of students. Issues arise across the University departments. First signs of mental health issues arising will present in the residencies or in contact with support staff.
- The procedure is not punitive but is designed to support students with health problems (most mental health and behavioural issues). This may be to put in place an action plan and support to enable the student to continue their studies. It may also be to suspend the student but with a clear plan of the conditions under which a 'return to study' can be considered.
- This procedure is 'preventative' in providing staff with the confidence to deal with issues early and so before they escalate to a crisis.
- Students absenting themselves from the process will have an 'independent witness' (usually from the Students' Union) allocated to attend the key meetings to protect their procedural interests and raise any concerns.

Fitness to Study Procedure

1. Introduction

On occasions a student's health, mental well-being or behaviour deteriorates to the point where it may become impossible for them to be able to continue with their studies.

This procedure outlines the appropriate response and action to be taken by staff where it is believed that the behaviour, or the mental or physical health of a student:

- may prevent them from gaining benefit from the educational provision at a particular time and/or
- disrupts the teaching, learning or support of other students.

Students under this procedure will be considered from a supportive perspective rather than a disciplinary one. The University, however, reserves the right to invoke the Student Code of Conduct/Disciplinary Procedure where students' health or behaviour poses a risk of harm to either themselves or others, or where students do not positively respond to more supportive interventions. Other University procedures which inform action may include the Code of Practice on Supporting Students with Disabilities and the Code of Practice on Supporting Students with Mental Health issues.

This procedure has three stages, based on the seriousness of risk posed by the behaviour or health of a student. The three stages reflect the level of difficulty or disruption highlighted, as well as the response of a student to any intervention.

It is possible that concerns raised over the health, safety, conduct or mental well-being of a student are of such significance that these procedures can be commenced at either Stage 2 or 3.

Should a student be unwilling to play a part in these procedures, the process may continue in their absence, with the ultimate sanction being suspension or exclusion from studies still being able to be invoked. In cases where the student absents themselves from the process, the University will appoint an independent witness to attend meetings in order to safeguard the student's interests.

2. Stage 1 – Emerging Concerns

Emerging or initial concerns about an individual student's health, safety, behaviour or mental well-being are raised.

These concerns should be reported to the relevant School Manager and Senior Personal Tutor, who will recommend the appropriate person* to approach the student to raise and discuss the specific issues with them in a supportive and understanding manner.

Emerging concerns may be identified and raised by both professional and academic staff. The context in which the initial causes of concern are raised will determine the most appropriate person* to understand and address the issues with the student sensitively.

The nature of the concerns should be clearly identified to the student and s/he should be encouraged to discuss the issues (it is possible that s/he will not have realised the impact of his/her actions). If appropriate, information should be provided about sources of support within the University that the student can access (eg Disability Learning Support, Student Counselling, Student Health Service etc.).

A record will be kept by the School Manager of the 'emerging concern' and the actions taken or agreed to address the issues and by whom. These notes will be shared with the student and their Personal Tutor.

All students have the opportunity to declare a physical or mental health condition at the point of entry. Students who do not do so at the point of entry can do so at any point during the course. This involves the student registering with Disability Learning Support where their needs are assessed and support discussed and arranged as appropriate.

It is likely that the student will respond positively and, where appropriate, co-operate fully, access the available support or modify behaviour.

Should the student be unable to respond positively then staff must discuss the situation with the Head of Student Services. It may then be an outcome that Stage 2 is invoked.

*An appropriate person to address emerging concerns with students might include: Personal Tutor, Disability Tutor, Residential Services Manager, School Manager or Student Liaison Manager. (Note: This is not an exhaustive list.)

3. Stage 2 – Continuing or Serious Concerns

Continuing or serious concerns about an individual student's health, safety or mental well-being are raised.

The student will be invited to meet with the appropriate member of staff to discuss the issues (note-taker to be present) which may be a Head of Department and a member of staff from either the Counselling Service or Disability Learning Support staff. Together they can assess the student's perception of the impact that his/her ill-health and/or behaviour is having on him/herself and/or the University community. The student may bring a friend (this does not include a lawyer or legal adviser) or a Students' Union representative to the meeting.

