

Fitness to Study Policy

Middlesex University

Fitness to Study Policy

Purpose and Scope

The Fitness to Study policy is intended to address concerns that a student's health is disrupting their own studies, the studies of others or is placing unreasonable demands on staff or other students. The term "fitness to study" as used in this policy encompasses all aspects of university life (including within halls of residence) and not just the student's ability to engage with their studies. The University seeks to maintain an environment which is safe and conducive to teaching, learning and research and the well-being of all.

The policy allow for an agreed way for the student to continue their studies with appropriate support or to take a break from their studies without academic consequences until they are fit to return to study.

The University has a responsibility to ensure a safe and comfortable environment for staff and students and so in the rare circumstance in which a student is not in a position to identify their own deterioration in health *or* well-being the policy will allow the University to intervene for the wellbeing of the student and the wider University community. The Fitness to Study policy may be used in cases where a health condition has not been diagnosed or when the University has not been notified of the diagnosis.

The policy will only be invoked in instances of a serious or potentially serious nature as it is recognised that the usual support services available to students will be used before any response is made in line with this policy.

Depending on the level of concern the Cause for Concern procedure will invoke the Fitness to Study policy at any of the three levels detailed below.

All actions under the Fitness to Study policy will be guided by the following principles:

- To act in a fair and proportionate manner when dealing with vulnerable individuals;
- To consider relevant professional advice and guidance where appropriate;
- To comply with legal duties and responsibilities;
- To safeguard the needs of staff and students affected by inappropriate behaviours;

- To consider the impact of any breaks in study holistically and provide appropriate, advice, information and guidance to those concerned.

This policy is complementary to, but does not replace the Student Conduct and Disciplinary rules, the Safeguarding policy or the Fitness to Practice policy.

Support for Students during the process

Students with physical or mental health difficulties will be encouraged to avail themselves of support from the University Student Support Services including the Counselling Service and the Disability Support Service. Where possible these services will be accessed before the Case Review meeting is called.

Students may invite a friend, family member or an adviser from the Student Union to accompany them to the Case Review meeting and / or the Fitness to Study Panel. The University welcomes relevant Healthcare or Social care professionals who wish to accompany students to Fitness to Study meetings. Any other representative (such as a Legal Adviser) would not usually be allowed without express advance permission. Students are required to inform the panel of anyone who will be accompanying them. To avoid a potential conflict of interest, members of staff may not accompany students or act as the student's representative during the Fitness to Study process. Students with disabilities may be accompanied by a Support Worker if required.

Confidentiality

When the Fitness to Study Policy is invoked the University will take account of the rights of the student under the Equalities Act and the Data Protection Act. Staff will act with regard for the expectation of an appropriate level of student confidentiality. Any personal information that is disclosed will be handled and stored as sensitive data.

If the student chooses not to provide their consent this decision should be respected in most instances. In this scenario, the implications of nondisclosure in terms of additional support should be made clear. However, there exist rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

When the student's mental health has deteriorated to the extent of threatening his/her personal safety;

When the student is at risk of serious abuse or exploitation;

When the student's behaviour is adversely affecting the rights and safety of others;
Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed);
Where the student is either under 18 years or a vulnerable adult (see University Safeguarding Policy).

Staff should first consult with Wellbeing Services if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

Level 1 – Informal Intervention.

The nominee of the Dean/Deputy Dean is responsible for chairing the meeting at level 1 and ensuring a conclusion is reached at this level.

Any concerns about a student's fitness to study should initially be raised through the Cause for Concern procedure. This may result in a referral to Level 1 of the Fitness to Study procedure.

At this level the Dean or Deputy Dean will be made aware of the concerns and through the Cause for Concern procedure and will appoint the Director of Programmes, Programme Leader or the Module Leader to invite the student in for an informal discussion. However if the concern arises within the Halls of Residence then the Accommodation Manager should take the lead in consultation with the student's school. The staff members can request advice from the Student Mental Health Manager or the Disability and Dyslexia Support Manager. The meeting should be held as soon as possible once the concerns have been raised. This discussion will be supportive in nature and will communicate to the student the precise nature of the behaviour that has caused concern to have been raised.

