



FITNESS TO STUDY POLICY AND PROCEDURE

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1. Introduction

- 1.1 Leeds Arts University is committed to supporting students to engage with their studies and with the University community. The University seeks to ensure a positive student experience and an enabling environment which is safe and conducive to learning and the wellbeing of all members of the community.
- 1.2 The key aim of this policy is to safeguard and promote the welfare of students affected by serious or long-term conditions/ disabilities and to minimise disruption to the teaching, learning and support of other students.
- 1.3 When a student is 'fit to study', they are physically and mentally well enough so that, with any necessary and reasonable support and adjustments in place, they can function in university life. This means that:
 - they can engage with and benefit from their academic studies and submit assessments with a reasonable chance of progressing and obtaining the qualification they have registered for within the required period;
 - their behaviour does not unreasonably disrupt the learning or work of any other members of the University community;
 - they do not put their own health and safety at risk, or that of others.
- 1.4 Students may be deemed unfit to study if, for health reasons, it's not in their interests or in the interests of the University that they continue a course of study.
- 1.5 This policy is not designed to be used to address academic performance issues (which should be dealt with under the normal assessment procedures), academic misconduct or with issues relating to attendance or individual extenuating circumstances, since there are policies/procedures in place to deal with these matters.
- 1.6 This policy can however be used where a student's academic performance and/or engagement is unsatisfactory as a result of an underlying physical or mental health problem. The Head of Student Support and Academic Registrar will be able to advise on the most appropriate policy to follow.

2. Policy

- 2.1 There may be instances where a student's health or wellbeing gives cause for concern regarding their fitness to study on a course, and/or as part of the University community.

This may arise where, for example, the University is concerned that:

- a student poses a risk to their own health, safety or wellbeing or that of others;
 - the student's behaviour is, or is at risk of, negatively affecting the safety, teaching, learning and/or experience of themselves and/or other students;
 - the student's behaviour is, or is at risk of, negatively affecting the day to day activities of the University;
 - serious concerns about the student emerge from a third party which indicate that there is a need to address their fitness to study;
 - a student's academic performance and/or engagement is unsatisfactory and may be known to be or suspected to be the result of an underlying physical or mental health problem.
- 2.2 Students are responsible for the management of their own wellbeing wherever possible; the aim of staff throughout is to promote early intervention, and active collaboration between staff, students and third parties. Matters are dealt with sensitively and non-judgementally and in a co-ordinated manner across the University. Whilst the University seeks to work with students in a spirit

of co-operation, cases may arise where a student is unable or unwilling to cooperate in the management of their wellbeing and this policy makes provision for proceeding without input from the student if deemed necessary. In extreme cases the University may determine that the student is unfit to study with the result that their registration with the University may be suspended or withdrawn.

- 2.3 This policy and procedure applies to students throughout the period of their registration with the University.
- 2.4 In responding to and managing situations where a student's fitness to study is a concern, the University remains mindful of its duty of care and of its obligations under the Equality Act (2010), including its duty to make reasonable adjustments to teaching and learning, assessment and other activities, as appropriate. In dealing with cases the University also remains mindful of its duties under data protection legislation.
- 2.5 The University will ensure that it offers, and encourages, students to seek appropriate support from the outset by providing advice and guidance on eStudio covering a range of topics that support their life as a student including managing stress, building resilience, managing physical and mental wellbeing.
- 2.6 Students are also able to get support from their medical practitioner or by making appointments with the University's own Student Welfare service.
- 2.7 Each matter will be dealt with in a supportive manner and on an individual basis. Any decision reached about a student's fitness to study will be made, wherever possible, through a process involving the student and other relevant parties such as academic staff, a supporter (where the student is under 18 or if they have given their written consent for them to be informed) and internal and external agencies as appropriate depending on the circumstances.
- 2.8 The circumstances that may give rise to concerns regarding a student's fitness to study will vary according to the facts of each case. Examples may include (but are not limited to):
 - where a student is affected by medical conditions that require long periods of absence and treatment;
 - where there are reservations from staff regarding a student's fitness to study due to a medical condition/disability;
 - where participation in a course related activity or assessment would jeopardise the long-term health and wellbeing of a student due to a medical condition;
 - when there is a disruption to teaching, learning and support of other students or where unreasonable demands are being made on staff or students due to deterioration in the physical or mental health of a student;
 - a student's support needs fall outside the scope of the support and other services which the University can reasonably be expected to provide as, primarily, a higher education institution;
 - where there is a potential risk to a student or others due to deterioration in the student's physical or mental health.
- 2.9 Any member of staff who has a concern about a student's fitness to study, or has a concern reported to them, should discuss those concerns with the Student Welfare Manager, remaining mindful of the confidential and sensitive nature of the matter being discussed.
- 2.10 Whilst it is envisaged that such cases will be exceptional, the University reserves the right, at any stage and level of this policy, to vary the process it follows in the interest of fairness and/or health and safety (for example, where there are concerns that the attendance of the student at a meeting or the provision of information to the student could have a detrimental effect on the student). The University also reserves the right to refer students to other procedures if Fitness

