

## Support to Study Procedure

2016/17

Final Version

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Services

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## **1 Context**

- 1.1** The University acknowledges its duty of care to its students, and its staff, and the importance of supporting the health and wellbeing of its students in relation to their academic progression and their wider student experience. This Procedure forms part of the University's commitment to promoting a safe, healthy and supportive environment in which to learn, study and work.

## **2 Aims and Application of the Procedure**

- 2.1** The purpose of this Procedure is to assist the University to address positively and supportively concerns about students' health and wellbeing which might be negatively impacting on themselves or others and potentially affect their fitness to study. It seeks to assist the University to manage such concerns fairly and transparently, in cooperation wherever possible with students, under a published process and by way of an alternative to other University processes such as those in respect of attendance, academic progression and discipline. It seeks to ensure that students are supported from the earliest opportunity in order to minimise and avoid the escalation of the welfare difficulties they may otherwise experience. The University will, wherever practicable, look to deal with wellbeing concerns by way of open and inclusive dialogue with students, through structured meetings and the formulation and implementation of wellbeing plans to reach mutually agreeable outcomes.
- 2.2** This Procedure is intended as a supportive and positive process. In implementing the Procedure, the University will remain mindful of its legal obligations including its duty of care, its obligations under the Equality Act 2010 and its duty to make reasonable adjustments for students with disabilities. It will remain mindful of the sensitive nature of information to which wellbeing matters can give rise and the need to deal with such information fairly and lawfully in accordance with its obligations under the Data Protection Act 1998.
- 2.3** This Procedure applies to students throughout their period of enrolment with the University including whilst undertaking placements. It also applies to students previously registered with the University who are requesting a return to study under the Procedure.
- 2.4** The University may pause or stay the Procedure at any point if it determines that such action is fair and reasonable and taking into account the best interests of the student or of other students and staff ( e.g. if the student is hospitalized or sectioned). Such action would be decided by the University Registrar and Secretary in consultation with the Director of Library & Student Services and would be regularly reviewed.
- 2.5** In implementing this Procedure, the University will ensure that it directs students at each stage of the process to appropriate sources of support such as those detailed at Appendix 1.

- 2.6** Students being taken through this Procedure will be entitled to be accompanied at any stage by a supporter (e.g. a friend, relative or Student Union Campus Officer or support worker). In addition, students appearing at a Level 3 Fitness to Study panel meeting will have the right to be represented (e.g. by a friend, relative or support worker). Where the student wishes to be represented at a Level 3 panel meeting by a friend, relative or support worker, they must inform the Secretary of the panel in writing in advance, giving the name and identity of the representative. As the Procedure is an internal University process, legal representation at such meetings is not normally permitted except in specific and exceptional cases where the University reasonably determines that in the interests of fairness to the student, the student should be permitted legal representation.
- 2.7** The University is not precluded from making any decision under the Procedure by the absence of medical evidence (see further section 10).
- 2.8** If any member of staff is in doubt as to which University process should be used to manage a matter, advice should be sought promptly from the University Registrar and Secretary.
- 2.9** For advice and further information about the Support to Study Procedure, please contact the Campus Learning Enhancement & Support Manager at the relevant location, or the Student Wellbeing Manager:

<b>Campus</b>	<b>Learning Enhancement &amp; Support Manager</b>	<b>Contact Details</b>
Canterbury	John Sutter	<a href="mailto:jsutter2@uca.ac.uk">jsutter2@uca.ac.uk</a> 01372 812991
Epsom	Paula Clark	<a href="mailto:pclark@uca.ac.uk">pclark@uca.ac.uk</a> 01372 202461
Farnham and Royal School of Needlework	Guy Reynolds	<a href="mailto:greynolds3@uca.ac.uk">greynolds3@uca.ac.uk</a> 01252 892709
Rochester and Maidstone Studios	Sharon Hocking	<a href="mailto:shocking@uca.ac.uk">shocking@uca.ac.uk</a> 01634 888734
All Campuses	Matt Stinson (Student Wellbeing Manager)	<a href="mailto:mstinson@uca.ac.uk">mstinson@uca.ac.uk</a> 01372 202570