An Action Plan will be devised to put in place support for the student (where appropriate) and formally agree expectations for the student to observe. These expectations may include academic as well as conduct-related ones.

This Action Plan will have a review date from the outset, and the consequences of not adhering to the Action Plan will be made clear.

A record of the meeting will be made by a member of the School Registry staff (note-taker), with a copy sent to the student and to the Disability Learning Support Manager, where appropriate. A copy of the agreed Action Plan will be submitted to the Head of Student Services and the relevant School Senior Personal Tutor.

It is hoped and expected that the student will respond positively to the Action Plan and as such co-operate fully, access the outlined support or modify his/her behaviour accordingly.

Should the student not respond positively then staff must discuss the situation with the Head of Student Services. It is then likely that Stage 3 is invoked.

4. Stage 3 – Significant or Persistent Concerns

Significant or persistent concerns are raised about an individual student's actions or behaviour that are putting the health, safety, well-being or academic progress of his/herself or other members of the University community at significant risk.

The Head of Student Services will call a 'Fitness to Study Case Conference' to discuss the situation. A record of the meeting will be made by a member of the Student Regulations Team. The student will be invited to make a representation to the Case Conference in writing, having had sight of all relevant documentation a reasonable time before the representations are required for the conference.

Those present at the Case Conference might include, depending on the nature of the issue:

- Head of Student Services
- Head of Academic Department
- School Senior Tutor
- Personal Tutor
- Course Leader
- Disability Learning Support Manager
- Head of Counselling
- GP or other relevant professional (with student's consent)
- School Registry Manager

As well as relevant staff from:

- Students' Union
- Other relevant Student Services staff members
- Other relevant staff members (eg Residential Managers)

The Case Conference will determine an agreed action:

- an enhanced Action Plan
- or
- recommend to the University Registrar & Secretary a suspension of the student's studies

The student will be invited to meet with the Head of Student Services to receive and discuss the recommended actions from the Case Conference. The student will be invited to bring along a person to support them at the meeting. The student may bring a friend (this does not include a lawyer or legal adviser) or a Students' Union representative to the meeting.

Should the student elect not to attend the meeting then the University will ask a representative of the Students' Union to hear the outcome and raise any issues relating to the procedural fairness of the process. Notes will be taken at this meeting by a member of the Student

Regulations Team. The final recommendation will be sent by post to the student at the address they have provided to the University and to their email account. The recommendation will include clear information for the student of what process they will have to follow to be considered for 'Return to Study'.

The Head of Student Services should inform the University Registrar & Secretary of the outcome from the Case Conference and meeting with the student (or Students' Union representative).

If the recommended action is that of an enhanced Action Plan, this plan will have a review date from the outset, and the consequences of not adhering to the Action Plan will be made clear. A copy of the agreed Action Plan will be submitted to the University Registrar & Secretary.

If the agreed recommended action is a suspension of studies, the Head of Student Services will temporarily suspend the student with immediate effect. The University Registrar & Secretary will then inform the student in writing of his/her decision in regard to the suspension.

Students who are suspended will be given the opportunity to meet with a Student Adviser to discuss financial implications and issues that may arise.

In cases of suspension the following must be informed:

- Head of School Administration: to ensure that any student records are amended accordingly
- Course Leader: to advise on academic status and any current module registrations
- Relevant Student Services & Estates Colleagues (eg Residential Services Manager).

If the student wishes to appeal against the outcome from the decision, s/he must write within 14 working days to the Deputy Vice-Chancellor or nominee.

On receipt of the letter the Deputy Vice-Chancellor or nominee will respond to the student within 10 working days. The decision of the Deputy Vice-Chancellor or nominee will be final.

Any suspension in studies will be subject to periodic review by the University Registrar & Secretary. Such periodic review will include consideration of medical evidence from the University's Health Service and academic advice from the Course Leader.

