

Fitness to Study Policy and Procedure

1 Introduction

The University is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health issues is critical to student learning, academic achievement and to the wider student experience, either at programme level, or through a range of professional support services.

This Policy and the related procedure sets out how the University can respond to instances where a concern is raised regarding a student's ability to study and the type of action that the University may take to manage the matter and support the student.

The Policy and Procedures are included within the Policy Framework for Student Behaviour and Health and the principles established for the Framework apply.

University staff dealing with concerns about a student's ability to study should contact the relevant support service for guidance in order to consider the student's immediate support needs and the appropriateness of intervening under this Policy and Procedure.

2 Purpose and Scope

2.1 The University recognises that there may be instances where a student's physical or mental health give rise to concerns about the student's ability to study, for example the student's capacity to engage with their studies and/or to function more widely as a member of the University community. Such instances may arise where, for example, the University is concerned that:

- a student poses a risk to their own health, safety and/or wellbeing and/ or that of others
- a student's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other students
- a student's behaviour is (or is at risk of) adversely affecting the day-to-day activities of the University or a placement provider
- a student's support needs fall outside the scope of the support and other services which the University can reasonably be expected to provide as, primarily, a higher education institution.

2.2 The University recognises that concerns about students may be raised by a variety of individuals, for example University staff, other students, and third parties (such as health professionals or placement providers).

2.3 The Policy and related procedures seek to promote early intervention, active collaboration between staff, students and third parties, and consistency of approach. Matters are dealt with sensitively and non-judgementally and in a co-ordinated manner across the University. Whilst the University seeks to work with students in a spirit of co-operation, cases may arise in which

it may, under this Policy, determine that a student is not fit to study at that time and that their registration should be suspended or terminated.

- 2.4 This Policy applies to all students throughout their period of enrolment with the University, whatever their registration status, and includes students:
- on campus
 - engaged in University related activities away from campus (such as placements, field trips and study abroad)
 - in University or private sector accommodation.

It also applies to former students seeking a return to study whose registration has previously been interrupted, suspended or terminated under the Support for Study Policy.

Students registered for an award with the University but studying in a partner organisation are usually subject to the policies and procedures of that organisation, but may also be referred to the University, particularly if the concerns relate to activities at the University's campuses, student accommodation or learning activities. The procedure to be followed for students registered for a degree apprenticeship and also employed at a partner organisation is jointly agreed on a case-by-case basis depending on the nature of the allegations.

3 Levels of Action

- 3.1 The University has 3 levels for managing concerns about a student's fitness to study: **Level 1 - Initial and/or emerging concerns:** Are usually led locally by a designated lead in a department or professional service, or their nominee, to manage relatively minor concerns as effectively as possible.
- 3.2 More serious concerns are usually managed through one of the University's support services which consults with others about the level at which the concerns can be addressed.
- 3.3 **Level 2 - Continuing and/or serious concerns:** A caseworker in one of the University's support services leads and oversees the management of individual cases with decisions about support and actions to be made by a senior manager of the service, or nominee, as necessary.
- 3.4 **Level 3 - Persistent and/or critical concerns:** A Fitness to Study Panel chaired by an executive manager of Student and Academic Services, or nominee, meets with the student to decide their fitness to study and how they can be supported in their studies.
- 3.5 The Procedures may be entered at any level, without any requirement for an earlier level to have been commenced or exhausted. The level at which the Procedure is implemented depends on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his/her health and behaviour, and the response of the student to any steps taken by the University to manage the situation.
- 3.6 A student's unreasonable failure to engage with an investigation may in itself become a Level 3 fitness to study matter.
- 3.7 Detailed procedures are set out below.