### **3 Implementation of the Procedure**

- 3.1** Concerns regarding a student's wellbeing and fitness to study on a course (including within a placement) and/or as a member of the University's community may occur where, for example (but not limited to), the University is concerned that:
- the student poses a risk to his/her own health, safety or wellbeing and/or that of any other person(s);
  - the student's wellbeing is adversely affecting their own academic progression and/or that of others and/or the teaching, learning, study or research of other students or staff and/or the enjoyment by students of a positive student experience;
  - the student's wellbeing is placing unreasonable demands on members of staff and/or affecting their ability reasonably to carry out their duties (e.g. where the amount of time spent supporting a student is significantly disproportionate and/or beyond the reasonable boundaries of service/working practices);
- 3.2** The University recognises that the type of factors which may give rise to concerns about students' wellbeing can vary according to the particular facts and circumstances of a matter and the University will consider matters on a case-by-case basis.
- 3.3** The University also recognises that concerns about students' wellbeing can be raised in a variety of ways, for example by a member of staff or by other students, friends or flat-mates. Any member of staff to whom a concern about a student's health or well-being is reported, or who has a concern them self, may wish to discuss those concerns in the first instance with the Campus Learning Enhancement & Support Manager (see 2.8 above). In so doing, staff members will remain mindful of the sensitive nature of the matter being discussed.
- 3.4** In exceptional cases, the University may vary the process which it follows to deal with Support to Study concerns, for example in the interests of fairness and/or health and safety or in light of external professional advice on how to manage a concern in the interests of the student. In these exceptional circumstances, the University Registrar and Secretary or the Director of Library & Student Services should be consulted for advice.
- 3.5** In making decisions about a student's fitness to study under this Procedure the University may, as is appropriate in the circumstances of a matter and in order to manage it, involve other members of University staff (such as Library & Student Services staff, Accommodation Services staff, Registry staff or other professional support staff, Course Tutors, Course Leaders or Heads of School) and external health care or other professionals (such as the local Community Mental Health Team, GP or other medical professionals). In so doing, the University will remain mindful of its obligations under the Data Protection Act 1998 to process students' personal information fairly and lawfully and will seek the student's consent to sharing their personal information wherever practicable.
- 3.6** References in the Procedure to specific University members of staff include reference to their nominees.

## **4 Student Engagement and Attendance**

- 4.1** This Procedure is intended to provide a supportive and positive process by which the University and students seek to address fitness to study concerns cooperatively. Students are therefore encouraged to engage fully with this Procedure at all times. However, in the event that a student is unwilling or unable to participate in any stage of the Procedure, the University may nonetheless continue to deal with the matter under the Procedure and/or to reach decisions in connection with the student's fitness to study, where it is reasonable to do so and having taken into account any reason for the student's non-engagement.
- 4.2** If a student does not attend a Level 1, 2 or 3 meeting to which they have been invited, the University will decide whether it is reasonable to adjourn and rearrange the meeting or if the meeting should go ahead. The student will be notified if the meeting is held without the student present and the decision and outcome of the meeting will be communicated in writing to the student (normally within 5 working days of the meeting date).

## **5 Precautionary Interruption**

- 5.1** Under this Procedure the University may require that a student temporarily interrupts his/her studies as a precautionary measure. Any decision to impose an order of precautionary interruption to study will be made by the Deputy Vice-Chancellor or an Executive Dean nominated by the Vice-Chancellor. This decision will not be added to the student's record. The terms of any interruption and any access restrictions or conditions will be notified in writing to the student.
- 5.2** A student may be required to interrupt their studies, which may include the restriction of access any of the University's services or systems, including IT, library, workshop or social facilities from the University, or any part of it, and/or from any University activity (including a placement) if the Deputy Vice-Chancellor (or an Executive Dean nominated by the Vice-Chancellor) reasonably determines that the student poses a risk:
- to the health, safety or welfare of any person including the student ,
  - of damage to property, and/or
  - to the provision of any University service (for example, teaching or accommodation)
  - to the learning experience of others
- 5.3** Precautionary interruption under this section 5 is a neutral act and is not a finding on whether or not the student's fitness to study is impaired or that the student is unfit to study.
- 5.4** Any interruption under this section 5 will be for a defined period of time only (although such period may be subsequently lifted, renewed, extended or otherwise varied by the Deputy Vice Chancellor or an Executive Dean nominated by the Vice-Chancellor) and may have conditions or restrictions attached to it. Any period of interruption will be subject to periodic review by the person making the decision to require interruption (or by the Vice-Chancellor's nominee).

- 5.5** A student will be informed in writing of any decision made to interrupt him/her under this section 5, the terms of and any conditions related to that interruption and the reasons for it, normally within 24 hours of the decision being made.
- 5.6** The student will be given the opportunity to make written representations against an initial or extended period of interruption and any conditions attached to such interruption, to the Vice-Chancellor, normally within 5 working days of the date the decision to suspend is notified to the student (see section 12).
- 5.7** The University will consider whether any measures may reasonably be put in place to mitigate against any adverse effects precautionary interruption might have on the student (e.g. granting permission to attend at the University to sit an examination or attend an appointment with Library & Student Services or provision made for sending work home to the student).

