



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



FITNESS TO STUDY PROCEDURE

Contents

Introduction	2
What is fitness to study?.....	2
When will this process be used?.....	2
Relationship with other University processes.....	2
Confidentiality	3
Emergency suspension	3
Fitness to study procedure	4
Stage 1 – Initial concerns	4
Stage 2 – Case conference	6
Stage 3 – Fitness to Study Assessment	7
Right of appeal – review of process.....	8
Support during suspension	8
Return to study	9
Monitoring	9

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Introduction

What is fitness to study?

- 1 A student is fit to study when they have the capacity to engage satisfactorily in relation to their academic commitments and in life generally at the University.
- 2 Circumstances or difficulties relating to a student's wellbeing may have an impact on their fitness to study either on a temporary or permanent basis.
- 3 Where a student's fitness to study is identified as an undeclared disability then the student will be referred to the Disability Service to determine if reasonable adjustments might address immediate concerns.
- 4 The University may determine, in accordance with this procedure, that a student is unfit to study and this may result in suspension or termination of their registration with the University.

When will this process be used?

- 5 There may be instances where a student's health or wellbeing causes the University concern regarding the student's fitness to study on a course. In these instances the University has a duty of care to respond appropriately.
- 6 Concern may relate to one or more the following aspects of a student's engagement:
 - academic studies
 - within a placement
 - more widely as a member of the University community.
- 7 This process is likely to be used when one of the following occurs:
 - A student poses a risk to their own health, safety or wellbeing or that of others.
 - A student's behaviour is, or is at risk of, negatively affecting the experience of other students, or the day to day activities of the University and/or a placement provider
- 8 This process is not disciplinary in nature and is concerned with the wellbeing of the student and the University community. Disruptive behaviour which does not relate to an underlying physical or mental health problem should be dealt with under the University's disciplinary process.

Relationship with other University processes

- 9 Students registered on courses which come under the regulation of professional, statutory or regulatory bodies (PSRBs) may be subject to Fitness to Practise procedures. Concerns regarding student's fitness to study on these courses may therefore, on some occasions, be dealt with under Fitness to Practise procedures. It may also be appropriate to seek advice and guidance from Occupational Health.
- 10 Where a student is subject to a disciplinary investigation, but that investigation reveals that the misconduct is likely to relate to an underlying physical or mental health problem, the matter could be dealt with under this process. However, the fact that a student has mental or physical health problem in no way lessens the duty of care that the University owes to other students. This should therefore be weighed against the duty of care owed

to the student in question and a decision made as to whether the disciplinary process or this process should be followed.

- 11 A student may also be referred to this process after the conclusion of the disciplinary process.

Confidentiality

- 12 Personal information about students must not be disclosed to anyone outside the University, including parents, without the student's explicit consent. The student should be informed that information they supply may need to be shared internally and no promise of absolute confidentiality should be made.
- 13 A student's permission will often need to be sought for the release of information from a general practitioner or other medical adviser and from the counseling service or other referral agencies. The student is expected not to withhold such information without good reason as the actions the University seeks to take are in the student's future interests and in pursuit of their well-being.

Emergency suspension

- 14 In the rare event that there is a risk of immediate or continuing danger to others or disruption of the University's normal operations because of the nature of the student's behaviour, a Head of School or Director of Student Experience may, exceptionally, suspend the student from all or part of the University's premises, including residential accommodation, for one day (24 hours) or for a weekend (6.00pm Friday to 8.00am Monday), in the first instance and then notify the Vice Chancellor. In this event, the student will be delivered into safe hands to ensure that they are getting the specialist support they require.
- 15 The same procedure also applies to practice placements and other off-campus learning locations in which case the student may be suspended from the placement/learning setting and all or part of the University's premises, including residential accommodation.
- 16 The Head of School or Director of Student Experience should take into account any examination attendance or assignment deadline that may apply to the student before taking the decision to suspend.
- 17 The Vice Chancellor or another member of the Senior Management Team may, at the request of the Head of School or Director of Student Experience, extend this suspension to the conclusion of a fitness to study assessment meeting and any appeal hearing (see paragraphs 55-57 below).
- 18 The student may appeal in writing to the Vice Chancellor against the extension of their suspension. The Vice Chancellor or another member of the Senior Management Team will review the grounds for the suspension and the statement made by the student. Their decision is final and is conveyed in writing to the student.