4 Operating Principles

- 4.1 The operating principles set out in the Framework for Student Behaviour and Health apply to all proceedings under this Policy.
- 4.2 All matters dealt with under the procedures are dealt with according to the individual circumstances. Whilst the University anticipates that such instances will be exceptional, it reserves the right at any level of this procedure to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety (for example, in crisis situations, or where it is concerned that a student's attendance at a meeting would be unduly stressful, or where the student is in hospital).
- 4.3 Should a student be unwilling or unable to participate in proceedings or to attend a meeting, the University may nonetheless follow the procedure where it is reasonable to do so. In such circumstances, the University may deal with issues on the basis of written reports and/or statements in the absence of the student and/or their representative.

5 Support for Students

When dealing with students under this Policy and the related procedures, University staff consider what support and guidance may be offered to students.

6 Critical Concerns

Where there are critical concerns about the risks posed by a student's health or where a temporary suspension under section 8 is being considered, Student and Academic Services normally gets in touch with the "emergency contact" provided by the student at the point of registration. The student's consent for this action to be taken is normally sought. The University reserves the right to make this contact if it deems the student's vital interests are at risk even if such consent is not given and/or the student is unable to give such consent.

7 Precautionary Measures

The University may use precautionary measures as a temporary means of mitigating risk for relating to a student about whom a fitness to study concern has been raised.

Details are set out in paragraph 13 in the procedures below.

8 Reviews and Appeals

- 8.1 Students may request a review of a decision made at Level 1 of the Policy. The process to be followed is in paragraph 16.8 below.
- 8.2 Students may raise a written appeal to complaints@uwe.ac.uk against any suspension or exclusion imposed under paragraph 7 above; or the outcome of Levels 2 and 3 of the Policy; or a decision to suspend or exclude following a Return to Study meeting. The grounds for appeal and the process to be followed are set out at paragraph 20 below.

9 Return to Study

A request to return to study must be made by a student in writing to the Student Casework Team in Student and Academic Services and will be considered by an executive manager, or

nominee, who will determine whether to permit the student to return to study. The procedures are set out in detail in paragraph 20 below.

10 Alternate Officers

- 10.1 Where in the Support to Study Policy and Procedures reference is made to any named University officer such reference is to be read as including reference to any appointed nominee.
- 10.2 References to the University Executive includes the Directorate, Assistant Vice-Chancellors, Pro Vice-Chancellors and Executive Deans of Faculties and Heads of Professional Services.

11 Procedure to be followed

- 11.1 The processes under all levels of the Procedures are undertaken in a transparent manner, and the student is normally informed of the identity and capacity of any persons with whom the University consults (including third parties such as health professionals).
- 11.2 In complex cases a professionals meeting may be called in order to ascertain the nature of the concern and gather information.

12 Alternative University Procedures

- 12.1 This Procedure has been developed by the University to manage situations where, in light of concerns regarding a student's health or wellbeing, the University considers it inappropriate to implement other processes such as its Student Conduct Policy and Disciplinary Procedures. However, concerns about a student's health or wellbeing do not preclude them from being required to adhere to the University's standards of conduct and from action being undertaken under the Conduct Policy.
- 12.2 There may be situations where it is appropriate to implement alternative University procedures, such as the Student Conduct Policy and Disciplinary Procedures, and the University is not prevented from doing so notwithstanding concerns about their health and/or wellbeing. The Student Casework Team Manager and the executive manager in Student and Academic Services, and the Head of Department if appropriate, will make the decision as to when cases should be transferred from the Fitness to Study Policy into alternative University procedures and vice versa.

13 Precautionary Measures

- 13.1 Any precautionary measures taken are neutral in that they are not a determination regarding any of the allegations being investigated. The University has a responsibility to take reasonable steps to protect the academic position of a student in these circumstances regardless of the allegations.
- 13.2 Measures might include:
- temporary suspension of a student from their programme of study or a learning activity, including a placement
 - temporary exclusion from University premises either particular areas/campuses, such as student residences, or as a whole
 - temporary removal of access to University facilities and/or resources
 - temporary non-contact agreements.

