

## **Fitness to Study Procedures**

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## **1. Purpose and Scope**

- 1.1** Newman University seeks to provide a safe and comfortable learning environment where students are able to study and perform to the best of their ability and reach their full potential. The University will support students and make reasonable adjustments to help them reach the appropriate standards for success in their studies.
- 1.2** These regulatory procedures are applicable to students enrolled on any University programme of study.
- 1.3** Requests for any additions to the procedures described in this document, based on the presentation of experience and evidence, should be provided to Senate as part of annual review of policies and procedures.
- 1.4** Programmes undertaken in or with a collaborative partner institution, but where academic authority lies with the University, shall be subject to the procedures described in this document. Collaborative partner institutions should seek advice on details of implementation from the Deputy Registrar.
- 1.5** These regulations operate in conjunction with the [other University regulations and procedures](#).
- 1.6** Care should be taken to ensure that the procedures invoked are appropriate to the circumstances. There may be circumstances when more than one set of procedures must be invoked. Where necessary, advice should be sought from the University Secretary and Registrar and relevant Executive Dean. In order to determine which procedure will be followed, it may be necessary for appropriate staff, to arrange an additional meeting with the student or collect additional information/evidence.
- 1.7** Students who are under investigation within these procedures are recommended to seek advice and guidance from Student Services. They can also seek support from the SU.
- 1.8** Where there is an *allegation of academic misconduct*, it may be appropriate to consider the case under both the academic misconduct and fitness to study procedures. In these circumstances, the University will conduct the academic misconduct process first and conclude it before beginning the fitness to study process. This will avoid the student facing simultaneous procedures for the same allegation.

## 2. Relationship to other University policies and procedures

This policy is not concerned with academic progress, which is dealt with by each Faculty in accordance with the University's General [Academic Regulations](#). The policy supports the work of the Faculties to sustain the progress of students.

[Safeguarding Policy](#): if there are any concerns that the student is experiencing, or is at risk of abuse as a 'vulnerable adult', or is abusing someone else who is a 'vulnerable person' then this should be discussed with Student Support Services in the first instance and appropriate actions agreed in line with the Safeguarding Policy.

[Fitness to Practise Policy](#):

Students in certain disciplines (e.g. teacher training and Nursing and Allied Health programmes), which are subject to the requirements of Professional, Statutory and Regulatory Bodies, may be subject to separate and over-riding obligations to declare significant health issues. Where there is a Fitness to Practise issue, the Fitness to Practise Procedure or the regulations of the relevant professional, statutory and regulatory bodies, as applicable, will take precedence.

[Student Disciplinary Regulations](#): a student who has a mental, physical or emotional health issue is not exempt from following the University's Code of Conduct. This policy is not about discontinuation or expulsion of student for misconduct; this is dealt with by the Student Disciplinary Regulations.

Where there is a disciplinary issue, the disciplinary procedure will take precedence, unless:

- a. there is a reasonable belief, on the University's part, that the offending behaviour is due partly or wholly to a physical, mental or emotional issue and that constructive engagement with the student through the Fitness to Study Procedure could lead to a resolution of the behavioural issue;
- b. AND that the University believes that this is the most appropriate course of action considering all the circumstances;
- c. AND that the student agrees that the Fitness to Study Procedure will be invoked OR there is a reasonable belief on the University's part that the student is not capable of making a rational informed decision on this point.

The Fitness to Study Procedure will normally be considered only if the Safeguarding policy, Fitness to Practise Policy and Student Disciplinary Regulations either do not apply, have been completed, or have been

initiated/considered and a recommendation made to engage the student with the Fitness to Study Procedure, as relevant.

### **3. Indications of a need to invoke Fitness to Study Procedures**

A student's fitness to study may be brought into question as a result of a wide range of circumstances:

- a. Lack of engagement with study (poor attendance, lack of communication with staff, non-submission of assessments);
- b. Poor or declining academic performance;
- c. Behaviour or disposition which may indicate a student needs additional support, such as:
- d. Mood swings or unusual behaviour (e.g. aggressive, withdrawn, distressed, irritable);
- e. Apparent signs of ill health (e.g. dramatic weight loss or gain, ongoing lack of personal hygiene and care);
- f. Withdrawal from social, cultural or sporting activities once considered important;
- g. Lethargy or signs of lack of sleep;
- h. Obvious signs of substance/ alcohol misuse;
- i. Information about specific episodes (e.g. self-harm/suicidal thoughts or attempts);
- j. Inappropriate behaviour (e.g. inappropriate touching, invading personal space, excessive, unexpected and prolonged laughter, uncharacteristically bad language such as swearing);
- k. Disruption to the teaching and learning activities of other students, including placements;
- l. Unreasonable demands being placed on staff or other students;
- m. Persistent behaviour which is unacceptable;
- n. Self-referral where the student advises a member of the University of difficulties they are experiencing;
- o. Concerns emerge through a third party outside the University;
  - i. AND it seems likely or possible that the above signs are caused by a physical, mental or emotional issue.
- p. Significant health issues, including severe and relapsing illness;

- q. Being a carrier of a serious communicable disease, without complying with an appropriate management plan
- r. Lack of insight into how their medical condition could impact upon the safety and wellbeing of themselves and others with whom they come into contact in their professional capacity
- s. Providing false or inaccurate statements or answers on self-declaration forms

#### **4. Fitness to Study management and assurance principles**

**4.1** Newman seeks to ensure equity and consistency of treatment for all students and uses the following generic standards to assess Fitness to Study.

**4.2** The principles underpinning these procedures are that they:

- reflect rules of natural justice;
- presume a student to be innocent of any allegation until proven on balance of probabilities;
- are transparent and involve timely resolution of Fitness to Study;
- include procedures for independent review and decision making;
- encourage the resolution of problems at a local level wherever possible;
- enable the University to fulfil its statutory and ethical responsibilities to professional bodies, the student and the public at large;
- enable the University to ensure compliance with relevant legislation.