## **6 Structure of the Procedures**

- 6.1** The following process will normally be used to manage student wellbeing and fitness to study concerns.
- 6.2** There are three levels to the Procedure. These levels represent the degree of concern or the perceived seriousness and urgency of the situation. The Procedure can be entered at any level but it is anticipated that in the majority of cases Levels 1 and 2 will be used before escalating to Level 3. The three levels of the Procedure are described in more detail in sections 7, 8 and 9 below.

**Level 1 – Cause for Concern meeting.** This level is appropriate if minor, emerging or initial concerns are raised about a student’s wellbeing. The purpose of an informal Level 1 meeting is to enable the Course Leader/Tutor or other relevant staff (e.g. the Student Wellbeing Manager or a Learning Enhancement & Support Manager) to explore and address how such concerns should be managed.

**Level 2 - Student Support and Fitness to Study Review meeting.** This level is appropriate when there is an ongoing, further or serious cause for concern about a student’s wellbeing and fitness to study.

**Level 3 - Fitness to Study Panel meeting.** It is anticipated that in most cases this level will follow a Level 2 meeting if there are on-going serious concerns about a student’s fitness to study or if the student will not agree to an outcome (e.g. interruption) and/or the outcome of Level 2 has not resolved the concern. Alternatively the Director of Library & Student Services may approve the initiation of this level if there are critical concerns about a student’s fitness to study.

- 6.3** Consideration of voluntary interruption of studies may be raised for discussion with the student at any point through Level 1, 2 or 3 of this Procedure.

## **7 Level 1 – Cause for Concern Meeting**

- 7.1** Minor, emerging or initial concerns about a student's health or wellbeing are often best dealt with under routine wellbeing processes such as regular meetings with tutors or signposting to University services. Prior to engaging in the Support for Study Procedure, staff are encouraged to document any interactions or support they have put into place for students (e.g. use of wellbeing plan) relating to how they have addressed wellbeing concerns. Staff should consider in these interactions the nature of the concern and determine which policy or procedure is best to engage them under. For example, issues relating to conduct or behaviour may best be dealt with through the University Rules for Student Conduct; concerns over poor attendance should firstly be addressed following the procedures under the Common Credit Framework for Taught Programmes. If following these interactions there continues to be ongoing concerns relating to a student's health or wellbeing, a Level 1 meeting may be deemed appropriate.
- 7.2** The purpose of a Level 1 meeting is to allow the student and relevant University staff to discuss and explore together the concerns that have been raised about the student's wellbeing and for the University to determine how they may be managed. Through discussion at a Level 1 meeting, the University will determine how to address the concerns including signposting the student to sources of support. Concerns may be escalated to another level of the Procedure.

The student's Course Tutor or Course Leader will arrange Level 1 meeting by contacting the student and indicating that there is a concern about his/her wellbeing which they wish to discuss and explore with the student at a meeting in order to address the concern and offer appropriate support. The Course Tutor/Leader must include an appropriate member of LSS in this meeting (e.g. Learning Enhancement & Support Manager or Student Wellbeing Manager) and potentially other relevant members of staff (e.g. from the course team or school, accommodation) to form a panel, and the student will be informed of the attendees in advance.