- 13.3 A risk assessment is undertaken and where an executive manager of Student and Academic Services, in consultation with others judges that a student about whom concerns have been raised poses a serious risk to:
- their own health, safety and/or wellbeing and/or that of others
 - the property of the University and/or others, and/or
 - the reputation of the University or an external partner or agency and/or its proper functioning and/or its activities
- and immediate action in the form of precautionary measures is reasonably required to remove or reduce the risk, the executive manager makes a recommendation to a nominated member of the University Directorate where the student is to be temporarily suspended and/or excluded, or to the Director of Student and Academic Services (SAS) or nominee for other actions.
- 13.4 The decision-maker considers the recommendation and may impose an action for a specified period of time pending steps being taken under this Policy and Procedure.
- 13.5 The student is notified in writing of the decision, with reasons, normally within 3 working days of the date of the decision.
- 13.6 The executive manager or nominee, with the identified service caseworker considers whether specific arrangements can reasonably be put in place for the student in order to minimise the impact on their studies, and liaises with the student's Head of Department or other nominated person to make these arrangements as appropriate.
- 13.7 Where a precautionary measure is taken in accordance with this section, the student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:
- the University has failed to follow the procedure set out in this Policy and Procedure
 - the decision was unreasonable and/or disproportionate
 - material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out in section 19 below.

- 13.8 Where a student is suspended and/or excluded under this section the executive manager and the nominated member of the Executive will review at regular intervals whether it is reasonable for the suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time.

14 Advice and Assistance

- 14.1 Any students involved in the process are reminded that The Students' Union Advice Centre is available to give independent, non-judgemental and confidential advice about any matter in this Policy and Procedure. With appropriate notice they will also be able to accompany students to any meeting arranged under this policy and procedure. Contact details and further information about the Advice Centre's services can be found at this address: <https://www.thestudentsunion.co.uk/advice-centre/contactus/>
- 14.2 The name of the student(s) may be provided to The Students' Union Advice Centre by the Student Policy team in order that they might pro-actively contact the student(s) to offer support. No other information about the concern will be provided.

14.3 Students are encouraged where appropriate to seek support from relevant external sources (e.g. local GPs or mental health services) as well as from sources internal to the University (e.g. the Wellbeing Service and Disability Service).

15 Level 1 – Initial and/or Emerging Concerns

15.1 Initial or emerging concerns about a student's fitness to study will normally be dealt with by a designated lead within a department or professional service, or their nominee.

15.2 Staff taking action under Level 1 may seek guidance from the Student Casework Team in Student and Academic Services prior to invoking this Policy and Procedure.

15.3 The designated lead or their nominee, (perhaps another member of University staff who knows the student such as an academic personal tutor or programme leader, or accommodation staff) notifies the student that there is a concern about their fitness to study, the nature of that concern, and that the matter is to be managed under this Procedure. The student is provided with a copy of this Procedure. The member of staff arranges a meeting with the student. The student is to be notified at least 24 hours in advance of the meeting. They are to be informed who will be present at the meeting and are reminded that they can bring somebody with them for support (see Policy Framework for Student Health and Behaviour).

15.4 The aim of the meeting is to discuss the concern, any support needs the student may have, and seeks to identify the student's perception of the concern. The student is given the opportunity to respond to the concern. A member of the Wellbeing Service or Disability Service may be present at the meeting. The staff member may also invite other relevant staff to attend (for example an accommodation manager). They may also consult with other relevant staff members in order to deal with the matter and to provide appropriate support to the student.

15.5 The staff member determines whether the student's ability to study is compromised, or may become compromised, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- support arrangements and/or reasonable adjustments to be put in place for the student;
- an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of their conduct and/or the support they should seek);
- the matter to be referred to another level of this Procedure.

15.6 Where an action plan is drawn up under Level 1, the student is to be informed that if they fail to comply with any identified actions, the case may be referred to be dealt with at Level 2 or 3 of this Procedure. The student is provided with a copy of the action plan. A date is arranged at which the action plan will be reviewed and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to Level 2 or 3 of this Procedure. The student is invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

15.7 The student is normally notified in writing within five working days of the meeting of the staff member's decision, with reasons, and any actions to be taken.