**4.3** Where possible and appropriate, concerns related to Fitness to Study should be addressed initially, through an informal approach, at the local level. For example, any emerging concern should first be discussed with the module tutor and tutor/supervisor/line manager. Outcomes from the exploration of the emerging concerns should be recorded against the student record. Should this approach fail to resolve the matter then the following Fitness to Study procedures should be used (Please see sections 4 onwards).

**4.4** Information about any individual involved in Fitness to Study procedures will be dealt with confidentially and privacy respected. However, it may be necessary to disclose information to others in order to resolve concerns over Fitness to Study and in these circumstances the parties concerned should be informed of such disclosure.

**4.5** Whoever initiates formal Fitness to Study procedures will not suffer any disadvantage or discrimination because of taking such action in good faith. However, if such action is judged to have been made frivolously, vexatiously or with malice, by a student or University employee, disciplinary action may be taken; and if an employee, client or other individual associated with the provider is involved, the University will undertake to discuss the matter with the appropriate managers of the organisation to determine if any further action should be taken.

**4.6** Where a student has declared a disability to the University, the University will ensure that information is available to them at all stages of the procedure in appropriate formats, and that any reasonable adjustments are made to the associated proceedings to accommodate the student's needs. A record will be kept of any adjustments made.

## **5. Triggering Action Under the Fitness to Study Procedure**

**5.1** Any allegation of concern that a student enrolled on a programme coming under the scope of these regulations may be unfit to study should be made normally (in writing) and promptly, and formally submitted to the appropriate Head of School. The University will consider any information submitted to it which gives reasonable cause to believe that a student's fitness to practise may be impaired. Sources of concern may include, but are not limited to:

- a) University employees
- b) Students (including self-referrals)
- c) The Students' Union
- d) Medical professionals
- e) Police and other government agencies
- f) Regulatory bodies
- g) General public
- h) Placement provider employees
- i) Other University services

The student has the right to be supported and accompanied at all stages of the procedure, by someone who is not acting in a legal capacity, at any meeting arranged to discuss the matter. The individual accompanying the student must be a member of the University, i.e. a) a registered student; or b) a member of staff or Sabbatical Officer of the Students Union.

The role of the individual accompanying the student will be to support and advise the student and to help them to present their case.

**5.2** The Fitness to Study Procedure has four stages:

- Stage 1: Emerging Concerns – Informal Meeting(s)
- Stage 2: Continuing Concerns – School based investigation and report.
- Stage 3: Significant or Persistent Concerns – Fitness to Practise Panel
- Stage 4: Appeal against the outcome of the Fitness to Study Panel

- 5.3** Section 3 above describes how to determine whether Fitness to Study is the most appropriate policy / procedure to follow, and this should always be considered.
- 5.4** In most cases it is expected that matters will be resolved through an informal stage 1 procedure initiated by a member of academic staff. It may sometimes be the case that a student is continuing to study successfully but behaviour in other areas is affected, for example participation in extracurricular activities or use of sports or prayer facilities. In this case a member of professional services staff could initiate the procedure.
- 5.5** Where the procedure is invoked in relation to a non-academic issue (for example, in student halls of residence where the accommodation officer will take the lead) it will normally still be beneficial to involve an appropriate member of the Faculty in the procedure. If the student is studying on a course governed by professional practise requirements, it will always be essential to inform the Faculty of concerns which arise in relation to conduct, health or wellbeing which may affect the student's eligibility to continue on their course.
- 5.6** It is recognised that these situations can be difficult to deal with and that the stage of risk is often hard to determine. Staff should consider the proportionality of the circumstances (for example when determining whether there is a crisis situation, or not) and also ensuring that the matter is known about at the most appropriate levels of responsibility (so as not to inadvertently erode higher escalation levels that may be required to review a case further on in the procedure). If any staff member is unsure about whether to invoke this procedure, they are encouraged to seek advice from Student Services.
- 5.7** Depending on the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the Stages. The Stages reflect the seriousness of risk posed by the student and also how responsive they are to interventions by the University. Stages 1 and 2 may be used several times in respect of a particular case if circumstances allow, before proceeding to Stage 3.
- 5.8** If the student's behaviour is deemed to be seriously putting health and safety, wellbeing or the academic progress of themselves and/or others at risk, action will be taken which may include suspension of study at any Stage (see Section 10).

**5.9** If a student fails to co-operate or absents themselves from engaging with the University at any point the University has the right to continue with the process in their absence.

## **6. Stage 1: Emerging Concerns Informal Meeting(s)**

- 6.1** When initial concerns are raised under the Fitness to Study Policy, the emphasis at Stage 1 will be on offering support, guidance and assistance to the student. Information regarding sources of support both internally and externally to the University should be discussed and the student encouraged to make use of them. This may include access to the student support services counselling, Academic Support Advisors, Inclusion Co-ordinator, Mental Health Advisor, the Chaplain, the Students' Union; or their medical practitioner or consultant.
- 6.2** The decision to meet with the student under the Fitness to Study procedure at Stage 1 will normally be taken by a member of Faculty staff, or occasionally professional services staff, with primary responsibility and/or knowledge of the student (e.g. Accommodation Officer or programme leader) or who has observed the behaviour which is causing concern.
- 6.3** Before holding a meeting consideration will be given as to whether the student needs any reasonable adjustments in place. If a staff member is unsure about how to approach this question, they are encouraged to seek advice from the Inclusion Co-ordinator.
- 6.4** The meeting will happen in an appropriate place for the discussion of personal matters.
- 6.5** At this informal stage the student does not need to be given extensive notice that the discussion is going to happen (unless relevant reasonable adjustments are required).
- 6.6** Staff members are encouraged to make every reasonable attempt to engage the student at this stage as they are in the best position to have the initial meeting due to their direct observation of the fitness to study issues.
- 6.7** During the Meeting:
- a. As far as possible, the procedure will be treated as a framework within which to have a supportive, open discussion with the student
  - b. The student will be advised that the purpose of the meeting is to discuss a concern which has arisen about their behaviour, circumstances, vulnerability, or similar.
  - c. The student will be advised what behaviour has caused concern giving clear description and examples.