During the discussion the student will be given an opportunity to share any mitigating circumstances or previously undisclosed medical history and they will be provided with information on the support available within the institution and how it can be accessed. Where it is appropriate an action plan and a review period should be agreed.

A letter recording the meeting, issues and agreed actions will be sent to the student within seven days of the meeting.

At the end of the agreed review period, the case should be reviewed by the Dean or the Deputy Dean. If the concerns for the student's fitness to study have significantly reduced or been eliminated, then a decision of no further action can be agreed. If however the concerns remain then the case should be referred to Level 2 of the Fitness to Study policy.

Level 2 – Case Review Meeting

The Head of Wellbeing Services or nominee is responsible for chairing the Case Review Meeting (at level 2) and ensuring a conclusion is reached at this level.

Level 2 is a second level intervention to be used when: Level 1 has not been successful; the student has not kept to the action plan agreed; or the student's conduct or circumstances indicates that further intervention is required. Behaviours triggering a case review meeting may include:

- complaints from other students regarding behaviour continue to be made;
- a significant concern for academic achievement is held;
- instances where by the student refusing to access support and/or exhibits behaviour that gives increasing cause for concern e.g. repeated missed appointments, disengaging with study, social withdrawal.

A Level 2 intervention normally comprises a formal case review meeting with the student initiated by the Head of Department or authorised nominee. The Head of Department or authorised nominee should inform the Dean/Deputy Dean of the requirement to instigate Level 2 of the Fitness to Study policy. The student shall be given reasonable written notice of the meeting. The letter or email shall inform the student:

- of the meeting under the Fitness to Study Policy and the nature of the meeting is supportive;
- of the purpose of the meeting and request any necessary detailed information and documentation including, if appropriate, medical evidence;
- that they can be accompanied by a friend/supporter/representative, (contact details for Middlesex University Student Union should be provided).

The meeting shall normally include the Head of Department, Head of Well Being Services and either the Disability and Dyslexia Support Manager or the Student Mental Health Manager. Other members of staff may be invited but attendance should be limited to those that can contribute to a possible solution or be there for the purpose of taking notes.

The meeting shall normally proceed if the student does not attend or engage in the process and the meeting may normally consider the case even if the student has not provided requested evidence.

The purpose of the meeting will be to ensure that: the student is made fully aware of the nature of the concerns which have been raised, the student's views are heard and taken account of; the best way to proceed is agreed upon and the student is fully aware of the possible outcomes if difficulties remain.

The conclusions drawn from the content and nature of the discussion shall determine possible outcomes. The outcome shall, if serious concerns remain, normally lead to an action plan to address and remove the serious concerns including the provision of any appropriate support articulated at the meeting. The meeting may, without prejudice to other conclusions, decide on one or more of the following:

- That no further action is necessary;
- That it is necessary to agree an Action Plan with the student;
- That, subject to the student's consent, it is necessary and appropriate for the Dean of School to consider an adjustment to hours of study;
- That, subject to the student's consent, it is necessary and appropriate to agree an interruption from the programme;
- That it is necessary to make a referral to Level 3 of the procedure;
- That it is necessary to make a referral to other University procedures, as appropriate, for example the Student Disciplinary procedure;
- Where the student is on placement, to propose to the student suspending the placement or (if available) switching to a programme without a placement;
- Any other actions intended to support the student to successful completion of their studies.

If the student does not agree to the discussed supportive proposed outcome, the member of staff should advise the student that Level 3 action will normally be taken.

The Chair of the meeting shall ensure that there is a written record of the meeting and any determined actions. If an action plan is agreed, it shall normally include the specification of desirable behaviour and appropriate expectations, support mechanisms together with a date for a review meeting. If appropriate, it may also detail the consequences of no engagement by the student. The action plan may also include a request for the student to provide medical evidence as to fitness to study.