- 15.8 The designated lead notifies the Student Casework team when an initial report is received in case action is already being taken elsewhere, and provides a brief report of the incident and action taken to the Student Casework team when it is concluded so that a record of the case is kept centrally. The designated lead also retains any records for future reference if necessary.
- 15.9 Review: Students may request a review of a decision made under Level 1 of these Procedures. A written request may be sent to the Head of Student and Academic Policy Enhancement within ten working days of the date of the notification on one or more of the following grounds:
- the Procedure has not been followed adequately;
 - the decision is unreasonable and/or a disproportionate sanction has been imposed;
 - there is material new information/evidence which was not reasonably available before.

The Students' Union Advice Centre is able to support students.

The Head of Student and Academic Policy Enhancement will arrange for a review of the case to be undertaken, usually by a member of the Student Casework team, and the findings referred to him/her. A decision will be made either to uphold the original decision, to refer the matter back for further consideration, or to impose an alternative sanction.

16 Level 2 – Continuing and/or Serious Concerns

- 16.1 Continuing and/or serious concerns about a student's ability to study is normally dealt with under Level 2 through an identified manager within the relevant support services.
- 16.2 The manager may decide to hold an initial meeting with the student under the Policy to gather more information and to decide the level at which the concern is to be considered.
- 16.3 The student is contacted by the manager who informs them that there is a concern about their ability to study, the nature of the concern, and that the matter is to be managed under Level 2. The student is provided with a copy of this Procedure.
- 16.4 The student is invited to attend a meeting with a manager to discuss the concern, any support needs the student may have, and to seek to identify the student's perception of the concern. The manager may invite other members of staff to attend the meeting in the student's interests. The student is given a full opportunity to respond to the concern and is entitled to be accompanied at the meeting. The student is to be given at least 24 hours written notice of the meeting. The manager consults with and/or seeks information from other relevant persons (for example, members of academic or support staff, health professionals) in order to investigate the matter and to identify support for the student. Records of any previous meetings under this Procedure and any action plan are made available.
- 16.5 The manager provides a report and evidence to the relevant executive manager who will determine whether the student's ability to study is compromised or may become compromised and any actions to be taken. They may decide to meet the student to explore the matters raised. Actions may include (but are not limited to) one or more of the following outcomes:
- support arrangements and/or reasonable adjustments to be put in place for the student;
 - an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on

the student (for example, in respect of their future conduct or support they are to seek);

- the matter be referred to another level;
- it be recommended to the student that they take a period of voluntary interruption of studies.

16.6 Where an action plan is drawn up under Level 2, the student is informed that where they fail to comply with any requirements their case may be referred to be dealt with at Level 3. The student is provided with a copy of the action plan. A date is to be arranged at which the action plan will be reviewed by the caseworker, following which a decision is taken by the executive manager on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to Level 3 of this Procedure. The student is invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

16.7 The student is notified in writing normally within five working days of the decision made by the executive manager, with reasons, and any actions to be taken.

17 Level 3 - Persistent and/or Critical Concerns

17.1 Persistent and/or critical concerns about a student's ability to study are dealt with under Level 3.

17.2 The particular process to be followed in dealing with a matter under Level 3 is at the discretion of the relevant executive manager and depends upon the circumstances of the matter (for example, the seriousness of the concern, the risk posed, and whether the student is able to engage with the process).

17.3 Normally, a Fitness to Study case conference is called by the executive manager to discuss the nature of the concerns and consider possible outcomes. The case conference comprises a senior member of Student and Academic Services (who will act as chair) and, as is appropriate in the circumstances and at the discretion of the Chair, two senior members of staff who act as Panel members. These could include:

- another senior member of Student and Academic Services, such as the Head of Disability Services
- the designated lead from an academic department or professional service
- another member of senior academic staff from the academic department, such as the Head or an Associate Head of Department
- a senior manager of an appropriate professional service, such as Accommodation Services.