- d. The nature of the concerns should be clearly identified to the student and she/he encouraged to discuss the issues. It is possible that s/he will not have realised the impact of their actions.
- e. The student should be asked to moderate their behaviour or to seek help with presenting issues.
- f. Factual language will be used e.g. raised voice, frequent interruption, non-submission, examples of concern for their own safety.
- g. The nature of the concern will be identified e.g. likely impact on the student's studies.
- h. The student will be encouraged to reflect on the issues, including the potential impact on themselves and others, contribute to the discussion and share any concerns they have.
- i. The student will be asked whether they accept that change is needed, or are willing and able to make changes to address the concerns.
- j. The student will be reminded that, whilst the University has a duty of care to support students with ill health, it is the student's responsibility to be fit to study.
- k. A formal Risk Assessment should be carried out with the student, by the person initiating the discussions (using the University's standard risk-assessment procedures and forms).
- l. The student can also identify additional support or adjustments they feel they need and consideration will be given as to whether these are reasonable.
- m. Students will be informed that if the concerns continue, any additional cause for concern arises, or they refuse to engage in the process, this could result in their fitness to study being further considered by moving to Stage 2 or that a different procedure may be initiated

**6.8** The aim of the meeting will be to agree on:

- a. what type, stage or extent of change is expected, and within what time frame
- b. whether there are any underlying causes of the behaviour which will be addressed
- c. what (if any) additional support or reasonable adjustments will be put in place by the University
- d. The student and member of staff will agree a date to meet within 3 months to review the situation. This is known as the Stage 1 review meeting. The meeting is to discuss the effectiveness of the support

that the student has been accessing. The review date can be at any point in the three month period and will be determined by the perceived seriousness of the issues and the nature of any actions planned to address this

**6.9** After the meeting:

- a. The key points and agreements, including action points arising from this discussion will be recorded by the Key Staff member using a standard proforma (see Appendix 3) and:
- b. Communicated in writing to the student within five working days
- c. Notified to the Programme Leader and Personal Tutor (or equivalent relevant role-holders) and kept by the Faculty on the student's file, with due regard to confidentiality and the need to cleanse the record after an appropriate period of time.
- d. At the time of the review meeting, if the student's behaviour has not reached the required standard, or if the student does not engage with the review meeting, then the member of academic staff leading the case may take one or more of the following actions:
  - (i) Contact the Head of Department (or nominee) and propose to escalate to Stage 2 of the procedure
  - (ii) Initiate a different policy or procedure, for example the Student Disciplinary procedure or Fitness to Practise procedure
  - (iii) Take no further action (if e.g. the student has withdrawn from the University)
  - (iv) Take another action to address the concerns, which is appropriate in the circumstances.

**7. Stage 2: Continuing Concerns Case Review Group**

- 7.1** The decision to meet with the student under the Fitness to Study procedure at Stage 2 will normally be taken by a Head of Department/School or Executive Dean or jointly with a senior member of the student's Faculty or a professional service.
- 7.2** The decision to invoke the procedure at Stage 2 will be because one or more Stage 1 procedures have already been held and this has not resulted in satisfactory, sufficient and sustained improvement, or if the behaviour / impacts are too serious to be addressed at Stage 1.
- 7.3** Before holding a meeting consideration will be given as to whether the student needs any reasonable adjustments in place.
- 7.4** The student will be given reasonable notice of:

- a. The time, date and location of the meeting (The meeting should normally be held about 5 working days from the date when the student is informed that it will take place).
- b. The student will be provided with any documents that will be considered by the Case Review Group, and asked to provide any documentation for the consideration of the Group to the Head of Department at least 3 working days before the Review Group.
- c. The student may be accompanied at the Review Group meeting by a friend. A friend is defined as a registered student of the University, a representative of the Students' Union, a workplace companion or a family member. A 'friend' cannot be a member of staff because this may put them into a position of conflict of interest and their relationship with the student may be compromised. The role of the friend is not to be an expert witness (e.g. mental health or legal professional). The role of the friend is to act as an observer, give moral support and to assist the complainant to make their case (although he/she may speak with the permission of the Chair). In addition, where reasonable adjustments are required, a complainant may be accompanied by a supporter e.g. a sign language communicator or a note taker, and a student with difficulty in understanding English may be accompanied by an interpreter. The Students' Union offers an Advice Clinic (see Section 6).

**7.5** The student will be given advance copies of any documents which will have informed the decision to invoke the Fitness to Study procedure at Stage 2, or which are likely to be considered as part of the discussion at the meeting. The student will be asked to submit any documents they wish to submit for circulation ahead of the meeting.

**7.6** The student will be informed that engaging with Stage 2 of the procedure is mandatory and refusal to engage may result in further escalation to Stage 3 or invoking other procedures such as the Student Disciplinary procedure.

**7.7** The meeting will (normally) be attended by a member of Student Support Services (with the exception of the Director of Student Services) and a member of Faculty or professional services staff, and (normally) a note-taker from the Student's Faculty Office.

**7.8** During the meeting:

- a. As far as possible, the procedure will be treated as a framework within which to have a supportive, open discussion with the student
- b. The aim of the meeting will be to agree on:
  - (i) what type, stage or extent of change is expected, and within what time frame

- (ii) whether there are any underlying causes of the behaviour which will be addressed
- (iii) what (if any) additional support or reasonable adjustments will be put in place by the University
- (iv) If possible, a mutually agreed action plan will be devised to put in place support for the student and formally agree expectations for the student to observe. In cases where reasonable adjustments are required, the Inclusion Co-ordinator will be consulted.
- (v) This Action Plan will have a specific review date, and the consequences of not keeping to the agreed action plan must be clearly outlined to the student. This may involve moving to Stage 3 of the procedure, where a suspension may be considered.