to Study is deemed not to be appropriate.

- 2.11 Should a student be unwilling or unable to take part at any stage of the procedure or to attend a meeting, the University may continue to follow the procedure where it is reasonable to do so. In addition, the University will consider any request from the student to proceed with a meeting in their absence.
- 2.12 Where a decision to suspend a student from study (see 2.2 above) has been made the student will be notified in writing normally within 7 calendar days of the decision. The student may, within 7 calendar days of the notification, ask for the decision to be reviewed. The process for review is set out in section 4.

3. Procedure

- 3.1 If an incident occurs where there is critical concern regarding immediate risk to self or others, the appropriate Emergency Services should be notified and the Student Welfare Manager informed.

Where there is no critical concern of immediate risk to self or others, the procedure to be followed has three stages. The University will start the process at the level that is appropriate to the concern.

3.2 Stage 1: Emerging concerns

3.2.1 Concerns can come from the course team, student welfare, academic support, student administration teams or any other relevant party e.g., member of the public. Concerns at this stage are low risk and may include deterioration in health, appearance, behaviour, engagement/attendance, or the ability to meet deadlines, succeed academically or participate in normal student life. Where such concerns are raised or identified a meeting should be arranged between the student and the following members of staff:

- the course tutor;
- a member of the student welfare team;
- a HE/FE administrator.

The discussions that take place should be supportive and not disciplinary in nature. The student should be given the opportunity to explain their perception of the matter.

3.2.2 In the meeting staff should:

- a) Discuss the precise nature of the behaviour that has caused the concerns and the possible implications for the student and their course of study.
- b) Consider if the student needs to seek help from relevant support services e.g.
 - Student Welfare team;
 - Academic Support team;
 - Student's own medical practitioner or NHS partnership service;
 - Other third sector organisations or community services.
- c) Explain to the student that should these concerns continue or worsen, a wider discussion regarding 'fitness to study' may be necessary, by calling a Fitness to Study Stage 2 or Stage 3 meeting.
- d) Ensure that the student is aware of the need to manage their own health, wellbeing and ability to study and, as part of this, to seek professional help when necessary.

3.2.3 Possible outcomes from such a discussion might include:

- suggest support arrangements and/or reasonable adjustments to be put in place;
- agree an action plan, setting out how the matter will be managed and any requirements (e.g. referrals to appropriate support services);
- setting out options available such as suspension or withdrawal of studies;
- refer the matter to another stage of this procedure;
- no follow-up action necessary.

Any actions agreed to be taken by the student and any other parties should be recorded on the Fitness to Study Record Sheet (Appendix A) and a review date should also be set. A copy of this information must be given to the student within 7 calendar days of the meeting. The notes will be shared with the student and saved in the student's file.

