### Fitness to Study Regulations

<table>
<thead>
<tr>
<th>Responsibility of:</th>
<th>Head of Student Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval date:</td>
<td>10 July 2018</td>
</tr>
<tr>
<td>Review date:</td>
<td></td>
</tr>
<tr>
<td>Approved by</td>
<td>Academic Board/Board of Governors</td>
</tr>
</tbody>
</table>
## Contents

1 Introduction .................................................................................................................. 2

2 Purpose and Scope ........................................................................................................ 2

3 When to use these regulations ...................................................................................... 3

4 Procedure ...................................................................................................................... 4

5 Level 1: Direct personal intervention (initial and/or emerging concerns) ............... 4

6 Support for Students .................................................................................................... 4

7 First Meeting ................................................................................................................ 5

8 Review Meeting .......................................................................................................... 5

9 Further review .............................................................................................................. 6

10 Level 2: Referral for a Case Conference .................................................................... 6

11 Who can request a case conference? ........................................................................... 6

12 How would a case conference be organised? ............................................................... 6

13 Level 3: Fitness to Study Panel (persistent and / or critical concerns) .............. 7

14 Right of Appeal ........................................................................................................... 9

15 Return to Study .......................................................................................................... 9

16 Referral for disciplinary action .................................................................................. 9
1 Introduction

1.1 Whilst at University students should be able to study and perform to the best of their ability, in a safe and comfortable environment.

1.2 UWL is an adult learning environment in which students are treated as mature individuals and expected to have the capability to study and live independently alongside people of all ages and from a variety of backgrounds. UWL is committed to supporting its students to ensure they can succeed and match their own and the university's high expectations for their academic and personal progress. 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 Dealing with Unacceptable Behaviour, Student Mental Health Policy, Student Code of Conduct and Disciplinary Regulations policy in place which will be applied in the case of students whose behaviour falls outside these standards.

1.3 However, some students find studying and living in the university environment more challenging than their peers. In making this commitment therefore, UWL recognises the potentially negative effect of health and wellbeing issues on students’ learning. It also has a duty under the Equality Act 2010 to make reasonable adjustments, where possible and where appropriate in order to provide equal access to learning opportunities for its students.

1.4 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.

1.5 These Regulations do not relate to the Fitness to Practise Regulations which are a requirement for courses where students are undertaking a qualification which leads to professional registration or working in regulated activity.

2 Purpose and Scope

2.1 Fitness to study refers to the impact of an individual student’s health and wellbeing on his/her capability to participate fully and appropriately in the learning environment at UWL, in spite of appropriate reasonable adjustments having been put in place (in some cases through an Individual Support Plan). It refers to situations in which a student exhibits unacceptable behaviour, conduct, or develops an unsatisfactory record of attendance, submission to work or academic performance, that is considered to be the result of underlying health and wellbeing issues. The purpose of these Regulations are:

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 a student’s fitness to study, where it is not appropriate to apply existing University policies
(e.g., Student Disciplinary Regulations, Dealing with Unacceptable Behaviour Guidance or Fitness to Practise).

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

3 When to use these regulations

3.1 These Regulations should be applied if students’ health problems (which may include physical, emotional / psychological, or behavioural problems) or an inability to manage their own health and safety or that of others 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.

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

i) Where a third party (lecturer/doctoral supervisor, 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.

3.3 These regulations 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. See ‘Cause for Concern Policy’ or ‘Student Mental Health Policy’.

3.4 These regulations describes the procedure that will be followed in such situations to consider the needs of the student, the support that is being provided and the implications for other students and members of staff before any disciplinary action is taken, unless to delay disciplinary action would represent a serious and immediate risk to the student, to others or to UWL’s reputation.

3.5 These regulations applies to all higher education enrolled students at UWL, regardless of their mode of study or attendance, except where the provisions of the Fitness to Practise Regulations apply. In addition, and in some instances this regulation will be used in conjunction with the Student Mental Health Policy.
4 Procedure

4.1 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.

4.2 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.

4.3 If the student’s behaviour has caused disruption in university nominated 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 a separate process. 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.

4.4 Written reports and / or records of meetings and action plans will be stored by the Student Welfare team.

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

5.1 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, Personal Tutor, Course Leader, Doctoral Supervisor or Head/Deputy Head of School) will be responsible for informing the student in a supportive and understanding manner that there is a concern about his / her fitness to study.

5.2 The member of staff will arrange a meeting with the student, giving them at least 48 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 Welfare team to be present at the meeting. If so, the student will be informed of this in advance. The student may bring a friend or representative of the Students’ Union to the meeting.

