



Fitness to Study Policy

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FITNESS TO STUDY GUIDLINES

1. Introduction

- 1.1.** The University has a duty of care to respond to situations where concern is raised regarding a student's academic engagement, conduct or behaviour that poses a risk to themselves or others. There is an obligation for the University to take appropriate action in order to minimise risk, prevent harm or disruption to students' education and to protect the health, well-being and safety of both the individual concerned and that of others.
- 1.2.** The University recognises that a student may present a series of continuing issues to an institution for a variety of reasons. In some cases, the University sees a need to act in order to support a student with medical or psychological problems or to protect other students or staff from disruptive or otherwise unacceptable behaviour. Such behaviour may be no fault of the student for medical or other reasons or it may be of a kind which would normally lead to disciplinary action. This policy is designed to support the student and the University in resolving such issues.
- 1.3.** This Procedure is intended for use in cases when:
- There is a significant disruption in a student's own or others' ability to study and/or engage in all aspects of university life appropriately
 - There is a risk of harm to the student or others that is perceived to be serious or potentially serious
 - Excessive, inappropriate or unsustainable demands are being placed on other students, staff or the wider University.

2. Scope and Purpose

- 2.1.** The Fitness to Study Procedure aims to ensure that:
- The University provides an appropriate, coordinated and timely response in relation to student fitness to study concerns and in particular, those of a health and/or mental well-being nature
 - Appropriate advice and assistance is provided at the earliest opportunity, which considers the student's best interests in relation to their personal circumstances, health and mental well-being
 - Academic staff, university support services and the Students' Union collaborate effectively to ensure that students receive a consistent, fair and supportive approach regarding the management of their particular situation
 - Any reasonable adjustments the student may benefit from are considered and where appropriate, enabled accordingly
 - Students are assisted to engage effectively with their studies, wherever possible
 - Where necessary, students are able to take a break from their studies and be supported back into the University when well enough to do so
 - Situations that might otherwise be dealt with as a disciplinary matter, receive appropriate consideration from a health and well-being perspective.

- 2.2. The Fitness to Study Policy and Procedure applies to students registered on any programme at Liverpool Hope University. It relates to conduct on university premises (including halls of residence), during off-site study/research activities (e.g. fieldwork, placements etc.) and in any other situation where conduct brought to the attention of the University suggests a foreseeable risk to the student or others.
- 2.3. This Procedure has two stages and, depending upon the perceived severity of the situation and resulting risks, action may be initiated at any of the two stages without the need to follow the stages sequentially. The University Proctor (or nominee) must be consulted before proceeding to Stage 2.
- 2.4. It is, however, important to note that this procedure does not apply to fitness to practise concerns relating to students whilst on placement on certain professional programmes offered by the University. A separate Fitness to Practise Policy addresses such concerns and the University programmes subject to the Fitness to Practice procedures are listed within the Fitness to Practise Policy.

<https://www.hope.ac.uk/media/media,72017,en.pdf>

3. **Operating Principles**

At all stages of this procedure, the student is entitled to access advice and support from the Students' Union (t: 0151 291 3708 - e: suadvice@hope.ac.uk). The student is also entitled to be accompanied by a companion or representative.

- 3.1. The companion will normally be a Students' Union Officer or trained nominee of the Students' Union, a member of academic staff or a student of the University. A support worker may accompany students, as appropriate to their needs. The companion can represent and advocate on behalf of the student.
- 3.2. If either the companion or representative behaves inappropriately or delays matters at any stage during the process, this person will be asked to withdraw involvement. Legal representation is not usually required or permitted, but if the student believes it is justified in the circumstances, they should make these reasons known to the Company Secretary at least three working days in advance of any meeting. If the Company Secretary considers the student to have established compelling grounds for legal representation, it will be permitted.
- 3.3. In a situation where the University is unable to ascertain what is the best course of action for the student, it may be necessary to seek advice from an external professional who can guide and inform the process. This might include asking a student to undertake a medical assessment, or providing evidence themselves from an external professional. It may be that following this consultation the University proceeds to Stage 2 of the process in order to ensure the most appropriate and timely outcome for the students. The student should be informed of this and of any potential consequences of not cooperating; for example, that a decision may be made under this Procedure without full medical information and if at Stage 1, the matter may be immediately progressed to Stage 2.
- 3.4. Fitness to study concerns should be acted upon swiftly as early intervention and support greatly increases the likelihood of a positive outcome. Once a concern has been identified, it is expected that the relevant personnel within the faculty/department will attempt to resolve the matter informally in the first instance, encouraging the student to access university support services where appropriate.

