



REGENT'S
UNIVERSITY LONDON

Fitness to Study Policy

Owned by : Head of Student Services

Approved by: Senate on 19th March 2014

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Fitness to Study Policy

1. Aims & objectives

Whilst at University students should be able to study and perform to the best of their ability, in a safe and comfortable environment. Some students find studying and living in the university environment more challenging than their peers. A student is considered fit for study if they can participate satisfactorily in their academic studies and student life.

In order to maintain and enhance the quality of life in the university community, students need to conform to certain standards of behaviour, and the University has a Code of Conduct for Students and a Student Discipline Policy in place which will be applied in the case of students whose behaviour falls outside these standards. However, it is recognised that the cause of misconduct or unreasonable demands being placed on staff and students, may include issues relating to a student's health and general well-being, where disciplinary action may not always be appropriate.

Regent's University London is committed to supporting student wellbeing, its duty of care and its obligations to students under the Equality Act 2010. Concerns about a student's wellbeing and fitness to study will be taken seriously and acted upon promptly. The University recognises that a positive approach to the management of health issues is critical to student learning, academic achievement and to the wider student experience.

This policy does not relate to fitness to practice, which is a professional requirement.

2. Guiding principles

(i) To provide a consistent, appropriate, non-judgemental and sensitive response to the management of situations relating to any cause for concern about any student's fitness to study.

(ii) To specify the appropriate level of response to concerns about student's fitness to study, where it is not appropriate to apply existing university policies (e.g. Student Disciplinary Policy, Code of Conduct for Students, Fitness for Practice).

(iii) To specify lines of responsibility for staff within different levels of response that may be required.

Procedures should be carried out with reference to Regent's University London's Student and Staff Confidentiality Policy. All University staff are governed by the requirements of the Data Protection Act 1998. Under these acts, all data relating to a person's physical or mental health is regarded as sensitive, personal data.

3. Policy Statement

The purpose of the policy is to support students and staff in managing scenarios and incidents that cause significant concern.

4. Implementation of this policy

The procedure outlined in the policy should be applied if health problems (which may include physical, emotional / psychological, or behavioural problems) or an inability to manage their own health and safety are, even with the introduction of reasonable adjustments by the University acting in accordance with its responsibilities under the Equality Act, disrupting their own studies or the studies of others, or result in what are perceived to be unreasonable demands being placed on staff or other students.

The following circumstances may apply (the list is not exhaustive):

- i. Where a third party (lecturer, member of staff, friend, colleague, placement provider etc.) has raised a concern about a student which indicates that there is a need to question their fitness to study;
- ii. Where a student has told a member of staff that they have a problem or have provided documentation which indicates that there is a need to question their fitness to study;
- iii. Where a student's underlying health difficulties are thought to be adversely affecting the health, safety and/or wellbeing of others;
- iv. Where a student exhibits behaviour, which would normally be dealt with under disciplinary procedures, but is either known, or there are grounds to suspect it, to be the result of an underlying physical or mental health problem.

This policy should in no way distract from any acute or dangerous situations where it is believed that a student's behaviour presents an immediate risk to themselves or others. In such circumstances, the Emergency Services should be contacted by dialling 999 and Campus Security should be alerted. If appropriate, the University's Major Incident Management Plan should be implemented.

5. Procedure and process

The procedure comprises three levels, and may be entered at any level without any requirement for an earlier level to have been commenced. The level at which the procedure is implemented will depend on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his / her behaviour, and the response of the student to any steps taken by the University to manage the situation.

If, due to a disability, the student requires reasonable adjustments during any part of the procedure, they should let the relevant staff member know of these in advance.

If the student's behaviour has caused disruption in campus accommodation, it may be necessary for the Head of Student Services to make a decision on whether temporary exclusion from the residence is required. If so, this should be managed through separate processes. In reaching these decisions, due care and consideration will be exercised to avoid as far as possible the student being placed in a more vulnerable situation, or a situation that increases the vulnerability of other students.

Written reports and / or records of meetings and action plans will be stored by the Student Support Team.

(i) Level 1: Direct personal intervention (initial and/or emerging concerns)

It is hoped that most situations can be resolved at level 1. When a student's behaviour or wellbeing causes concern but does not present an immediate crisis, this will normally be dealt with informally, through the student's school. A member of University staff who knows the student (for example, a Head of Programme) will be responsible for informing the student in a supportive and understanding manner that there is a concern about his / her fitness to study. If concerns arise within the student residences, the Hall Manager or Duty Warden may make the initial approach.