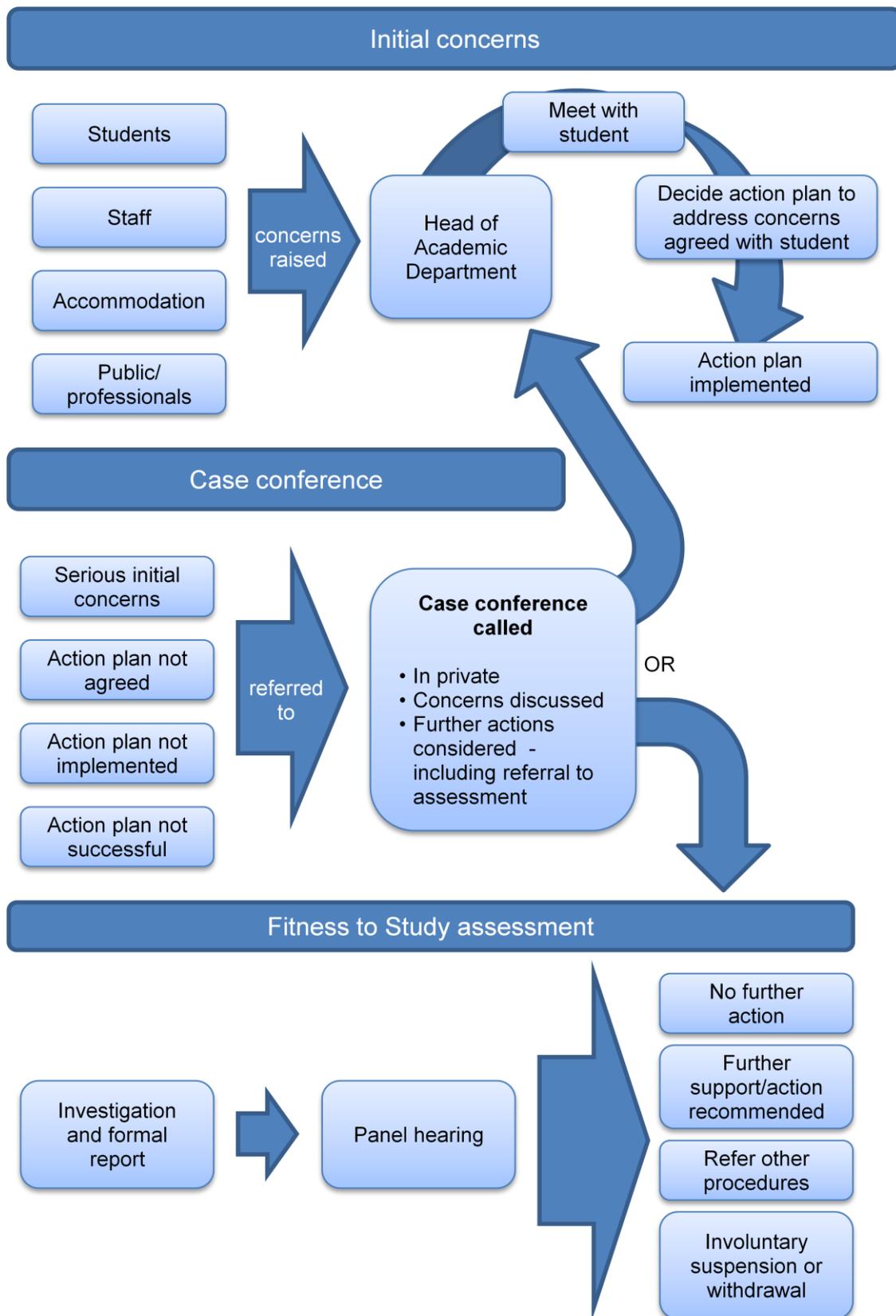
Fitness to study procedure

- 19 Most day to day concerns relating to student wellbeing can comfortably be dealt with informally between staff and students. This process only needs to be initiated when cause for serious concern is evident.
- 20 The fitness to study procedure can be stopped at any stage if concerns are not felt to warrant further action.
- 21 The procedure should be operated in its entirety recognising the need for confidentiality but also the potential for causing distress to what may be an already vulnerable student. The process should be managed with sensitivity and compassion throughout.
- 22 If at any stage the student agrees to a voluntary suspension of studies, a 'return to study' plan (see paragraph 58) should be put in place before study recommences.
- 23 Even though initially quite an informal process, it is important that confidential notes are kept of all the steps taken to ensure that the University has a record of the actions it took to fulfill its duty of care to the student.

Stage 1 – Initial concerns

- 24 All employees should be attentive to the various ways in which a serious concern about a student's fitness to study might come to light. They may directly observe patterns of behaviour or symptoms which cause concern to themselves or others. Third parties - whether they be other students, accommodation providers or even members of the public, may report concerns to staff. Information may come to light as part of an academic appeal or claim for mitigating circumstances. In many cases a student may raise an issue directly with a member of staff.
- 25 Concerns should in the first instance be referred to the relevant Head of Department. They or their nominee will undertake initial conversations with the student's Personal Tutor and/or Course Leader and seek advice from any appropriate internal professional staff as they see fit.
- 26 A meeting should then be arranged with the student, giving at least 48 hours' notice and including information as to why the meeting has been called and who will be there – at a minimum the Head of Department and the Personal Tutor and/or Course Leader. The student should be encouraged to bring a friend or other supporter to the meeting.
- 27 At the meeting the behaviour or symptoms which have caused concern should be discussed and the student's perceptions of the situation ascertained. Possible steps to address the situation should be discussed and agreed with the student and an action plan agreed.
- 28 An action plan may include one or more of the following, that the:
 - situation is monitored and managed within the School, perhaps through regular meetings with their personal tutor
 - student agrees to access, or be referred to, support services offered by the University (counselling, disability, learning development etc.) or outside support services
 - student voluntarily suspends from their studies for an agreed period of time

29 If, following an initial meeting, serious concerns remain, a case conference may be called at any point.



Stage 2 – Case conference

- 30 When local management of a situation has proved insufficient, or in some cases where serious and immediate concerns are raised precluding the operation of Stage 1, a case conference should be arranged by the Head of School or nominee.
- 31 A case conference is an opportunity for everyone involved in supporting a student to meet in private, without the student present, to share concerns and decide on an appropriate course of action.
- 32 This is likely to include some or all of the following: the Head of School or their nominee, Head of Department, Personal Tutor, Course Leader, staff from student support services who have been involved with the student, and staff from external support services if contact has been established.
- 33 Discussions are to be conducted on a confidential basis to ensure open and frank discussion and brief notes should be kept recording who was present, an outline of points discussed, and recommended next steps.
- 34 The case conference may recommend one or more of the following, that:
- the student be referred to other support services
 - further medical information is sought
 - further pastoral support is offered
 - the student be encouraged voluntarily to suspend from their studies for an agreed period of time.
- 35 The case conference may recommend any other reasonable steps to be taken by the University or the student that are intended to address the current issues faced by the student.
- 36 The recommended course of action will be detailed in an action plan to be agreed with the student.
- 37 Where the concern is serious and immediate the case conference may also recommend that:
- a student be subject to an emergency suspension (to be enacted by the Head of School as described above)
 - a student's emergency contact be notified of the situation (where consent for that action has been obtained)
 - a student's medical contact or support worker be notified of the situation (where consent for that action has been obtained)
- 38 The case conference may recommend that a formal fitness to study assessment is undertaken. This may or may not be dependent on a student's willingness to undertake the recommended actions.
- 39 The Head of School or nominee should meet with the student to discuss the recommendations and the proposed action plan. The student should be encouraged to bring a friend or other supporter to this meeting. The Head of School should explain the concerns and the proposed action plan, including whether referral for a fitness to study assessment is dependent on their agreement with the proposed action plan.

- 40 If the student agrees to the action plan, and a fitness to study assessment is not recommended in any case, then a timeline for action and follow up meeting should be scheduled. Should further concerns arise at a later date, including failure of the student to action recommendations, then a second case conference should be arranged.
- 41 If the student does not agree to follow the recommendations, or if a fitness to study assessment was recommended in any case, then the fitness to study assessment process should be started.

Stage 3 – Fitness to Study Assessment

- 42 The fitness to study assessment process is intended to allow a neutral panel to assess the student's situation in relation to their academic studies and to come to a judgment about what is in the best interests of the student and the wider University community.