The University will provide the student with a completion of procedures letter when the student has exhausted the University procedures. Students who remain dissatisfied with the final outcome of their appeal may take their case to the Office of the Independent Adjudicator (OIA) within three months of the issuing date of the completion of procedures letter.

5. Return to Study

Following a period of absence from the University for recuperation, it may be appropriate for the student to return to resume studies. If this is the case, it will be necessary to ensure that the student is assisted in their return to the University. On return the student should normally comply with the approved Academic Regulations, in particular the period of time of registration on a course.

The student will be required to produce appropriate confirmation of their health and ability to resume studying. The Head of Counselling or the Disability Learning Support Manager will provide guidance on the content of reports to the Course Leader and Head of Student Services with a view to making a recommendation to the Deputy Vice-Chancellor to agree or reject a return to study. In making that decision, account will be taken of the University duty of care to staff.

A member of Student Services staff will be available to provide assistance with drawing up a Return to Study Plan in consultation with the student and the Dean of School/Head of Department/Course Leader. This will address the specific study-related support needs of the student in returning to education; the support which is reasonably required in the short term; involvement of and liaison with external agencies; any longer term support or adjustments that are reasonably required and any conditions that might apply to provision. The Return to Study Plan should incorporate a risk management plan which takes account of the experiences which led to the student initially leaving their course and any other information which is known to be relevant. Any return to study will be subject to co-operation with this process and adherence to any agreements made.

Other members of staff within Student Services will be available to provide advice and support to facilitate the student's transition back onto the course, particularly in relation to any action that might be required under the Disability Discrimination Act. This will be arranged with the direct involvement of, or in consultation with appropriate internal and external health professionals.

6. Data Protection Issues

The University's policy on Data Protection contains guidance on the use of sensitive information (eg details about a student's mental health or condition) and should be consulted by staff.

Appendix 1: Relationship with other University Codes, Policies and Procedures

University Code of Practice for Supporting Students with Mental Health Issues (2008)

The Code of Practice for Supporting Students with Mental Health Issues offers staff comprehensive guidance on identifying students with mental health problems and how to approach resolving these issues within the University procedures.

Student Code of Conduct

There are occasions where a student who suffers from a mental health difficulty may break aspects of the Student Code of Conduct. In such cases, they will not necessarily be exempt from disciplinary action and may face an investigation.

The following guidance from The Code of Practice for Supporting Students with Mental Health Issues (Section 12) applies specifically to students with mental health problems:

“In the case of a student whose behaviour appears to be indicative of a mental health problem, the relevant stage of the Disciplinary Procedure may be adjourned to allow the student to seek advice and support from the Counselling Service and Student Advice. Following an assessment with a Counsellor, the student may present a confidential report from the Counsellor to the Head of Student Services for reference by the postholder responsible for conducting that stage of the Disciplinary Procedure. The student would be allowed to retain a copy of the report.

The purpose of the adjournment would be to inform the Disciplinary Procedure of any psychological circumstances which may have affected or be currently affecting the student. It would also ensure that, as far as possible, a student who is not deemed to pose a risk to themselves or others but whose problems may be exacerbated unduly by formal investigation may be given the opportunity to seek help and the possibility of a resolution of the issue independently of the Disciplinary Procedure. A student referred to a Counsellor should be strongly encouraged to take advantage of the offer. However, if the student refuses the offer, or fails to make an appointment to see a Counsellor, the University reserves the right to continue with the Disciplinary Procedure.”

The Fitness to Study Procedure does in this circumstance provide a process for supporting students in this situation but retains the same sanctions to suspend.

‘Fit to Sit’ Policy

Staff and students should not confuse the Fitness to Study Procedure with the Fit to Sit Policy, more details on which can be found in the Mitigating Circumstances section of the Handbook of Academic Regulations (Part 3, Section 11.4), at www.westminster.ac.uk/academic-regulations