- 3.5. The Fitness to Study Procedure should only be initiated once other informal attempts at addressing the situation have been explored.

4. Circumstances under which a student's fitness to study may be called into question

A student's fitness to study may be brought into question through a wide range of circumstances, which include, but are not restricted to, the following:

- serious concerns, following suitable investigation by the University, are raised by a third party (e.g., housemate, colleague, placement provider, medical professional) which indicate a need to address a student's fitness to study;
- the student has informed the University of problems and/or has provided information which indicates that there is a need to address his/her fitness to study;
- the student's behaviour and/or disposition indicates that there may be a need to address and/or diagnose underlying mental or physical health problems;
- the student has demonstrated behaviour which would normally be dealt with as a disciplinary issue, but is considered to be as a result of an underlying mental and/or physical health condition;
- the student's academic performance or his/her behaviour is a cause for concern and is thought to be as a result of an underlying mental and/or physical health condition; and/or
- the student's behaviour is having a significant impact on others.

5. Stage 1 of the Procedure

- 5.1. When a student's fitness to study is called into question under this Procedure, the Department affected must identify a member of academic staff who will be responsible for taking the Fitness to Study case forward ("Fitness to Study Lead"), who should be the Faculty Senior Academic Advisor (FSAA), or one of the senior members of staff within the Department. The Fitness to Study Lead will be closely involved throughout the implementation of this Procedure and will be a key point of contact for the student. The Fitness to Study Lead oversees the operation of this stage of the Procedure, seeking advice and support from the Company Secretary, Student Welfare and Well-being Department, Occupational Health Service, and, where appropriate, other representatives from the student's academic life, Residential Life, Security Services and/ or any other individual who may be deemed appropriate.
- 5.2. Once the decision has been made to invoke Stage 1 of this Procedure, a meeting will be convened with the student, chaired by the Fitness to Study Lead and attended by the student's personal tutor and an appropriate advisor from within the Student Welfare and Well-being department. When arranging the meeting, the student should be advised of why the meeting is taking place, the general nature of the concern and that the intention is to try to supportively explore and address the concern.
- 5.3. During the meeting, the following points should be considered and included as appropriate:
- Identification of the concern(s)/issue(s) raised
 - Brief explanation of the Fitness to Study procedure (including advice of where they can access full details of the policy procedure) and confirmation that the concerns are being addressed under Stage 1 of the process

- Opportunity for the student to give their perspective of the situation, and (if appropriate) clarification of whether this has happened before and if so, what has helped previously
- Clarification of any relevant University boundaries/rules/regulations that the student needs to be aware of
- Clarification of the student's personal responsibility in respect of the concerns raised
- Signposting the student to any relevant University support services they may benefit from
- Recommendation that a Learning Support Plan be produced/updated for the student (where reasonable adjustments are required due to a disability)
- Clarification of any agreed actions and/or options to support the student and minimise the concerns (e.g. improving attendance, modifying behaviour, request the creation/updating of a Learning Support Plan, accessing university support services/Students' Union help, seeking external medical advice/assistance, taking some time out etc.)
- Explanation that if the actions and/or options do not resolve the issue that this may result in progression to Stage 2 of the Fitness to Study process
- Explanation that failure to complete any agreed actions or any additional concerns may result in progression to Stage 2 of the Fitness to Study process
- Advice regarding the option to take a brief period of voluntary leave of absence/interruption of studies
- Agreement of a date to meet again to review the situation that allows the student time to pursue the agreed actions and/or options and seek appropriate support

5.4. A summary of the main points of the Stage 1 meeting, including any agreed actions, expectations, and the date of the review meeting should be documented by the Fitness to Study Lead and shared with the student within five days of the meeting taking place. It is important that timeframes are made clear to the student and adhered to by the Fitness to Study Lead. The summary should then be stored confidentially for future reference within the relevant department for an appropriate period, normally the duration of the student's course.