17.4 A caseworker from the Student Casework Team is also present to advise the Panel, and a note-taker if necessary. Other individuals may be called upon to provide information (for example, staff who have been involved with the student) either in person or in writing. Relevant external professionals (for example, psychiatrists, GPs, mental health workers, probation officers) may also be invited to attend. Provision is made for the production of written reports (for example, medical reports) where appropriate.

- 17.5 Normally the student is invited to attend the case conference, and the case conference seeks to identify the student's perception of the concern. The student is entitled to be accompanied to the case conference, normally by no more than one person, and preferably a close family member. The student is informed of the case conference in writing at least 24 hours in advance, the purpose of the case conference, the nature of the concern, who will be present, and that the matter is to be managed under Level 3. The student is provided with a copy of this Procedure. Records of previous meetings under this Procedure and any action plan are available at the meeting. The student is requested to confirm their attendance to the University in advance and the identity and role of any person(s) who is to accompany them at the meeting. The process followed allows the student a full opportunity to respond to the concern.
- 17.6 The Panel determines whether the student's fitness to study is compromised, or may become compromised, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:
- support arrangements and/or reasonable adjustments to be put in place for the student;
 - an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter is to be managed and any requirements to be placed on the student (for example, in respect of their future conduct or support they need to seek);
 - the matter referred to an earlier level of this Procedure;
 - the student be withdrawn from placement, overseas study or other University related activity;
 - the student be permitted to continue on a part-time basis or to study by means of formal or informal distance learning with appropriate support;
 - it be recommended to the student that they take a period of voluntary interruption;
 - it be recommended that the student be excluded from University premises for a stated period of time, with arrangements put in place to support their study as is reasonable, with or without conditions, for any subsequent return on to the premises;
 - it be recommended that the student be suspended from their programme of study for a stated period of time, with or without conditions, for any subsequent return to study;
 - it be recommended that the student be expelled from the University.
- 17.7 Where an action plan is drawn up under Level 3, the student is informed that where they fail to comply with any requirements their case may be referred to be dealt with again at Level 3. A copy of the action plan is provided to the student. A date is arranged at which the action plan is to be reviewed by the Panel and a decision taken on whether any requirements have been complied with and, if not, whether the matter should continue to be dealt with at Level 3 and, if so, whether the action plan should continue and whether it should be amended. The student is invited to the review meeting and the outcomes of the review meeting notified to the student in writing.
- 17.8 The student will be notified in writing of the decision and outcome of the case conference with reasons, normally within five working days.

- 17.9 The caseworker notifies the Executive Dean of the student's faculty, and others as necessary and appropriate of the outcome or parts of the outcome once the student has been informed formally.
- 17.10 The University notifies external organisations of the investigation and/or outcome where it has an obligation to do so, such as Student Finance England.
- 17.11 The minutes of the proceedings and the determination of the case conference are available to all in attendance and are kept securely by the Student Casework Team in Student and Academic Services.

18 Exclusion, Suspension and Expulsion

- 18.1 If the case conference recommends that a student should be subject to an exclusion from the premises, a suspension from their programme or expulsion from the University, the matter is referred to a member of the nominated member of the University Directorate for a decision to be made.
- 18.2 If the member of the Directorate decides to exclude or suspend a student, the student is informed of this together with reasons and any conditions associated with eligibility to return. If it is appropriate, details of the suspension will be shared with the Executive Dean or designated lead who will work with the caseworker and the relevant academic Head of Department to devise and implement a plan to support the student's study.
- 18.3 In all cases the most appropriate and supportive manner for the outcome to be communicated to the student is considered in advance of notification to the student. Wherever possible, the written notification detailing the decision is given to the student in person, for example by a member of staff from the Wellbeing Service, who explains the contents. The letter is also sent to the student by email and/or post.