The record and action plan shall normally be sent to the student within 7 calendar days of the meeting. The student shall be asked to agree to the action plan by signing and returning one copy or confirming their agreement by University email. A copy of the documentation shall be held securely.

Review meetings shall be convened as agreed. Attendees at review meetings may be different to those at the original Level 2 meeting. At a review meeting, the student shall have the opportunity to be accompanied by a friend or supporter. A written record of the meeting shall be made and this, together with the outcome shall be given to the student normally within 7 calendar days of the review meeting. For monitoring purposes, the Chair or nominee may request regular updates on the student's progress against any action plan.

If the concerns about a student's fitness to study have been substantially reduced, and/or eliminated, no further action shall be taken. If the student does not abide by the provisions of the action plan, the Chair may convene a review meeting before the planned date or escalate, as appropriate. If there is insufficient improvement following the Level 2 initial or review meetings, or there is otherwise a failure to engage in the University's Fitness to Practise Procedure or, finally the case is too serious to be addressed at Level 2, Level 3 of the procedure will normally be invoked.

Level 3 - Fitness to Study Panel

The Associate Dean (Corporate Services) or nominee is responsible for chairing the Fitness to Study Panel (at level 3) and ensuring a conclusion is reached at this level.

This stage of the procedure will only be implemented once Level 1 (Informal Intervention) and Level 2 (Case Review Meeting) have been followed or if concerns are deemed to be sufficiently serious to warrant starting the procedure at Level 3. If a student has been suspended under another university procedure, then the Fitness to Study process will start at Level 3.

The initiation of Level 3 will be the decision of the Head of Student Support, in consultation with the relevant Dean or Deputy Dean. The Head of Student Support will also discuss the case with relevant professional staff within Student Support Services

Once it has been agreed to go to Level 3, the Assistant Director (Corporate Services) and/or the Head of Student Support will call the Fitness to Study Review to determine more definitive action

Those present at the Fitness to Study Panel will include:

- The Associate Director (Corporate Services);
- The Head of Student Support;
- The Dean/Deputy Dean of the relevant academic school;
- The student, who may be accompanied by a friend or family member, a relevant health or social care professional, or a representative of the Students' Union.
(Students should inform the panel of who is accompanying them prior to the panel meeting).

The primary purpose of the Fitness to Study Panel is to determine whether or not a student is required to interrupt their studies for a period of time. Their return may be at the start of a subsequent academic year or, following a fixed-term period of suspension, within the same academic year.

Student Support services will provide appropriate information, advice and support to the student in either event. Where a student interrupts a course of study, arrangements will be made for the student to have a named member of university staff to keep in contact with, and with whom the student's case and circumstances can be reviewed regarding return to study (see below).

Another outcome to the Fitness to Study Panel could be to offer the student a compulsory part-time route to completing their programme.

If the Fitness to Study Panel suspends or interrupts a student's studies they will be informed in writing. A student has the right to appeal against the decision of the Fitness to Study Panel. Students who withdraw or who are suspended will be given the opportunity to talk to named staff within Student Services to discuss financial, support and study implications, and other issues that may arise. The student will also be informed of the 'Return to Study' procedure and process and an agreement made about how we will keep in contact with the student during any absence.

Return To Study

It is envisaged that, after whatever time is required and is allowable within the University's Regulations regarding completion of programme, a student covered by this policy will feel ready to return and engage with their studies. After a period of interruption or suspension on health grounds, the decision as to whether or not to permit the student to return to study will be made by the relevant academic school, having taken advice from Student Support services.

Each case will depend upon the specific circumstances and the context out of which concern arose but in all cases, return to study will be dependent upon:

- satisfactory medical evidence of fitness to study;
- an assessment of need to determine what support is deemed necessary or of benefit and whether this can be reasonably provided.