- 7.3** If a member of staff other than the Course Tutor/Leader has identified the concern, they will refer the matter to a Course Leader for action.
- 7.4** At the Level 1 meeting the Course Tutor/Leader will explain to the student the nature of the wellbeing concerns which have been raised and the evidence in support of them and explore with the student how the concerns might be addressed including by way of the offer or provision of academic or pastoral support to the student. Where appropriate the student will be directed towards professional support available through the University (e.g. Library & Student Services) and/or externally. Depending on the facts of a particular matter, a Level 1 meeting may include a discussion (and, if practicable, agreement) about acceptable outcomes for the student, escalation to Level 2, or an indication that escalation may be made should there be further cause for concern.
- 7.5** There are a range of potential outcomes which may ensue (which may be decided upon by the Course Tutor/Leader in conjunction with the designated member of LSS notwithstanding that any such outcomes have not been agreed by the student). These include, but are not limited to, one or more of the following:
- No further action is required as the concerns have been resolved
  - The student is signposted to any appropriate University services (e.g. Disability & SpLD Service) or to external services and sources of support
  - A wellbeing action plan is put in place which may include conditions such as those relating to the student's expected engagement
  - The student's progress is monitored formally for a specified period in accordance with a wellbeing plan and regular reviews take place with a specified member of staff to ensure that the student is engaging with the plan and appropriate support is being provided. The wellbeing plan will clarify that failure by the student to engage with the plan or to make progress towards the targets or comply with any conditions set may result in the case moving to Level 2 or 3 of the Procedure
  - The student wishes to voluntarily and temporarily withdraw from their studies under the interruption procedures and provisions made in the Common Credit Framework
  - Referral of the matter to other procedures e.g. University Rules for Student Conduct
- 7.6** The student will be informed in writing, normally within 5 working days of the date of the Level 1 meeting, of the panel's decision and any outcomes decided upon, with reasons. Where appropriate, the panel will inform the student that any repeat or additional concerns could result in the student's fitness to study being further considered under this Procedure.
- 7.7** Course Tutors/Leaders should normally arrange a review meeting within 4 weeks to review the situation and determine if further actions need to take place, including escalation to Level 2 or 3, or if no further action is required.
- 7.8** The University will keep a record of the Level 1 meeting and its outcome until such time as the student graduates or leaves the University. This record will be shared on a 'need to know' basis only with such persons as is necessary in the circumstances of the matter and in accordance with the Data Protection Act 1998.

## **8 Level 2 – Student Support and Fitness to Study Review Meeting**

- 8.1** Ongoing, further or serious concerns about a student’s wellbeing or fitness to study will normally be dealt with at a Level 2 meeting. This might be the case, for example, where there is continuing concern about a student’s fitness to study following a Level 1 meeting, or when there is a serious concern which the University considers would be more appropriately dealt with under Level 2 than Level 1.
- 8.2** In such circumstances, ongoing, further or serious concerns about a student’s wellbeing and fitness to study will normally be referred to the Campus Learning Enhancement & Support Manager, the Student Wellbeing Manager or a member of Library & Student Services Senior Management Team (SMT). The designated member of LSS staff will determine if a Level 2 meeting is appropriate, and if so determined, will convene a Level 2 meeting and act as Chair of the meeting. The Chair will also designate a Secretary to the Level 2 meeting, who will normally be a member of LSS staff who is impartial and unconnected to the student, who will provide procedural support to the Chair and take minutes of the meeting.
- 8.3** The Level 2 meeting will normally be chaired by the Campus Learning Enhancement & Support Manager, the Student Wellbeing Manager, or a member of Library & Student Services Senior Management Team who can act impartially and has not previously been involved in supporting the student through this procedure, or through their working relationships. The Level 2 meeting will minimally include the Chair and the Course Leader (or nominee) who will form a panel. The Chair will invite other interested parties to inform the discussion as appropriate to the circumstances of the case. The aim of the meeting is to reach agreement with the student on outcomes. Where this does not prove possible the Chair and the Course Leader will make decisions on the outcome of the Level 2 meeting.
- 8.4** The Secretary to the meeting will ensure that the Chair of the meeting, the Course Leader, the student concerned, and any other appropriate personas are invited to attend the meeting. They will also ensure that any other staff that the Chair deems relevant in the circumstances (for example, a member of the academic staff, Library & Student Services and/or Accommodation staff team member, or other staff) are invited to attend. The student will be informed of the identity of such other staff invited to the level 2 meeting and also in what capacity those members of staff are attending e.g. in the capacity of decision-makers, in a procedural capacity such as secretary or note-taker, in the capacity of providing information relevant to the circumstances and in any other capacity such as support for the student.
- 8.5** The Secretary will ensure that information and evidence of the concerns is gathered for consideration by the Chair and the Course Leader at the meeting.
- 8.6** The student will normally be given at least 5 working days’ written notice of the formal Level 2 meeting, which will include:
- details of the nature of the fitness to study concerns which have been raised, the evidence in support of them and the purpose of the Level 2 meeting
  - a copy of this Procedure
  - a copy of the ‘Quick Guide’ to the Procedure

- an invitation to contribute and respond fully to the discussion at the meeting (including by way of making written representations and providing any medical information, to be addressed to the Secretary to the level 2 meeting, in advance of the meeting should the student wish to do so)

**8.7** The purpose of the Level 2 meeting is to:

- consider the wellbeing and fitness to study concerns raised and the available evidence and determine whether or not the student's fitness to study is impaired;
- hear fully the student's perspective on and response to the concerns raised and on any proposed strategies for managing them;
- consider (if relevant) what (if any) action(s) have already been taken to support the student and the effectiveness of those actions including the student's engagement or otherwise with any support offered or provided;
- identify what actions might be appropriate in order to ensure a co-ordinated and effective response;
- if relevant, clearly set out the consequences if either the student or the University does not complete any actions and/or there is a continuation or any further cause for concern;
- Arrange a date (where appropriate) to meet to review the situation.