**7.9** After the meeting:

- a. The key points and agreements, including action points arising from this discussion will be recorded by the Faculty and communicated to the student within 5 working days (using the standard proforma detailed within Appendix 2).
- b. The Head of Department will notify the appropriate academic colleagues who need to be aware and kept by the Faculty on the student's file, with due regard to confidentiality and the need to cleanse the record after an appropriate period of time.
- c. At the time of the review meeting, if the student's behaviour has not reached the required standard, or if the student does not engage with the review meeting, then the Head of Department (or nominee) may take one or more of the following actions:
  - (i) Escalate to Stage 3 of the procedure
  - (ii) initiate a different policy or procedure, for example the Student Disciplinary procedure or Fitness to Practise procedure
  - (iii) Take no further action (if e.g. the student has withdrawn from the University)
  - (iv) Take another action to address the concerns, which is appropriate in the circumstances
  - (v) The academic member of staff leading on the case will keep a record of the decisions and actions taken at / after the Review Meeting and will communicate it and record it as following the initial meeting, above.

## **8. Stage 3 Fit to Study Panel**

- 8.1** The decision to meet with the student under the Fitness to Study procedure at stage 3 will be taken by the Director of Student Services, or their nominee or jointly with the Dean of Faculty (or their nominee).
- 8.2** The decision to invoke the procedure at Stage 3 will be because one or more Stage 2 procedures have already been held and this has not resulted in satisfactory, sufficient and sustained improvement.
- 8.3** Before holding a meeting consideration will be given as to whether the student needs any reasonable adjustments in place.
- 8.4** The student will be given reasonable notice of:
- a. The time, date and location of the meeting (if there is a compelling reason why the student should not be invited to attend the meeting then this will be communicated in writing to the student at an early opportunity).
  - b. The student may be accompanied at the Review Group meeting by a friend. A friend is defined as a registered student of the University, a representative of the Students' Union, a workplace companion or a family member. A 'friend' cannot be a member of staff because this may put them into a position of conflict of interest and their relationship with the student may be compromised. The role of the friend is not to be an expert witness (e.g. mental health or legal professional). The role of the friend is to act as an observer, give moral support and to assist the complainant to make their case (although he/she may speak with the permission of the Chair). In addition, where reasonable adjustments are required, a complainant may be accompanied by a supporter e.g. a sign language communicator or a note taker, and a student with difficulty in understanding English may be accompanied by an interpreter. The Students' Union offers an Advice Clinic (see Section 6).
  - c. The student will be provided with any documents that will be considered by the Panel, and asked to provide any documentation for the consideration of the Panel to the Director of Student Services at least 3 working days before the Panel meeting.
- 8.5** The meeting should normally be held at least 10 working days from the date when the student is informed that it will take place.
- 8.6** The student will be given advance copies of any documents which will have informed the decision to invoke the Fitness to Study procedure at stage 3, or which are likely to be considered as part of the discussion at the meeting. The student will be asked to submit any documents they wish to submit for circulation at least 5 days ahead of the meeting.

- 8.7** The student will be informed that engaging with stage 3 of the procedure is mandatory and refusal to engage may result invoking other procedures such as the Student Disciplinary procedure.
- 8.8** The membership of the meeting may include:
- a. Executive Dean of Faculty (or nominee) (Chair)
  - b. Inclusion Coordinator (Disability),
  - c. Director of Student Services
  - d. Programme Leader and/or Head of Subject, as appropriate
  - e. Student Accommodation Officer, as appropriate
  - f. Student's GP or other relevant professional, as appropriate (with student's consent)
  - g. Chaplain
  - h. Placement representative
  - i. Any support worker the student reasonably requires to accompany them to enable them to participate in the process.
  - j. A note-taker (normally)
- 8.9** During the meeting:
- a. As far as possible, the procedure will be treated as a framework within which to have a supportive, open discussion with the student
  - b. The aim of the meeting will be to agree on:
    - (i) what type, stage or extent of change is expected, and within what time frame
    - (ii) whether there are any underlying causes of the behaviour which will be addressed
    - (iii) what (if any) additional support or reasonable adjustments will be put in place by the University – this will normally be working from the basis of the Stage 2 plan already in place and identifying ways in which the plan can be enhanced.
    - (iv) whether it will be necessary or beneficial for the student to interrupt their studies in order to, for example, undertake treatment which will enable them to be fit to study once again.
    - (v) If possible, a mutually agreed Enhanced Action Plan will be devised to put in place support for the student and formally agree expectations for the student to observe. In cases where

reasonable adjustments are required, the Inclusion Co-ordinator will be consulted.

- (vi) Where appropriate, the agreed action/s will take into account whether there are any reasonable adjustments that can be put in place, or whether the limits of reasonableness have been reached at that time (in accordance with the Equality Act 2010).
- (vii) This Action Plan will have a specific review date, and the consequences of not keeping to the agreed action plan must be clearly outlined to the student.
- (viii) Otherwise a decision will be reached that the student will take the necessary actions to interrupt their studies, or if they do not, or cannot, then the University will take the necessary actions to suspend their studies.
- (ix) A medical assessment may be sought before the meeting (the Chair will arrange this). The student will be encouraged to consent to this, and authorise disclosure of the results of any examination to the University, as it will help the University to address the student's difficulties in the most effective manner possible, and make an accurate assessment of risk. Should the student refuse to undertake a medical examination, or a medical assessment is not sought, the University may either proceed with this policy based on the information already in its possession, or use another appropriate means to address the issue.
- (x) The medical assessment will be used to determine the following matters:
  - i. The nature and extent of any medical condition from which the student may be suffering,
  - ii. Their prognosis,
  - iii. The extent to which it may affect his/her fitness to study and manage the demands of student life,
  - iv. Any impact it may have or risk it may pose to others,
  - v. Whether any additional steps should be taken by the University in light of the medical condition to enable the student to study effectively,
  - vi. Whether the student will be receiving any ongoing medical treatment or support.