3.2.4 Refusal to engage:

If a student refuses to engage with the Stage 1 process or progress is not satisfactory, referral to stage 2 or stage 3 of this procedure will be considered.

If this is the case, the student will be informed of the next steps in writing within 7 calendar days of the meeting. The letter will outline the reasons and explain any actions needed.

3.3 Stage 2: Ongoing, repeated, more serious concerns or a sudden deterioration

3.3.1 Stage 2 will be invoked where concerns are continuing or the review date set out in Stage 1 has passed and the student is still experiencing difficulties and has not accessed help as agreed at the initial stage discussion. Stage 2 is a more formal approach, which may also be initiated when there is a **significant** concern about a student's health, wellbeing, behaviour, safety and/or ability to study which is felt to be too serious to be handled informally at Stage 1 and confirmation is required that the student is fit to continue with their studies. A Stage 2 meeting will be held with the student. Before the meeting takes place, consultation will take place with a range of University teams to help understand the circumstances of the case.

The Stage 2 meeting will include the following members:

- Course Leader;
- Student Welfare Manager or representative;
- an FE/HE Administrator or Academic Progression Administrator (who will also take notes).

3.3.2 The student should be made aware of the purpose of the meeting and the University's expectations regarding fitness to study, and may be accompanied by a supporter (the role of the supporter is to act as an observer, give moral support and to assist the student) or a member of the Students' Union team or student welfare if requested. If the student is under 18 the student's parents, carers or guardians will be informed.

3.3.3 This purpose of the meeting will be to determine whether the course is within the student's capabilities; whether and how student's fitness to study is impaired or may become impaired and any actions which are needed to support the student to continue, if that is possible. The meeting will explore any support needs to be considered, an outline of what support has already been tried and records of any previous meetings relating to the procedure will be discussed.

3.3.4 Possible outcomes include but are not limited to one or more of the following:

- support arrangements and/or reasonable adjustments to be implemented so that the student can continue studies;
- an action plan, setting out how the University and the student will manage the matter and what the student needs to do;
- referral to another support service;
- referral of the case to another stage in the procedure;
- a period of voluntary suspension of study or decision to withdraw from the course.

3.3.5 Where it has been established that the course is still within the student's capabilities and the support needs can be met by the University's support services, an action plan will be agreed and a review meeting(s) arranged with the Course Leader and the student welfare member. The consequences of not adhering to the action plan must be clearly outlined to the student in writing. The letter will be sent to the student within 7 calendar days of the meeting taking place and saved in the student's file.

3.3.6 Where the course is not within the student's capabilities and the conclusion of the meeting is that the impact of the condition is sufficiently serious to warrant a suspension of studies for a defined period or withdrawal from the course, Stage 3 of the procedure will be initiated.

3.4 Stage 3: Serious, persistent and/or critical concerns

3.4.1 The most serious level of concern can be reached either through progression from stage 2 or directly if the concerns identified by a member of staff are serious, persistent or have become critical i.e. the student's behaviour is putting health and safety, well-being or academic progression of self or others at risk. In such cases the Course Leader must inform the Head of Student Support, the relevant Director - Undergraduate Studies/Head of Postgraduate Studies/FE Director and the Student Welfare Manager immediately and a Stage 3 meeting arranged with the student.

3.4.2 A Stage 3 meeting will bring together staff from the student's course and from the appropriate support services. A case conference to discuss the case will be convened prior to this meeting so that all involved have a shared understanding of the case.

3.4.3 The Stage 3 meeting will normally comprise of:

- the relevant Director - Undergraduate Studies/FE Director/Head of Postgraduate Studies;
- Head of Student Support;
- Academic Registrar;
- FE/HE Administrator or Academic Progression Administrator (who will also take notes).

3.4.4 The student's support needs will be discussed and various options considered.

3.4.5 The student will be invited to attend the proceedings and may be accompanied by a supporter or a member of the Students' Union team. If the student is under 18 the student's parents, carers or guardians will be informed. If the student has given permission in writing the student's supporter will be informed and invited to the meeting. In the event that the student is unable or unwilling to attend, the meeting may go ahead in their absence.