**8.8** Following the meeting, the panel will determine whether or not the student's fitness to study is impaired and will determine the outcome in response to such determination.

**8.9** Potential outcomes of the Level 2 meeting include, but are not limited to, one or more of the following:

- No further action is required as the concerns have been resolved No further action is required as the concerns have been resolved
- The student is signposted to any appropriate University services (e.g. Disability & SpLD Service) or to external services and sources of support
- The student's progress is monitored formally for a specified period in accordance with any wellbeing plan and regular reviews take place with a specified member of staff to ensure that the student is engaging with the plan and appropriate support is being provided. The wellbeing plan will clarify that failure by the student to engage with the wellbeing plan or to make progress towards the targets or comply with any conditions set may result in the case moving to Level 3 of the Procedure
- A recommendation that the student interrupts his/her studies. If agreement is reached with the student to voluntarily and temporarily interrupt his/her studies, interruption procedures and provisions made in the Common Credit Framework should be followed.
- Referral of the matter to other procedures e.g. University Rules for Student Conduct

- 8.10** The student will be notified in writing of the decision of the panel following the Level 2 meeting and the outcome, with reasons, normally within 5 working days of the meeting date. A copy of minutes, outcomes and any wellbeing plan will be held by Library & Student Services and will only be shared with those with whom it is necessary to do so and in accordance with the Data Protection Act 1998. Where appropriate, the written notification will inform the student that any repeat or additional concerns could result in the student's fitness to study being further considered under this Procedure.
- 8.11** If a wellbeing plan has been implemented the Chair will assume responsibility for ensuring that a follow-up meeting or meetings takes place to monitor and review the wellbeing plan and to establish if progress is being made towards any targets set and whether any conditions imposed are being met. The Chair and Course Leader should normally arrange a review meeting within 4 weeks to review the situation and determine if further actions need to take place, including escalation to Level 3, or if no further action is required. Failure by the student to engage with the wellbeing plan or to make progress towards the targets or comply with any conditions set may result in the case moving to Level 3 of the Procedures.
- 8.12** At any follow-up meetings, the Chair of the formal Level 2 meeting with the Course Leader will assess how the student has been since the Level 2 meeting, review progress with the actions in any plan and determine whether there are any further requirements for support. If the fitness to study concerns have been resolved, no further action will ensue. If concerns remain and/or have increased, the Chair may propose that a Level 3 Fitness to Study panel meeting be convened. The Chair will arrange for a record of any follow-up meetings to be made and copied to the student normally within 5 working days of the date of any such meeting.
- 8.13** If appropriate, the Chair will nominate a member of the Level 2 meeting panel to deliver the decision to the student as appropriate to the specific circumstances of each case.
- 8.14** The University will keep a record of the Level 2 meeting and its outcome until such time as the student graduates or leaves the University. This record will be shared only with such persons as is necessary in the circumstances of the matter and in accordance with the Data Protection Act 1998.

## **9 Level 3 – Level 3 Fitness to Study Panel Meeting (Persistent or Critical Concerns)**

- 9.1** Persistent and/or critical concerns about a student's fitness to study will normally be dealt with under Level 3. This might be the case, for example, where there is continuing serious concern about a student's fitness to study which has not been resolved under Level 1 or 2, or where there are critical and urgent concerns about the safety of the student or of other individuals or the impact on the ability of others to study or work in a healthy or effective environment. The decision to convene a Level 3 Fitness to Study panel meeting will be taken by the Director of Library & Student Services or, in her/his absence, by the University Registrar and Secretary, or by a Library & Student Services Senior Management Team member.