Evidence submitted should be from a recognised health professional that has sufficient knowledge of the nature and extent of the student's medical situation and the concerns that led to the student's withdrawal or suspension, and who is able to make an informed statement of the student's fitness to study at university level and in a university community.

Upon taking the decision to permit a student to return to study, the academic school is responsible for informing the Fitness to Study Panel. This is to allow Student Support services to engage the student in ensuring that the relevant financial and support arrangements are put in place for the student's return.

In the event that it is not immediately clear to the academic school that return to study is appropriate for the student, the decision should be re-referred to a Stage 3 Fitness to Study Panel.

Appeal's Procedure

Right of appeal

A student aggrieved by a decision to recommend to suspend shall have the right of appeal to the Vice-Chancellor or nominee within 10 working days, giving the grounds for the appeal. The Vice-Chancellor or nominee shall consider the appeal and shall decide whether to uphold or amend the decision made.

The decision of the Vice-Chancellor or nominee shall be final. These procedures are now complete, opening the way for the student to approach the Office of the Independent Adjudicator. The student should write, within three months of receiving notification that the

internal procedures of the University have been completed, to the OIA, Third floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA, United Kingdom. They should enclose a copy of the final decision of the University and state the reasons for seeking redress from the Higher Education Independent Adjudicator. Email enquiries may be sent to enquiries@oiahe.org.uk. The website address is www.oiahe.org.uk

Medical Evidence

Before the Case Review meeting a student may be asked to provide evidence of a recent medical assessment so that the University can accurately assess the fitness to study.

This medical evidence should state:

- The nature and extent of any medical condition from which the student may be suffering;
- Their prognosis;
- The extent to which it may affect his/her fitness to study and manage the demands of student life;
- Any impact it may have or risk it may pose to others;
- Whether any additional steps should be taken by our University, in light of the medical condition, to enable the student to study effectively;
- Whether the student will be receiving any on-going medical treatment or support.

Any cost incurred in obtaining this medical evidence will be borne by the student.

Exceptionally the University may request that the student attend an independent medical assessment which will be arranged by and funded by the University. If the student declines to provide medical evidence the University will come to a decision based on the available information or alternatively may address the issue under an alternative policy, for example, the Student Conduct and Discipline rules.

Should the medical evidence state that the student is fit to study it will be the decision of the Case Review Panel or the Fitness to Study Panel how much weight is given to the medical report and to conclude based on all available evidence whether the student is fit to study.

Students on Placement

Where concerns are raised about a student's fitness to study while they are on a placement the University will discuss the possibility of alternative arrangements with the placement provider. If alternative arrangements are not possible the placement may be withdrawn, deferred or a switch to a placement free equivalent programme may be considered.

Tier 4 Students

Any interruption of studies for students with a Tier 4 Visa needs to take consideration of the impact the interruption will have on their right to remain in the UK. The University is obliged to report any significant changes in students' circumstances relating to study periods for Tier 4 Visa holders to the UK Borders Agency (UKBA) including periods of temporary suspension. It is also advisable for students to inform the UKBA if a temporary suspension of studies is granted. Depending on the reason and length of the suspension, permission to stay in the UK will no longer be valid if a student is not actively studying and students may be advised to leave the UK. When ready to resume studies, students will have to make a new application for a visa. The student should be strongly advised to contact the International Student Advice Team. If a decision is made to interrupt a student holding a Tier 4 Visa then this should be reported to the Manager of the Compliance Team.

Student Finance and Suspension

It shall be the student's responsibility to inform the Student Loans Company (www.slc.co.uk/), sponsor, tutor or any other relevant person/group of any suspension, interruption or withdrawal.

If the student is required to undertake an interruption, suspension or withdrawal of their studies they shall be referred to the Student Welfare Advice Team. Students who are required to or choose to interrupt their studies need to be advised on the implications; on their liability to pay the tuition fees and the impact on their funding from the Students Loans Company.