The member of staff will arrange a meeting with the student, giving them at least 24 hours advance notification. Arrangements for the meeting will be confirmed in an email to the student. The staff member should contact Student Services if they require any guidance or advice regarding the matter. The staff member may ask for a member of Student Services team to be present at the meeting. If so, the student will be informed of this in advance.

First meeting

The student will be made aware of the precise nature of the behaviour that has caused the concerns to be raised. The student will be encouraged to explain their views on the cause for concern. Through discussion, the staff member(s) will attempt to resolve the matter. In so doing, the student may be advised to use support services provided by the University. The staff member will make a written summary of the meeting, including an agreed action plan and a date to review. This summary will be emailed to the student within five working days of the meeting.

It is hoped and intended that in most cases, issues can be resolved at this level through a combination of the student responding positively, co-operating fully with the process, making use of the support available and the University implementing any reasonable adjustments that are possible.

Review meeting

A meeting will be held between the member of staff and the student to discuss the steps taken by the student in line with the action plan and the effectiveness of the University's reasonable adjustments. If the student has carried out the agreed actions and the concerns have been addressed satisfactorily, this will be noted.

If the student has carried out the agreed actions, has actively engaged in their studies, and is receiving relevant support, it is hoped that the matter will be resolved. The student will be sent an email confirming that the matter is now considered to have been dealt with. Any on-going support requirements or adjustments will remain in place if it is deemed necessary.

If the concerns have not been satisfactorily addressed, a further review period may be agreed, or the case will be moved to the next stage of the procedure.

Further review

If a further review period is needed, the staff member will make a written summary of the first review meeting, including a further agreed action plan and a date for a second review.

If, following a further review period, the student has carried out the agreed actions, has actively engaged in their studies, and is receiving relevant support, it is hoped that the matter will be resolved. The student will be sent an email confirming that the matter is now considered to have been dealt with. Any on-going support requirements or adjustments will remain in place if it is deemed necessary.

(ii) Level 2: Case review panel (continuous and / or serious concerns)

This stage should be followed if Level 1 has not resolved the matter, or if the initial concerns are too serious to be dealt with at Level 1. The Head of Programme or Assistant Dean will notify the student in writing that there is a concern about their fitness to study. The student will be informed that this is to be managed under Level 2 of the policy.

A Case Review Panel meeting will be called by the student's Head of Programme or Assistant Dean. A Case Review Panel will be convened, and is likely to include the following:

- Head of Programme or Assistant Dean;
- A representative from Student Services
- A member of academic staff known to the student;
- A note taker (a member of Student Services).

Prior to the meeting, where appropriate, the student will be encouraged to seek an assessment with an appropriately qualified health professional (e.g. the student's General Practitioner). The student will be encouraged to submit any relevant documentation (e.g. an original copy of a doctor's letter) to the review panel in advance of the meeting. They will be sent a copy of any documents seen by the Panel.

The Case Review Panel may invite the student to attend all, or some, of the review meeting. If so, the student will be informed in advance and will be told that they have the right to bring a friend or representative with them. If a representative is from the Student Union this should be someone from their Executive Team. The student should inform the Panel in advance if a representative will be attending with them. If the student is not invited to attend the meeting they must be asked to respond to the cause for concern in writing.

The student will be informed in writing of the outcome of the Case Review Panel within five working days. This could be:

No further action taken;

- a) An agreed action plan: This could be to formally monitor the student for a specified time period. The plan should include details of any support to be provided to the student, and review meetings will need to be scheduled with a named staff member. The student will be notified that failure to comply with the agreed action plan may result in their case being moved to Level 3 of the policy. A date will be arranged at which the action plan will be formally reviewed by the Head of Programme or Assistant Dean. They will make a decision on whether the action plan should continue or, if the student has not complied with the plan, if the student should be referred to Level 3 of this procedure. The student will be notified in writing within five working days of any decision;
- b) Recommendation that the student undertakes a lighter workload, in consultation with Registry and, if appropriate and, where necessary, the Regent's University London's Student Immigration and Advisory Service;
- c) The student may agree to take a voluntary break in studies, whilst appropriate means of addressing the situation are being considered, in which case the regulations regarding a Break of Studies will be explained to the student;
- d) Where the student is on placement, to propose to the student suspending the placement or (if available) switching programmes to a 'without placement' equivalent.
- e) To move straight to Level 3 of the procedure.