19 Appeals

- 19.1 Students may raise a written appeal to complaints@uwe.ac.uk against the outcome of Levels 2 and 3 of this Procedure within ten working days of the date of the notification on one or more of the following grounds:
- The University has failed to follow its own Procedure adequately;
 - The decision is unreasonable and/or a disproportionate sanction has been imposed;
 - The student has material new information/evidence which was not reasonably available before.

The Students' Union Advice Centre is able to support students through the appeal process.

- 19.2 A member of the Team considers the appeal submission and determines whether there are valid grounds to appeal.
- 19.3 Where valid grounds are determined, the appeal will progress to the Vice-Chancellor, or nominee, for consideration. Should the Vice-Chancellor have been involved in the procedures at an earlier stage, the appeal will be considered by a member of the Board of Governors.

- 19.4 The Vice Chancellor (or nominee) considers the evidence provided and determines the outcome of an appeal. The Vice Chancellor (or nominee) makes one of the following decisions:
- Dismiss the appeal; or
 - Uphold the appeal and:
 - refer the matter back to an earlier level of the Procedure for reconsideration, e.g. if the correct process has not been followed, or if material new information or evidence has been made available; or
 - impose an alternative sanction or action.
- 19.5 The outcome of the appeal is notified to the student in writing together with reasons within seven working days of determination of the appeal. This decision is final and concludes this Procedure. A “Completion of Procedures” letter is issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website (www.oiahe.org.uk).

20 Return to Study

- 20.1 A request to return to study, following either voluntary or imposed suspension of studies or a decision of exclusion, must be made by a student in writing to the Student Casework Team in Student and Academic Services (fts@uwe.ac.uk).
- 20.2 The process by which the outcome of a return to study request is determined may vary according to the circumstances of the matter and the interests of fairness, and is at the discretion of the relevant executive manager within Student and Academic Services. Each student’s case varies depending upon the context and specific circumstances. In each case, however, a return to study by a student is dependent upon the student satisfying the executive manager, or nominee, that they are fit to study and that they have complied with any conditions placed upon their return.
- 20.3 Normally the student is invited to meet with the executive manager or nominee to consider the request to return to study. A Student Caseworker will also attend. They may require the student to produce satisfactory medical and/or other evidence of their fitness to study (for example, a psychiatrist’s report or GP’s letter) from recognised professionals who have sufficient knowledge of the student, the demands of higher education, and the student’s intended programme of study in order to give an informed opinion. The student may be asked to provide such evidence before a decision is made whether to arrange a meeting.
- 20.4 The executive manager determines whether to permit the student to return to study. In reaching their decision, they may consult with relevant University staff and/or external professionals. They may decide that the matter should remain under this Policy and may impose conditions upon any return to study (for example, relating to the student’s conduct, any support the student should seek and/or their academic progress). The executive manager considers any support and/or reasonable adjustments which should be put in place for the student in connection with their return to study and is responsible for ensuring that any support and reasonable adjustments identified are provided/ made.
- 20.5 The decision of the executive manager is notified to the student in writing, with reasons, within a reasonable time of the student’s written request to return to study. If the request is turned down, the letter includes information on the process of re-application for a return to study.
- 20.6 The student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:

- the University has failed to follow the procedure set out in this Policy and Procedure
- the decision was unreasonable and/or disproportionate
- material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out in paragraph 20 above.

- 20.7 The University works collaboratively with the student in respect of any support arrangements put in place for a return to study. Before or on their return, the student is invited to attend a meeting with appropriate members of academic staff (e.g. the programme leader) and the Wellbeing Service. At the meeting, an action plan may be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified by the executive manager in respect of the student's return. The action plan will include a timetable for any review meeting which may be deemed necessary to assist the student's successful return to study and support from mainstream services. If conditions are attached, failure to comply will lead to further Fitness to Study procedures under Level 3. The student will be sent a summary of the Return to Study Meeting and a copy of the action plan, normally within five working days of the meeting.

Published 20th December 2021