**8.10** At the meeting, the Panel will review the student's behaviour, any medical or other evidence and the informal action taken so far to resolve the issues. The student will be invited to comment on the situation to ascertain what the

student's perception of the impact of their ill health, and/or behaviour is having upon themselves or the general University community.

**8.11** The Panel will then discuss possible outcomes with the student and agree on the best way to proceed. An updated risk assessment will be considered. The Panel may call witnesses and/or institute enquiries to assist its deliberations and it may adjourn to seek other evidence or advice.

**8.12** After the meeting:

The key points and agreements, including action points arising from this discussion will be recorded by the note-taker and:

- a. communicated to the student within 5 working days
- b. provided to the Dean who will notify the appropriate Faculty personnel accordingly and ensure it is kept on the student's file, with due regard to confidentiality and the need to cleanse the record after an appropriate period of time.

**8.13** The Panel may take one or more of the following actions:

- a. Initiate a different policy or procedure, for example the Student Disciplinary procedure or Fitness to Practise procedure
- b. Take no further action (if e.g. the student has withdrawn from the University)
- c. Take another action to address the concerns, which is appropriate in the circumstances
- d. develop an Enhanced Action Plan
- e. interrupt the student's studies or recommendation to suspend.

**8.14** The member of staff leading on this process (supported by the note-taker) will keep a record of the decisions and actions taken at / after the Review Meeting and will store it and record it as following the initial meeting, above.

**8.15** If the recommendation is being made for the student to interrupt their studies (after the Stage 3 meeting or the review meeting) or that the student should be required to withdraw (after the review meeting), written reasons for the decision to suspend should be explicitly stated in the notes sent to the student, along with the terms of the interruption / suspension as appropriate. The student should also be provided with relevant information about the Appeals process.

## **9. Level 3 Outcome – Enhanced Action Plan**

**9.1** If the recommendation is that of an Enhanced Action Plan, and the student was not invited to be present at the stage 3 meeting, the student will be invited to meet with the Director of Student Services and the Dean (or their



nominees) to receive and discuss the recommended actions from the Fit to Study Panel. The student will be invited to bring along a person to support them at the meeting (see Section 15.4b).

- 9.2** The Enhanced Action Plan will have a concrete review date, and the consequences of not adhering to the Action Plan will be made clear. A copy of the agreed Plan will be submitted to the appropriate Head of Department.

## **10. Level 3 Outcome - Suspension**

- 10.1** Suspension of studies as a substantive decision following a Fitness to Study Panel meeting or action plan review will only be recommended to the Vice-Chancellor when all reasonable adjustments and approaches have been exhausted and the student does not meet the expectations set out above in Section 3 above. The suspension is intended to give the student time away from studies to address health and wellbeing issues, in order wherever possible to return to the University and resume study.
- 10.2** A student who is suspended may be wholly or partly prohibited from entering University premises and from participating in University activities, including working at the University or Students' Union, or exercising their functions or duties of any office or committee membership in the University or the Students' Union. Suspension may be subject to qualification, such as permission to take an examination. A suspended student should seek guidance from their Faculty on how they might best continue their studies.
- 10.3** The Head of Department who will arrange for the suspension to be processed (if the student does not voluntarily interrupt)
- 10.4** Registry Operations will ensure that any student records are amended accordingly
- 10.5** Programme Leaders will advise on academic status and any current module registrations
- 10.6** Human Resources, if the student is employed by the University (as a member of staff).
- 10.7** A decision to suspend will normally be conveyed by the Head of Department at a meeting with the student (and representative if required). This meeting will include a consideration of issues arising from suspension, such as the impact on studies or student funding, and Student Support Services will offer appropriate support and referrals in this case. Where the student wishes to voluntarily interrupt the course at this stage, this will be favourably considered with the provision for a review of the health and wellbeing of the student at the end of the interruption period.

## **11. Review of/End of suspension/Return to Study**

- 11.1** Students wishing to return to study following compulsory suspension under the Fitness to Study Procedure may make a request to the Dean of Faculty for a review of their suspension in the light of further developments or improvements in their mental or physical condition and their ability to undertake academic study again.
- 11.2** A Return to Study Review Group will be convened by the Dean to determine whether or not the student is fit to return to study and make recommendations to the Vice-Chancellor.
- 11.3** The Return to Study Review Group will normally include:
- a. Executive Dean of Faculty (Chair)
  - b. The Director of Student Services
  - c. Programme Leader
  - d. Inclusion Coordinator (Disability)
- 11.4** Medical evidence, with the student's permission, may be requested for updated information regarding their health issues/current condition (this will be arranged by the Chair). Students should allow a reasonable time for this to take place.
- 11.5** Students will only be permitted to return if, after receiving medical advice, the University is satisfied that the student is fit to study in the context of the demands of the course, and able to comply with any conditions imposed on their return.
- 11.6** If the University has any continuing concerns about the student's fitness to study, it may require a second medical opinion. In this case the student may be asked to submit to a medical examination(s) by doctors/specialists independent, but nominated by the University, at its cost, to allow the situation to be properly evaluated.
- 11.7** In order for a student to successfully return to study, the Return to Study Group may decide that there should be regular review meetings with the student that can be used to monitor and support a Return to Study Plan. The review meetings may continue for part or all of their remaining time at the University. A Return to Study Plan will be drawn up by the Return to Study Group in consultation with the student and should incorporate a risk management plan.
- 11.8** The Return to Study Plan (using Proforma – Appendix 2) will address:
- a. specific study-related support needs of the student
  - b. support which is reasonably required in the short term

- c. involvement of and liaison with external agencies
- d. any longer term support or adjustments that are reasonably required
- e. any conditions that might or will apply to provision
- f. the academic implications and requirements of any return

**11.9** The University will make every effort to allow the student to continue with their studies, within the limits set by University and programme Regulations. This may include repeating periods of study. The ability to repeat or return to study will depend upon the feasibility and reasonableness of such a proposal, and will be decided on a case by case basis. Return to study may only be possible at certain times of the academic cycle (eg. at the start of a new academic year or new semester) depending on the programme being studied.