The minutes of the Panel will be circulated to all in attendance and kept with the student's file in Registry.

(iii) Level 3: Fitness to study panel (persistent and / or critical concerns)

This stage should be followed if Level 2 has not resolved the matter, or if the initial concerns are too serious and urgent to be dealt with at Level 2. The Head of Programme or Assistant Dean should convene a Fitness to Study Panel. As with the Case Review, the student will be asked to submit documents for the Panel to consider, and will be sent copies of any documents seen by the Panel when discussing the case. Members of the Fitness to Study Panel will usually be:

- The Head of Careers and Business Relations (CBR)
- Head of Programme or Assistant Dean
- A representative from Student Services
- A member of academic staff known to the student
- A minute taker

The Panel may request further medical evidence and may call for witnesses, if needed. Outcomes of the Panel may be:

- a) **Break in studies:** The student may be asked if they agree to take a voluntary break in studies. This would be for a fixed period of time up to twelve months and could allow the student the opportunity to access appropriate support and / or medical assessment for a health condition. If the student does not agree to a break in studies then one of the other outcomes would need to be applied.
- b) **Suspension:** This would be for a fixed period of time. The case will be reviewed by the Panel after the time period stated. The student will be notified of this in writing, with any conditions specified. Suspension will be up to a period of twelve months. A student who is suspended from studies is prohibited from entering university premises and from participating in university activities.
- c) **Withdrawal from studies:** This would only be in the most serious cases. The student may be required to withdraw if there is no reasonable prospect of them re-engaging with their studies and if exclusion is not appropriate.
- d) **Exclusion:** This would only be in the most serious cases, and would comply with the University Expulsion regulations.
- e) Any other action deemed appropriate.

For any Tier 4 student: Any suspension or break in studies for more than sixty consecutive days has implications for visas if this is recorded as an 'authorised absence'. Regent's University London's Student Immigration and Advisory Service need to be informed of any outcome resulting in a break in studies, suspension or exclusion.

The student will be notified in writing of the outcome of the Panel with reasons given, normally within three working days. In all cases the most appropriate and supportive manner for the outcome to be communicated to the student will be considered in advance of notification of the student. Wherever possible, the written notification detailing the decision will be given to the student in person, by the Head of Careers and Business Relations (CBR), who will explain the contents. The minutes of the Panel will be circulated to all in attendance and kept with the student's file in Registry.

5.1 Right of appeal

A student may make an appeal through the existing University appeal procedures outlined in the Student Complaints Procedure.

5.2 Return to study

After a break in studies or suspension (on fitness to study grounds), if a student wishes to return to study they must notify the University in writing. The student will be asked to

produce satisfactory medical and / or other evidence of his / her 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.

- i. If the case was considered at Level 2:

The Case Review Panel will be reconvened, or consulted, to determine if the student is fit to return to study. The Panel will determine if the student has complied with any conditions placed upon his/her return. Any support will be determined, such as a Return to Study Plan (with a named Return to Study Coordinator) and regular review meetings.

- ii. If the case was considered at Level 3:

The Head of Careers and Business Relations, in consultation with the members of the Fitness to Study Panel, will determine whether the student is fit to return to study. Any support will be determined, such as a Return to Study Plan (with a named Return to Study Coordinator) and regular review meetings.

The student will be informed of the decision in writing, within ten working days of a Panel meeting. Failure to comply with a Return to Study Plan will result in the student being referred to the Fitness to Study Panel.

6. Monitoring of the policy

Monitoring of this policy is conducted throughout the year as part of the Senate Student Experience Committee (SSEC). An annual report of the number of cases and their outcomes is included in the report from Student Services which is submitted to SSEC.

7. Review of the policy

This policy and procedures will be subject to regular review (at least once every three years) undertaken by Student Services on behalf of the University and reported to the Senate Student Experience Committee.

With acknowledgement to the following websites:

<http://www1.uwe.ac.uk/aboutus/policies/fitnesstostudy.aspx>

<http://www.bris.ac.uk/equalityanddiversity/act/protected/disability/fitnesstostudy/fitnesstostudy policy.pdf>

<http://www.bath.ac.uk/regulations/Appendix2.pdf>

<http://www.brookes.ac.uk/regulations/current/other/>