- 9.2** The Director of Library & Student Services (or their nominee) will convene a Level 3 Fitness to Study panel meeting with the student and other concerned parties, allowing normally at least 5 working days' notice of the meeting to the student and act as Chair. The Chair will identify an appropriate member of Library & Student Services staff to act as Secretary to the panel. The Secretary will normally be a member of LSS staff who is impartial and unconnected to the student, who will provide administrative support and will provide the point of contact and interface for the student.
- 9.3** The purpose of a Level 3 Fitness to Study panel meeting is to allow the student and the University to address in detail the concerns that have been raised about the student's fitness to study. It will provide an opportunity, where relevant, for the University to consider what (if any) actions have already been taken to support the student and the effectiveness of those actions including the student's engagement or otherwise with any support offered or provided. It will provide the student with a full and fair opportunity to respond to the concerns raised.
- 9.4** In dealing with matters under Level 3, the University may, as it considers appropriate in the circumstances, involve relevant members of staff (such as Library & Student Services staff, Accommodation Officer, Student Warden or other professional support staff, Course Tutors, Course Leaders or Heads of School, external professionals such as a GP or NHS professionals) and/or ask such individuals to attend the panel meeting.
- 9.5** The Director of Library & Student Services will be responsible for appointing panel members and will identify a member of Library & Student Services staff (the Presenting Officer) who will be responsible for preparing the fitness to study case, confirming the witnesses to be called to the panel meeting on behalf of the University, collating evidence including (where relevant) medical reports and presenting the case to the panel.
- 9.6** The Presenting Officer will normally be a member of Library & Student Services staff who is familiar with the student's circumstances (e.g. Campus Learning Enhancement & Support Manager, the Student Wellbeing Manager, or Library & Student Services Senior Management Team Member) and may have been involved in a meeting at Level 1 or 2 where appropriate. The Presenting Officer may call him/herself to give witness to the panel where appropriate, but will not form part of the panel's decision making process.
- 9.7** The purpose of a Level 3 panel meeting is to:
- provide a full and fair opportunity for the fitness to study concerns raised to be considered by the panel, and responded to by the student, and for the panel to reach a determination on whether or not the student's fitness to study is impaired.
  - consider as relevant the effectiveness of any actions taken and support provided thus far and the student's engagement with any wellbeing action plan implemented through a Level 1 or 2 meeting
- 9.8** The Level 3 panel will comprise:
- an Executive Dean or a Head of School from a different School to the student concerned
  - Course Leader from a different course to the student concerned

- A Campus Learning Enhancement & Support Manager, the Student Wellbeing Manager, or Library & Student Services Senior Management Team member who have not previously been involved in the case
- The Director of Library & Student Services or their nominee

**9.9** The student will be:

- notified in writing of the date, time and place of the fitness to study panel meeting normally at least 5 working days in advance, and provided with a copy of this Procedure;
- where relevant, the student may be asked by the Presenting Officer to provide an up-to-date medical report on their health and wellbeing, or for their consent to the University contacting appropriate medical professionals and to the disclosure of medical reports about their condition (see section 10)

**9.10** The Presenting Officer will gather information and evidence relevant to the preparation of the case including seeking relevant medical evidence.

**9.11** The following process will normally be followed at Fitness to Study panel meetings:

- The Chair will introduce the proceedings and those present;
- The Presenting Officer will make an opening statement;
- The student (or his/her representative) may make an opening statement in response
- The Presenting Officer will present the University's fitness to study case and may call witnesses (witnesses will leave the meeting once they have delivered their evidence and responded to questions)
- The student (or his/her representative) may ask questions of the witnesses called by the Presenting Officer;
- The student (or his/her representative) may respond fully to the case presented against him/her and may call witnesses;
- The Presenting Officer may ask questions of any witnesses called by the student;
- The Presenting Officer will make a closing statement;
- The student (or his/her representative) may make a closing statement in response;
- The Panel may ask questions of the Presenting Officer, the student, his/her representative, and any witnesses at any time and may recall any witness

**9.12** At the end of the panel meeting the Fitness to Study panel will retire in private to deliberate. The Secretary may also retire with the panel but will not be party to the decision-making. The panel will determine whether or not the student's fitness to study is impaired and (if found to be impaired) whether or not the student is fit to study. In the event that a student's fitness to study is determined to be impaired, or they are found to be unfit to study, the panel will determine the outcomes to be agreed or imposed including (but not limited to) one or more of the following:

- a wellbeing plan is put in place which sets out (as relevant) supportive interventions and/or conditions to be imposed on the student (conditions may include academic target-setting or relate to the student's future behaviour) with review dates included as part of the relevant plan. The consequences of non-engagement with the wellbeing action plan will be made explicit (see section 4).
- a recommendation to the Deputy Vice-Chancellor that the student should temporarily interrupt their studies on a mandatory basis through interruption, for a specified period of time,
- referral of the matter to be dealt with under another procedure,
- a recommendation to the student that the student seeks help from external agencies
- the termination of their accommodation contract with the University in accordance with the terms and conditions of their residency
- withdrawal from a placement or exclusion from a particular part of the University or from a University activity
- exceptionally, a recommendation to the Deputy Vice-Chancellor that the student is expelled from the University.

**9.13** The decision and outcome of the Level 3 panel, with reasons, will be notified to the student in writing normally within 5 working days of the date of the panel meeting together with details of any right of appeal and right to request a return to study under this Procedure.

**9.14** If a recommendation is made by the fitness to study panel to the Deputy Vice-Chancellor that the student is required to interrupt or to be expelled, the Deputy Vice-Chancellor, having determined the matter, will notify the student of their decision in writing (with reasons) and of the student's right to appeal and request a return to study in accordance with this Procedure, normally within 5 working days of the date of the panel meeting.

**9.15** The University will keep a record of the Level 3 meeting and its outcome until such time as the student graduates or leaves the University. This record will be shared only with such persons as is necessary in the circumstances of the matter and in accordance with the Data Protection Act 1988.

## **10 Medical reports**

**10.1** Where medical and/or other evidence may have been provided to the University for other purposes (e.g. application for mitigating circumstances, supporting evidence for Disabled Student Allowance claim) this evidence may be eligible to be used in relation to this procedure. A student may be asked at any stage to consent to a medical or similar report being provided to the University (or consent to the University seeking such reports by contacting appropriate medical professionals e.g. GP or NHS specialist) in order to assist the University in its consideration and determination of their health and wellbeing concerns which have been raised including by way of considering what support arrangements might be made for the student.

- 10.2** In connection with section 10.1, the University may (as is relevant and appropriate in the particular circumstances and with the student's consent) seek a medical report in relation to a student's medical condition, the symptoms that they are experiencing, medical treatment or support that they have been or are receiving, their prognosis, and how a condition may impact on the students' ability to study and/or engage in student life. In dealing with any such reports, the University will at all times have due regard to the sensitive nature of the information they contain and will be mindful of whether any such request could prove intrusive or unhelpful to the student's wellbeing.
- 10.3** The University recognises that it may not always be necessary or possible to get medical evidence. The University will seek at all times to work alongside the student in a cooperative and supportive fashion to obtain such evidence. The University will also seek to ensure that any consent from the student to provide and use such evidence is informed, voluntary, explicit and prior and preferably in writing.
- 10.4** The University is not precluded from making any decision under the Procedure by the absence of medical evidence.

## **11 Return to Study**

- 11.1** The provision for a student to request a return to study following a period of interruption which is described below, is specific to this Procedure.
- 11.2** The Campus Registrar will be responsible for identifying when a student, who has interrupted as a result of this procedure, has a period of interruption coming to an end and will write to the student to invite them to make a request to return, should they so wish, normally no less than 4 weeks prior to their intended return. The Campus Registrar will inform the relevant Campus Learning Enhancement & Support Manager (or in their absence the Student Wellbeing Manager) and Course Leader if the student has indicated a wish to return.
- 11.3** A student who wishes to make a request to return to study under the Procedure should write to the Campus Registrar.
- 11.4** The Course Leader (or their nominee) and Campus Learning Enhancement & Support Manager (or in their absence the Student Wellbeing Manager) will comprise a panel to consider the request and determine if the student may return to study. Any student who has interrupted, through this Procedure will be required to satisfy the panel that they are fit to return and to resume their studies and will be required to provide satisfactory evidence in support of their request.
- 11.5** The panel may seek such information and professional opinions internally, externally and from the student making the request to return to study and from members of staff as he or she considers reasonable in the circumstances in order to determine the request to return to study. Such enquiries may include (but are not limited to) requests for information relevant to the case from the Chair of the Level 2 or 3 panel meeting, or from the University Registrar and Secretary as appropriate.

- 11.6** The panel may approach the student to seek their consent to obtain a medical report or opinion from an identified medical or health practitioner in connection with the request to return to study. The evidence required will depend on the circumstances of the case but might include information from a GP or reports from other professionals involved. The panel may encourage the student to seek an appropriate external report. The Campus Learning Enhancement & Support Manager (or Student Wellbeing Manager) may help the student to get an appropriate referral. Any costs associated with obtaining an external report or other evidence would normally be met by the student. Any exception to this will be determined by the University Registrar and Secretary.
- 11.7** The panel will consider and determine whether any conditions imposed through the fitness to study Procedure on a return to study or under relevant academic regulations have been met and complied with to their satisfaction. The panel may seek further advice and guidance from the Director of Library & Student Services or the University Registrar and Secretary if appropriate.
- 11.8** A meeting may not be appropriate or possible in all cases and this decision may be made by the panel through a review of the case records and relevant information provided by the Campus Registry and the student, should the panel deem this is appropriate to the specific circumstances of the case.
- 11.9** The student will be informed in writing, with reasons, of the panel's decision normally within 10 working days of the receipt of the request to return. This confirmation may include information related to any conditions imposed by the panel which must be met by the student in order for them to return and resume their studies. Where a decision is taken not to allow a student to return to study, the student will be notified in writing of their right to appeal the decision in accordance with this Procedure (see Section 12).
- 11.10** Any student who has a continuous period of interruption of 24 months or longer will not normally be entitled to return, however in exceptional circumstances such a request might be reviewed at the discretion of the University and would be subject to approval by the Vice-Chancellor as Chair of Academic Board.
- 11.11** If the decision is to allow the student to return to study, a pre-return meeting will be held with the Course Leader and the Campus Learning Enhancement and Support Manager (or the Student Wellbeing Manager) and the student to confirm arrangements for the student's return to study and, if appropriate, to discuss a Learning Support Agreement or wellbeing plan and to arrange further meetings to monitor and review the wellbeing plan, if required. A summary of this meeting and a copy of any action plan will be sent to the student normally within 5 working days of the meeting. A copy will be retained securely by Library & Student Services and will be treated sensitively and in accordance with the Data Protection Act 1998.

## **12 Appeals Process**

- 12.1** A student wishing to appeal against any decision related to this procedure, for example to require them to interrupt or to deny them permission to return to study, may lodge a written request for appeal with the University Registrar and Secretary specifying the grounds on which it is based. A written request for appeal may only be lodged on one or more of the following grounds:
- i) that new material evidence is available which was not reasonably available before;

- ii) the University failed to follow the procedures set out in the Procedure;
- iii) that the decision was unreasonable and/or the outcome was disproportionate;

- 12.2** The written request for appeal must be made to the University Registrar and Secretary within 20 working days of the date of the decision letter. In exceptional circumstances the University may consider allowing an appeal outside of the stated time-limit, for example if there is evidence the student is hospitalized or sectioned at the time the decision letter was sent.
- 12.3** On receipt of the request for appeal, the University Secretary will consider the request and determine whether or not on its face it discloses valid grounds for appeal. If the University Registrar and Secretary determines that grounds for appeal have not been disclosed, they will inform the student in writing of this and the Procedure will be exhausted.
- 12.4** If the University Secretary is satisfied that one or more valid grounds for appeal are disclosed, the matter will be passed to the Vice-Chancellor (or in the absence of the Vice-Chancellor an impartial member of the University Leadership Team nominated by the Vice-Chancellor) to determine the appeal substantively. The Vice-Chancellor (or nominee) will write to the student inviting him/her to submit full written representations in connection with the appeal together with any evidence upon which the student wishes to rely. The appeal will be considered on paper unless the Vice Chancellor (or nominee) deems that exceptional circumstances exist that an appeal hearing should be held.
- 12.5** The Vice-Chancellor (or nominee) may either:
- i) decide to uphold or reject the appeal in whole or in part;
  - ii) impose an equivalent or lesser outcome including that the student may be re-admitted; and/or
  - iii) refer the matter back to the original Level 3 Fitness to Study panel and/or relevant decision-makers, for example a return to study panel, to review its decision or to a new Level 3 Fitness to Study panel or return to study panel to undertake a fresh decision.
- 12.6** The student will be advised in writing with reasons, normally within 20 working days of the date that the student's substantive appeal documentation was received by the University (this date will be confirmed to the student) of his/her decision. The decision is final and there is no further right of appeal under the Procedure or any other University process.

### **13 Office of the Independent Adjudicator**

- 13.1** Following written notification of the final outcome of this Procedure, the University will provide to the student a Completion of Procedures letter which confirms that the University's internal procedures have been exhausted. Where a student is dissatisfied with the final outcome of the University's Fitness to Study Procedure, s/he may be able to refer the outcome of the case, as a complaint, to the Office of the Independent Adjudicator for Higher Education (OIA) [oiahe.org.uk](http://oiahe.org.uk)

**13.2** The OIA provides an independent scheme for the review of unresolved student complaints. The complaint must be submitted to the OIA within 3 months from the date of issue of the Completion of Procedures letter otherwise the OIA may consider the complaint to be out of time.

**13.3** Further details about the OIA can be obtained from the Student Appeals & Complaints Manager, or from the following website: [oiahe.org.uk](http://oiahe.org.uk) or by contacting the OIA at the following address:

The Office of the Independent Adjudicator for Higher Education

Third Floor

Kings Reach

38-50, Kings Road

Reading, RG1 3AA

Telephone: 0118 959 9813      Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)