**11.10** Having reviewed all the evidence, the Return to Study Group will recommend whether it is appropriate for a student to return to study and under what circumstances to the Vice-Chancellor.

**11.11** If a return to study is not recommended or approved, application will be made to the Vice-Chancellor to recommend a continuation of the suspension period or terminate a student's studies.

**11.12** Where no application to return to studies has been received after two years, the student will be deemed to have withdrawn, unless there is medical evidence to indicate that a longer period of recovery/absence is required.

## **12. Termination of study**

**12.1** Sometimes, unfortunately, with all reasonable adjustments in place, including interruption/suspension where relevant, a student continues to be unwell, and cannot meet the reasonably stated requirements of the University for return to / continuation of study. In this instance the University may terminate the registration of the student, or decline to allow re-registration.

## **13. Stage 4 - Appeals against the decision reached at Stage 3**

**13.1** If the student wishes to appeal against a decision reached at Stage 3 (following the Stage 3 Panel meeting), the appeal must be made in writing to the University Secretary & Registrar within 10 working days of the written confirmation of the Stage 3 decision and must specify the grounds on which it is based.

**13.2** An appeal may be made only on one or more of the following grounds:

- i) that evidence is available which for good and reasonable cause has not been brought to the attention of the Stage 3 Panel

- ii) that there has been a relevant and significant error in the operation of the Fitness to Study Procedure
- iii) that the decision was unreasonable, where unreasonable shall be taken to mean perverse: that is, the outcome was not a conclusion a similar Officer acting on behalf of the University might have taken.

**13.3** The University Secretary & Registrar, or their nominee, will consider all appeals, normally within 15 working days of receipt.

**13.4** The University Secretary & Registrar can reach one of the following decisions:

- a. Reject the appeal
- b. Fully or partially uphold the appeal and amend any actions or outcomes determined by the stage 3 process.

**13.5** The University Secretary & Registrar will write to the student normally within 5 working days of an outcome being reached to provide a decision and rationale. Where an appeal has been rejected, the letter will also constitute a 'Completion of Procedures' letter, outlining the scheme of the Office of the Independent Adjudicator.

## **14. Support**

**14.1** Where possible, students will be supported through their difficulties and enabled to continue with their studies, or to reach their own decision about the best way forward for them.

**14.2** When reviewing the perceived level of risk to a student's health and wellbeing, communication is paramount. Early intervention in issues and recommendations for support can prevent crisis situations from occurring.

**14.3** The support services and systems available throughout the institution should be used as the first port of call prior to taking formal action.

**14.4** The Fitness to Study Procedures apply to student conduct (both on Newman University premises and off site) which suggests a reasonably foreseeable risk to the student or others. If concerns are raised whilst a student is on placement, where the University's ability to engage with the student may be limited, the University will seek to discuss with the placement provider alternative support arrangements that might address any concerns.

## **15. Advice and Support from the Newman Students' Union**

**15.1** Independent advice and support for students in relation to this Procedure is available from the Students' Union Advice Clinic.

## **16. Interruption of studies, suspension or termination**

- 16.1** If a student elects to interrupt their study part-way through a Fitness to Study Procedure, the procedure may resume at the University's discretion when the student decides to seek to return to study.

Critical illness of students:

- 16.2** From time to time there may be a situation where a student finds themselves severely incapacitated, e.g. through injury or critical illness.
- 16.3** In such a situation, where it would be unreasonable to expect a student to submit an application for an interruption of study, it would be reasonable to act in accordance with instructions/requests from the student's duly authorised representative, e.g. parent, partner, to interrupt that student's course of study.
- 16.4** If a student is incapacitated or detained for treatment, then the University may pause the Fitness to Study procedure and resume it, if appropriate, when the student is sufficiently recovered.

Suspension or termination

- 16.5** The Fitness to Study procedure is intended as a constructive approach to resolve issues together with students. It is not normally a mechanism to remove students from study.
- 16.6** A student may agree to suspend their programme at the University for a mutually agreed period of time during Stage 1 or 2 of the Fitness to Study Procedure. The student may be advised of the need to seek appropriate medical advice during the period of suspension.
- 16.7** Suspension pending a meeting is a neutral act in the context of the eventual determination of whether a student is Fit to Study. Its purpose may be, for example:
- a. to avoid any repetition of the circumstances which led to a concern arising before these can be addressed;
  - b. to ensure the safety and wellbeing of the University community, including the student who is the subject of concern.
- 16.8** Where there is considered to be an imminent risk to the student or others, a student who is being engaged with the Fitness to Study process may be suspended by application of the Executive Dean of Faculty (or nominee) who will seek the approval of the Vice-Chancellor (or nominee) pending a Fitness to Study meeting and, if applicable, any subsequent appeal.
- 16.9** Before a decision to suspend a student is taken, consideration should be given to the potential impact upon the student's studies. A suspended student should seek guidance from their Faculty on how they might nevertheless best continue their studies.