6 Support for Students

6.1 The academic schools/colleges should ensure that all relevant support mechanisms at UWL have been considered and made available to the student before invoking these regulations. These might include:
• Use of IFA (Civitas) to monitor attendance and engagement, and provide pro-active pastoral support where necessary;
• Meetings with Personal Tutors/Doctoral Supervisors, Course Leaders, Engagement & Retention team to support academic requirements;
• Referral to Student Services, e.g. Welfare, Wellbeing (including Counselling, Disability and Mental Health) or Student Advice teams – see Appendix A.

Staff are also advised to refer to the, Cause for Concern and/or Student Mental Health Policy should they deal with a student who presents as being at risk or vulnerable.

7 First Meeting

7.1 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.

7.2 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.

8 Review Meeting

8.1 A review 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. Also, if the student 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.

8.2 If concerns have not been satisfactorily addressed and all relevant support has been put in place, a further review period may be agreed, or the case will be moved to the next stage of procedure.

8.3 It is envisaged that the majority of situations where a student is experiencing difficulties that are impacting on their ability to successfully engage with academic life will be covered by the various standard support mechanisms outlined above.
9 Further review

9.1 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.

9.2 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.

10 Level 2: Referral for a Case Conference (continuous and/or serious concerns)

10.1 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. Where it has not been possible to address sufficiently the impact of the student’s health and wellbeing using the standard support mechanisms, this regulation allows staff to refer the matter to a case conference. The purpose of the case conference is to bring together individuals with relevant expertise to consider in more detail the needs of the student, the support that is being provided and the implications for other students and members of staff. The student will be informed that this is to be managed under Level 2 of the regulation.

11 Who can request a case conference?

11.1 The case conference can be convened by concerned staff within the student’s school/college and is likely to include:

- Head/Deputy Head of School/ Subject lead / Course Leader / Doctoral Supervisor;
- A representative from Student Services e.g. Head/Deputy of Student Services, Head of Welfare or Head of Wellbeing;
- A member of academic staff known to the student;
- A note taker (a member of Student Services).

12 How would a case conference be organised?

12.1 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.

12.2 The Case Conference 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 from the Student Union. 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.

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

a) No further action taken;

b) 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 (nominated by the School/College). 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 regulation. A date will be arranged at which the action plan will be formally reviewed by the Course Leader/Doctoral Supervisor or Head of School / College. 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;

c) Recommendation that the student undertakes a lighter workload, in consultation with School/College and, if appropriate and, where necessary, the Student Advice Service and/or Compliance team;

d) 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 deferral of studies will be explained to the student;

e) Where the student is on placement, to propose to the student suspending the placement or, if available switch programmes to a ‘without placement’ equivalent;

f) To move straight to Level 3 of the procedure.

The minutes of the Panel will be circulated to all in attendance and kept in compliance.

12.4 It is anticipated that most issues will be resolved using the various mechanisms associated with a case conference outlined above. However, it may be that the outcome of a case conference is a recommendation to defer/interrupt studies or a referral for disciplinary action.

13 Level 3: Fitness to Study Panel (persistent and / or critical concerns)

13.1 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 Course Leader / Doctoral Supervisor or Head of School / College 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:

- Head of Student Services
- Course Leader / Head of School/College / Doctoral Supervisor
- A member of academic staff known to the student
- A minute taker (by Student Services)

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

a) Voluntary Deferral of 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) University initiated Deferral of studies: 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. This would only be used where there are risks to the student or other students and while a student is accessing appropriate treatment.

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 regulations.

e) Any other action deemed appropriate.

13.3 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’. Student Services Advice team/Compliance Team need to be informed of any outcome resulting in a break in studies, suspension or exclusion.

13.4 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 to the student. Wherever possible, the written notification detailing the decision will be given to the student in person, by the Head of School or nominee, who will explain the contents. The minutes of the Panel will be circulated to all in attendance and a file copy kept in Compliance.
14 Right of Appeal

14.1 A student may make an appeal through the existing University appeal procedures outlined in the Appeals Procedure.

15 Return to Study

15.1 After a break in studies or deferral (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 a recognised professional who has sufficient knowledge of the student, the demands of higher education, in order to give an informed opinion.

i. If the case was considered at Level 2:

15.2 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 academic) and regular monthly review meetings.

ii If the case was considered at Level 3:

15.3 The Head of Student Services, 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 academic) and regular monthly review meetings.

15.4 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.

16 Referral for disciplinary action

16.1 Cases considered under these Regulations may be referred for action under the Disciplinary Regulations where:

i) The student at any time represents a serious and immediate risk to him/herself, to others or to UWL’s reputation;

ii) The student’s conduct continues to have an adverse effect on the learning or working environment, or the health or wellbeing of other students or members of staff;

iii) The student fails to provide adequate documentary evidence about his/her health or wellbeing issues.