3.4.6 During the meeting, the student will be asked to respond to concerns. Records of previous meetings, action plans, medical reports, etc will be discussed. The role of the supporter is to act as an observer and give moral support. In addition, where reasonable adjustments are required, a student may be accompanied by another support individual to provide these adjustments, e.g. a sign language interpreter or a note taker.

- 3.4.7 The meeting is held to determine whether the student's fitness to study is impaired or may become impaired and any actions that need to be implemented. This may include, but is not limited to, one or more of the following outcomes, which will formally be decided upon and communicated in writing.
- support arrangements and/or reasonable adjustments for continuation of studies;
 - an action plan, setting out how to manage the matter, for example, in respect of future conduct or the support that the student must seek;
 - suspension of study, which stipulates any conditions the student should meet prior to a return to study;
 - withdrawal from course.
- 3.4.8 The student will be notified in writing, all decisions made at this meeting including any actions required within 7 calendar days of the meeting. The student will be advised of their right to a review of the decision and informed how to request this and in what timescale. All correspondence relating to the meeting will be kept in the student file.
- 3.4.9 In cases where a suspension of studies is agreed, the student will receive written confirmation regarding the date of expected return and the conditions of the return. Suspension is normally for 1 academic year, or the next appropriate start date for the student concerned, an earlier return will not normally be permitted. The provision of appropriate documentation/medical evidence required for re-entry into the course must be given and a date for this evidence to be submitted must also be clearly outlined in writing to the student. This information should be kept in the student file and a copy sent to those present at the meeting.
- 3.4.10 In cases where a student has not progressed through stages 1-2 but has been absent or hospitalised due to sudden or escalation of physical or mental illness, the case will be considered under Stage 3 without going through stages 1 or 2. The provision of medical evidence confirming fitness to return to study will be a condition of re-entry to the course.
- 3.4.11 For any student who is detained ('sectioned') under the Mental Health Act 1983 and who is therefore unable to interact with the University in the management of their wellbeing, an appropriate suspension or withdrawal from studies will be put in place. Prior to the student's return to study, and to ensure appropriate support is in place, the case will be considered under Fitness to Study Stage 3, where further evidence will be sought regarding the student's fitness to return to study.

4. Review

- 4.1 A student may, within 7 calendar days of the date of notification, request a review of the decision reached by the Fitness to Study panel on the following grounds:
- there has been a procedural irregularity;
 - availability of further evidence which could not reasonably have been expected to have been submitted previously for consideration by the panel.
- 4.2 Any request for a review must set out the grounds and must be submitted in writing to the Quality and Standards Office. A review will be arranged, usually within 7 calendar days and the panel will comprise: a member of the Senior Management team, Head of Student Support, a member of Academic Registry and a note-taker.
- 4.3 The review is not a rehearing of the original Stage 3 meeting but rather a consideration of the specific area with which the student is dissatisfied in relation to the outcome of the Stage 3 meeting. The review panel will therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 4.4 At the meeting the student will explain their case and any special circumstances which may exist.

- 4.5 Where the student is unable to explain their circumstances, a suitably qualified professional or the supporter can speak on the student's behalf.
- 4.6 The panel will review the case, taking into account the original fitness to study decision and the student's representations.
- 4.7 Written confirmation of the decision will be sent to the student within 7 calendar days.
- 4.8 There is no further process of review within Leeds Arts University.
- 4.9 For HE students only, a Completion of Procedures letter will be issued. This letter concludes the University's formal procedure and provides the student with formal confirmation that they have completed all available stages of the internal procedures. It is issued at the end of the relevant stage of the procedure.
- 4.10 HE students who are not satisfied with the outcome of the review may take their complaint to the Office of Independent Adjudicator for Higher Education (OIA) provided that the complaint is eligible under its rules. Should a student decide to make a complaint to the OIA, the OIA Complaint Form must be received by the OIA within 12 months of the date of the Completion of Procedures letter. Guidance on submitting a complaint to the OIA and the OIA Complaint Form can be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. Students may also wish to seek advice from the Students' Union about taking a complaint to the OIA. The OIA will normally only review issues that have been dealt with through the University's internal procedures.