- 16.10** Where the student is also a member of staff guidance should be sought from Human Resources, as to whether any further steps need to be taken.
- 16.11** Compulsory suspension will be approved if the safety of the student or other staff or students in the University is perceived to be at risk. The Vice-Chancellor may suspend the student. The student will be given the opportunity to submit written representations to the Executive Dean within 5 working days of notification on suspension. The suspension will be reviewed as a result of the written representations received.
- 16.12** In cases of urgent or sufficient cause, the Vice-Chancellor shall be empowered to suspend a student with immediate effect (by application from the Executive Dean of Faculty or Head of Department who will seek the approval of the Vice-Chancellor). This urgent suspension will be reviewed after 10 working days. As part of the review, the student will be given the opportunity to submit written representations to the Executive Dean within 5 working days of notification on suspension.
- 16.13** A student who is suspended is prohibited from entering University premises and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension will be notified in writing to the student. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.
- 16.14** Orders of suspension pending a Stage 3 Fitness to Study Panel (including the appeal stage) will normally be used only where necessary to protect a member or members of the University community, or the property of the University or the property of a member or members of the University community. Written reasons for the decision will be recorded and made available to the student.
- 16.15** Should the suspension continue after the review (of either a suspension pending a Fitness to Study Panel or a suspension with immediate effect), the Executive Dean will review the suspension regularly or on receipt of evidence of altered circumstances which might affect the order.
- 16.16** All suspensions must be notified to Registry for inclusion on the Student Record System.
- 16.17** Any decision to terminate a student's studies under the Fitness to Study Policy can be made by application of the Executive Dean to the Vice-Chancellor following a hearing at Stage 3.

## **17. Crisis Situations**

- 17.1** Situations may arise where a student may pose an extreme risk to themselves and/or others and consequently require emergency assistance outside of Fitness to Study Procedure. For guidance on these circumstances, see [Appendix 4](#).

## **18. Office of the Independent Adjudicator for Higher Education (OIA)**

**18.1** The 'completion of procedures' letter will explain that if a student remains dissatisfied at the conclusion of the University's internal Fitness to Study Procedure, they may ask the OIA to review their case. This will require completion of an OIA scheme application form upon receipt of the 'completion of procedures' letter. The scheme application form must be submitted within twelve months of the date that the completion of procedures letter was issued. The OIA website provides further information regarding the scheme and its eligibility criteria: <http://www.oiahe.org.uk>

## **19. Data Protection and Confidentiality**

**19.1** All information provided during the Fitness to Study procedure will remain confidential, and treated as sensitive, for use within the procedure and is subject to the requirements of the data protection laws. The processing of student data is outlined in the [Privacy Notice for Students](#).

**19.2** In cases where it is deemed to be in the student's best interest to disclose sensitive information outside the Procedure, the student will be contacted and their consent sought. Students will be informed of the likely consequences of giving or withholding consent to sharing of information.

**19.3** On rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, confidentiality may be broken. These include:

- a. when the student's mental health has deteriorated to the extent of threatening their personal safety
- b. when the student is at risk of serious abuse or exploitation
- c. when the student's behaviour is adversely affecting the rights and safety of others
- d. where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (i.e. if a crime had been committed).

**Appendix 1**

**Appendix 1: Fitness to Study Action Plan**

Student's name & Student Identification Number:

Present at meeting:

Date:

Concern raised by (print name):

Brief outline of concern:

Feedback following meeting with student:

Agreed Action Points:

Dates set for review:

Declaration:



I understand the nature of the concern(s) raised by the university, as has been explained to me and outlined in this document and the possible impact/consequences that this/these concern(s) may have upon my own fitness to study.

I also understand the impact that this/these concern(s) may have upon the community of staff and fellow students who are working and studying at the University and to which I belong.

I have agreed to work towards the action plan outlined above, which has been developed to support me.

I understand that if I am unable or unwilling to carry out the action plan, the University will need to consider taking appropriate or remedial actions, or referral as my situation will require.

I understand and consent to information surrounding my fitness to study being shared with other relevant services within the University. A copy of this action plan will therefore be submitted to the Executive Dean of Faculty and disseminated to relevant staff in the Faculty where appropriate.

I realise that any non-attendance can be reported to the appropriate service and acted upon.

Whilst I understand that the University has a duty of care to support me, ultimately I am responsible for my own health and wellbeing and it is my responsibility to be fit to study.

I am also signing to agree to a review in order to review the progress I have made.

Student's name:

Signature:

Date:

Date of Review:

**Appendix 2****Appendix 2: Return to Study Plan**

Student's name & Student Identification Number:

Plan drawn up by:

Date:

Summary of actions taken by the student during the interruption to resolve the issues that led to the interruption/suspension:

Student support needs:

Support to be provided by the University (short term, to support initial return to study):

Long term support or reasonable adjustments:

External agencies involved and the nature of their involvement, as well as details of ongoing therapy/medication:

Conditions the student must meet to enable continuing study:

Academic implications:

Declaration:

I have agreed to return to study at the University under the conditions outlined in the Return to Study Plan which has been developed to support me.

I understand that if I am unable or unwilling to carry out the conditions in the Return to Study Plan, the University will need to consider taking appropriate or remedial actions, or further referral as my situation will require.

I understand and consent to information surrounding my fitness to study and return to study being shared with other relevant services within the University. A copy of this plan will therefore be submitted to the Executive Dean of Faculty and disseminated to relevant staff in the Faculty where appropriate.

Whilst I understand that the University has a duty of care to support me, ultimately I am responsible for my own health and wellbeing and it is my responsibility to be fit to study.

I am also signing to agree to ongoing reviews in order to review the progress I have made.