5.5. The Stage 1 review meeting should be conducted by the Fitness to Study Lead where possible, and include the following:

- Review of the student's situation since the initial meeting
- Review of progress in relation to previously agreed actions and initial concerns
- Exploration of any further concerns arising since the Stage 1 meeting
- Exploration of whether ongoing/further actions/ support is required
- Signposting to university support services, where appropriate
- Agreement of whether further action is necessary. (If the initial concern has been resolved, no further action is necessary. If the agreed actions have resulted in some of the concerns being resolved then the Fitness to Study Lead will consider the best course of action. If concerns remain unchanged or have increased, the process should proceed to Stage 2).

5.6. In cases where the student fails to attend the Stage 1 meetings, the situation will normally be discussed in the student's absence in order to make progress towards an appropriate outcome. If there are straightforward options regarding how to proceed, then any agreed expectations, support options/plans should be communicated to the student with a timescale for completion and date for review.

5.7. Should the student fail to respond appropriately or fail to engage with the process within the identified timescale or where the situation becomes more complex, the Fitness to Study Lead should contact the Pro Vice Chancellor Student Life & Learning regarding progression of the process to Stage 2.

6. Stage 2 of the Procedure

6.1. Stage 2 of this Procedure will only be implemented following a referral from Stage 1 if:

- the initial concerns raised about a student are sufficiently serious to lead the University to the conclusion that the student may not be able to continue with their studies at this time. for example, if the student poses a potential threat to the health and safety of him/herself or others, or disruption to the University;
- the student has been unable or unwilling to co-operate with Stage 1 or has not been able to communicate the inability to cooperate;
- the action taken under Stage 1 has not resulted in a suitable outcome; or
- the student's condition deteriorates to such an extent during the earlier stage of this Procedure that, in the best interests of the student or others, it is felt appropriate to progress the case.

In all cases, the Company Secretary (or nominee) must be consulted before progressing to Stage 2.

6.2. Once a decision has been taken that it is in the best interests of the student to move to Stage 2, a Review Panel ("FtS Panel") will be convened, chaired by the Pro Vice Chancellor Student Life & Learning (or nominee). The FtS Panel will normally comprise the Chair, the Vice-President (Welfare) of the Students' Union (or nominee) and an Academic Staff Representative (who has not had any previous dealings with the student). Appropriate staff involved in the case will be consulted prior to the Panel meeting. If judged appropriate, Head of Student Welfare & Well-being; the University's solicitor or any other relevant individual may also be in attendance. As detailed in 6.4 the student will be invited to attend the meeting accompanied by an appropriate companion or representative.

6.3. The panel will initially consider whether interim suspension of the student, pending further action, is appropriate, including from University accommodation. It is important to note that suspension of study is not in itself a disciplinary sanction but is to allow a period of time for a full assessment of the circumstances with regard to the student and their programme of study. For example, a student may be suspended pending assessment by the Occupational Health Service to allow time for relevant medical advice to be sought, or to allow a period of treatment and/or recovery. The Occupational Health Service may, with the student's permission, contact their medical practitioner/ consultant for information regarding their current state of health and/or mental well-being.

6.4. A student who is temporarily suspended will normally be unable to enter university premises and will not be able to take part in university activities without prior written agreement from the Company Secretary (or nominee). Exceptionally, there may be certain circumstances where a suspended student may require access to University premises. The exceptions may include where permission has been given to attend an appointment with the Student Union Advice Service or to access support from university support services, e.g. a Counsellor, Mental Health Adviser, Student Finance Team etc. Such permissions will be specified to the student in the written notification of the Panel outcome.

- 6.5. The student will normally be given at least 14 days' notice of the meeting of the FtS Panel ("Panel Meeting"). The student will be informed of the purpose of the Panel Meeting and will be provided with any documents to be considered by the FtS Panel. The student will also be asked to provide 7 days in advance of the meeting any documents s/he wishes the FtS Panel to consider. If the student wishes to be accompanied by anyone other than a University employee or a member of the Students' Union, they should contact the PVC Student Life and Learning in advance of the meeting.
- 6.6. The purpose of the Panel Meeting will be to consider the evidence available, including the student's perceptions of the concerns, and reach a decision with regards to the student's fitness to study and/or agree an appropriate action plan.
- 6.7. The FtS Panel will have the discretion to consider the issues as it sees fit. This may include calling witnesses, making further enquiries to assist its deliberations and requesting (further) medical assessments of the student's fitness to study.
- 6.8. The final decision shall be that of the Chair, having taken advice from the other members of the FtS Panel. The Chair will agree on the most appropriate action, whilst considering the University's duty of care to both the student and that of other students and staff. The Chair may recommend that the student continues with their chosen programme of study with formal monitoring of the student's progress for a specified period of time, with or without specified support and/or conditions/undertakings. Alternatively, the Chair may recommend suspension from the programme for a specified period.
- 6.9. Where necessary, additional specialist advice and/or an opinion from the student's own GP or specialist may be sought by the Pro Vice Chancellor Student Life & Learning and the student will be asked to sign a consent form to authorise disclosure of the results of the assessment to relevant individuals involved in the process.
- 6.10. In cases where the student does not attend the Panel Meeting, the situation should be discussed in the student's absence.
- 6.11. A summary of the main points of the meeting, including any agreed actions, expectations, and the date of any agreed review meetings should be documented by the Chair and shared with the student and all other attendees within five days of the meeting taking place. In cases where the outcome of the Fitness to Study Panel results in a suspension of studies, the procedure for considering a return to study will be made clear to the student at the time of the suspension.

7. Returning to Study

- 7.1. The University has a general duty of care and therefore before students return to study the University will require evidence that the student is fit to do so.
- 7.2. Students will be encouraged to maintain contact with the Student Development and Well-being Team during their period of suspension in order that they can advise the University of their progress and to facilitate a return to study when the student is well enough.
- 7.3. Students planning to return to their studies are required to write to attend a formal interview with the PVC Student Life & Learning and an appropriate academic indicating

their wish to return to University. When making a request to return to study, the student should make every effort to provide satisfactory evidence that their circumstances have improved, any difficulties have been addressed and that they are fit to return to study.

- 7.4. Prior to returning to their studies, the University may request that the student be referred to the Occupational Health Service for assessment. With the student's permission, the Occupational Health Service may seek advice from the student's medical practitioner/consultant for updated information regarding their health/current condition. Students should allow a reasonable time for this to take place.
- 7.5. Students should also be aware that return to study might only be possible at certain points during the academic cycle, depending on the programme of study. Taking into consideration the timing and period of suspension, return to study may only be possible at the start of a new academic year. Consequently, when planning to return to study, students are advised to consult the University well ahead of their desired date of return, and requests to return to study
- 7.6. Where students continue to experience difficulties, they may, at any time, apply to withdraw from their studies. For absences of two years or more, the University may automatically terminate studies.

8. Appeals

- 8.1. A student may appeal in writing to the Vice Chancellor against a decision reached at Stage 2, within 14 days of the date of written notification of the outcome of the Fitness to Study Procedure. Students should note that requests for a review of a decision will only be granted if there is a substantial chance of success of showing one or more of the following:
 - procedural irregularity
 - prejudice or bias during the procedure
 - evidence of further material circumstances which could not reasonably have been expected to have been submitted earlier for consideration.
- 8.2. The Vice Chancellor will review the decision previously reached or nominate a suitable senior officer to do so on the Vice Chancellor's behalf normally within three weeks. The outcome of any appeal will be communicated by the Vice Chancellor in writing to the student.
- 8.3. Where the right to appeal is not granted, because the appeal does not meet with the criteria detailed in 8.1 (above), or the appeal is rejected, the student may be able to apply for a review of the matter to the Office of the Independent Adjudicator (OIA), providing that the complaint is eligible under its Rules. Further details concerning the OIA will be provided in the response to the request to appeal or if the appeal is rejected. The deadline for an application to the OIA is twelve months from the date of the "completion of procedures" letter. This service is free to students. More information can be found on the OIA website: www.oiahe.org.uk

9. Confidentiality and Disclosure

All information provided regarding a student's fitness to study will be treated as confidential for use within the Fitness to Study Procedure. The information will be stored and processed in accordance with the University's Data Protection Policy and only staff directly involved in

enabling this procedure will have access to related information. Any summaries will be stored confidentially for future reference within the relevant department for an appropriate period, normally the duration of the student's course.