Fitness to study assessment report

- 43 On the conclusion of stage 2, the Head of School will appoint a member of staff, not previously involved in the case, to take responsibility for gathering evidence from the student concerned, witness statements from staff and students, and evidence from any external support agencies. The member of staff will write an overview report to accompany the evidence, outlining key facts and dates and summarising the steps taken to date. The report and evidence gathering should take no longer than 10 working days.
- 44 At the same time the Head of School will request that the Student Experience Directorate arrange a fitness to study panel meeting which should be arranged to take place within 5-10 working days of the conclusion of the maximum reporting period.

Fitness to study assessment meeting

- 45 The student and the Head of School will be invited to the meeting at least five working days in advance, and will be supplied with the overview report, evidence gathered and information on the makeup of the panel and any witnesses requested. The student will be encouraged to bring a supporter or friend to the meeting.
- 46 The panel for the meeting will comprise:
- a Dean from either Faculty as Chair
 - a senior member of academic staff from another School
 - the Director of Student Experience or nominee
 - a secretary provided by the Student Experience Directorate
- 47 The Chair may invite witnesses to attend the meeting. These may include other staff or students involved in the case to date, or staff from internal and external support services.
- 48 The panel will be supplied in advance with the overview report and evidence gathered.
- 49 The Chair will determine the conduct of the meeting, including any necessary adjournments.
- 50 The student and their supporter may be asked to withdraw so that part of the meeting can be held in private but they will be invited to return to discuss the recommended outcome.

Outcome of the fitness to study assessment meeting

- 51 The panel may conclude that:

- the student is fit to study and may continue on their course
 - the student is fit to study but further academic or other support is recommended and should be captured in an action plan
 - the student is fit to study but an allegation of misconduct is therefore outstanding and should be dealt with through the *Student disciplinary procedures*
 - the student is unfit to study and involuntary suspension is recommended, with or without conditions on return to study
 - the student is unfit to study and termination of enrolment is recommended (this is expected to be an exceptional outcome).
- 52 The panel will communicate the outcome to the student in person at the meeting and a decision letter, along with the notes of the meeting, will be sent to the student within five working days.
- 53 At this point, if the student has been considered unfit to study, the fitness to study assessment report and notes of the meeting will be forwarded to a member of the Senior Management Team to consider the recommendation for suspension or termination and to implement it if they see fit.
- 54 Any financial or accommodation consequences to the action taken by the University in suspending or terminating a student's enrolment will be discussed with the student, the Faculty and the Student Experience Directorate and, wherever possible, the financial consequences for the student will be minimized.

Right of appeal – review of process

- 55 A student who has been subject to an involuntary suspension or termination of enrolment may make a request for a review of process to the Director of Academic Quality. The review will examine how the process has been followed.
- 56 If the review of process finds no procedural irregularity, the appeal will be rejected and the student will be provided with a Completion of Procedures letter and advised of their right to further action through the Office of the Independent Adjudicator.
- 57 If the review of process finds that there has been a procedural irregularity the case will be referred to a new fitness to study assessment panel for consideration afresh.

Support during suspension

- 58 Whilst a student is in a voluntary or enforced suspension from the University it is recommended that they be provided with a key point of contact who they can liaise with, when appropriate, in order to facilitate a smooth return to study once their personal circumstances have improved. If the student's circumstances don't improve then the key point of contact can liaise with the Student Centre who will withdraw the student from their course and inform relevant parties.

Return to study

- 59 Return to study following a voluntary or involuntary suspension is not automatic and will depend upon the student providing evidence that they are fit to study and that any conditions set have been met.
- 60 Prior to the end of the agreed period of suspension the Head of Department and the Personal Tutor and/or Course Leader will arrange a meeting with the student to discuss their return to study. What, if any, evidence is required to demonstrate their readiness to return to study will be discussed and a 'return to study plan' will be agreed.
- 61 In some cases medical evidence of a student's readiness to return to study will be required. Evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of the student and the demands of higher education in order to make an informed decision regarding return to study. In particular, specific reference should be made to the student's capacity to return to study.
- 62 Following the meeting or receipt of medical evidence, should the Head of Department and the Personal Tutor and/or Course Leader still have concerns regarding the student's fitness to study they will ask the Head of School to refer the student back to a Fitness to Study assessment meeting.

Monitoring

- 63 In order to maintain a rigorous and equitable procedure, the fitness to study process will be subject to regular monitoring carried out by the Student Experience Directorate.
- 64 Students will be able to access information regarding the process through the University's website.