Student's name:

Signature:

Date:

University staff member's name:

Signature:

Date:

Date of Review:

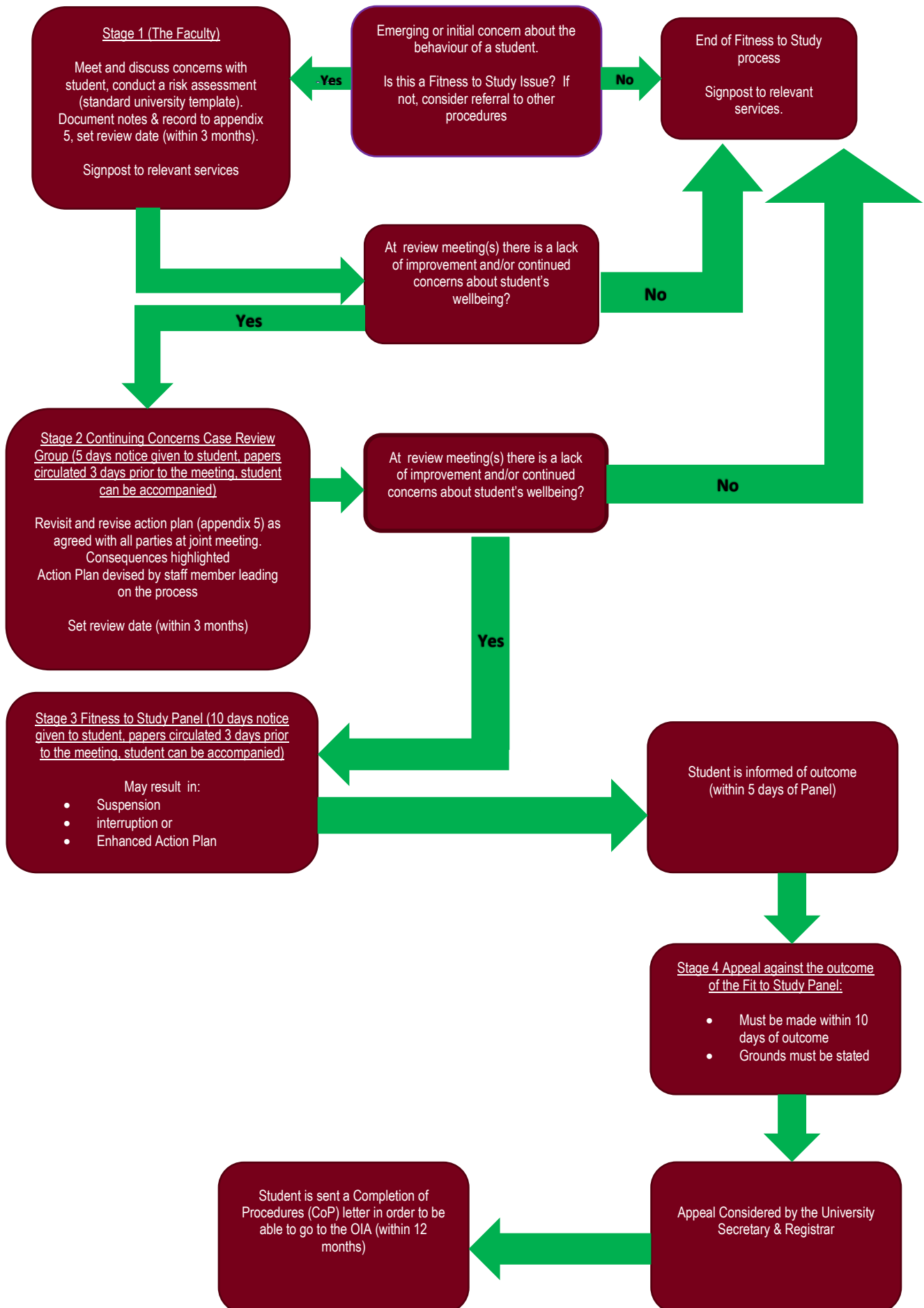
## Appendix 7

### Quick reference to Fitness to Study stages

	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
<b>Summary</b>	Informal meeting with faculty or professional services staff member	Meeting of case review group	Meeting of Fitness to Study Panel
<b>Invoked when:</b>	<p>There is a concern that the student has a physical, mental or emotional issue which is:</p> <ul style="list-style-type: none"> <li>• Affecting their chance of completion</li> <li>• Unreasonably disrupting other people</li> <li>• Putting their own or others' safety at risk</li> </ul>	<p>As stage 1 but:</p> <ul style="list-style-type: none"> <li>• Stage 1 already tried one or more times - has not resulted in satisfactory, sufficient and sustained improvement</li> <li>• And/or a formal process is essential in order to quickly secure an improvement in student behaviour where there are significant /imminent risks to continuation.</li> </ul>	<p>As stage 1 but either:</p> <ul style="list-style-type: none"> <li>• Stage 2 already tried one or more times –has not resulted in satisfactory, sufficient and sustained improvement</li> <li>• Or the issue is serious, complex or urgent and the possibility of suspension needs to be able to be considered.</li> </ul>
<b>Initiated by:</b>	<p>Normally a member of the Faculty.</p> <p>Occasionally may be staff from a Professional Service.</p>	A member of the Student Support Services (not the Director), working jointly with a member of staff from the student's Faculty / a professional Service.	The Director of Student Support or their nominee normally working jointly with the Executive Dean of Faculty/nominee.
<b>Advance notice:</b>	Not necessary	5 working days	10 working days
<b>Note taking:</b>	Brief note of facts, decisions, actions, key points of agreement / difference and target/review date for student signature. Captured on proforma. Aim to produce within 5 working days of meeting. Notes kept on student's record in Faculty.	As Stage 1 but fuller notes. Aim to produce within 5 working days of meeting. Copy of notes stored on student's Wellbeing Record.	As Stage 2, full notes. Aim to produce within 5 working days of meeting. Copy of notes stored on student's Wellbeing Record.

<p><b>Possible outcomes</b></p>	<ul style="list-style-type: none"> <li>• Agreement by each party on expected future actions which may include e.g. behaviour change or provision of additional support if appropriate, with timescale for review.</li> <li>• No action (if withdrawal)</li> </ul>	<ul style="list-style-type: none"> <li>• Formal agreement of required future actions which may include e.g. behaviour change or provision of additional support if appropriate with timescale for review.</li> <li>• No action (if withdrawal)</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced version of Stage 2 Plan</li> <li>• Student required to interrupt their studies or have studies suspended</li> <li>• No action (if withdrawal)</li> </ul>
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**Appendix 8**



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