5. Return to Study Procedure

- 5.1 Successful return to study is the aim after any period of suspension of studies. In all circumstances, when a suspension of studies has been recommended or agreed, the process for considering a return to study should be made clear, in writing, to the student at the time of suspension.
- 5.2 After a period of suspension on health grounds, the student should confirm to the Course Leader and Student Welfare Manager (or nominee) in writing by the predetermined deadline, a request to return to study. Medical evidence required must also be supplied at the same time. The particular process to be followed in dealing with this request will be at the discretion of the Student Welfare Manager and will depend upon the context and specific circumstances of the original suspension. Towards the end of the suspension of studies period and before the agreed deadline, the student should contact the Academic Progression Administrators to arrange their return to study. The agreed return to study date will be kept in the student file.
- 5.3 The decision to allow a student to return will be made by the Student Welfare Manager and the individual Course Leader (or nominee). Their decision will be communicated in writing to the student prior to their return, clarifying any necessary requirements and special arrangements.
- 5.4 In all cases, return to study will be dependent upon evidence of fitness to study. The precise nature of the evidence required from the student will be dependent on the individual circumstances of each case, but in all cases, it is expected that this will involve a report from a recognised independent health professional with sufficient knowledge about the health and wellbeing of the student during the period of suspension and, specifically, the student's capacity to return to study. Considerations include:
 - the student's health and any medical prognosis;

- the support in place for the student, such as counselling or ongoing medical treatment;
- the phasing of the student's studies (e.g. the need to interrupt for a full semester to ensure readmission at an appropriate point academically);
- the regulations for the degree/programme of study, e.g. limitations on the total period of interruption permitted;
- the implications of an interruption on any external funding arrangements and/or immigration status.

5.5 On the student's return, a meeting will be arranged with the Student Welfare Manager and the Course Leader (or nominee) to agree a study plan. Review meetings will be arranged so that the student's progress can be monitored and support re-assessed. Review meetings will include the Course Leader (or nominee) a representative from Student Welfare and an Academic Progression Administrator.

5.6 Where a return to study has been declined the student has the right to request that the matter be referred to a Pro-Vice-Chancellor who will review the basis on which the decision has been made and consider whether there have been any procedural irregularities. The student should make the request by writing to the Academic Registrar within 7 calendar days of the decision. The Pro-Vice-Chancellor decision on the matter is final.

6. Monitoring after Return

Once a student has returned to study, the Course team supported by the Academic Progression Administrators will be responsible for monitoring the wellbeing of the student for a period of up to six months. If any concerns re-emerge, these must be raised promptly with the student. A further referral for consideration under the Fitness to Study Policy may be appropriate in such cases.

7. Reporting and Recording

The FE and HE administration teams will keep a record of fitness to study cases and this is reported annually to SMT. Details of concerns logged at all stages of the policy are held as confidential notes on the student's file.

APPENDIX A: Fitness to Study Record Sheet

Stage

- 1: Initial Concern 2: Continuing Concern
 3: Serious & Critical concern 4: Post Return to Studies

Student

Name: _____ Student Number: _____

Staff Name

Name: _____ Course: _____

Date: _____ Time: _____

In Attendance: _____

Summary of discussion

Agreed Action Plan/Expected Outcomes

| | | |
|--------------------------------|--------|-------------|
| Action by student and/or staff | Who by | Review Date |
| Comment | | |
| Action by student and/or staff | Who by | Review Date |
| Comment | | |
| Action by student and/or staff | Who by | Review Date |
| Comment | | |

Further Comment

Staff Signature:

Date:

Student Signature

Date: