

## LTC16D133

**Title:** *Revised Fitness to Study Regulations*  
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### Issue

A proposed revision to the regulations pertaining to Fitness to Study that removes the disciplinary aspect of the final stage and thereby incorporates the need for matters of fitness to be dealt with in a manner that does not imply culpability on the part of the student.

### Recommendation

Recipients are asked to approve the regulations as proposed

### Resource Implications

There are no resource implications arising from the proposed regulatory change. The typical time cost of delivering a Senate Student Disciplinary Committee Hearing and that of delivering a panel of the kind proposed in the revised regulations will be broadly equivalent.

### Risk Implications

Approval of the revised regulations will reduce the risk, albeit currently low, of a complaint that the merging of disciplinary procedures with procedures designed to address significant concerns regarding fitness and/ or capability to engage with studies is inappropriately punitive. Moreover, the current disciplinary approach at Stage 3 of the Fitness to Study procedures can cause undue distress to students who are likely to already be suffering significant mental and/ or emotional distress. The new regulations will help minimise this distress in terms of the impact of the University's procedures on students.

### Equality and Diversity

The proposed regulations will affect all students equally and are not expected to adversely impact on any protected characteristic. The removal of any disciplinary component should be particularly beneficial to any students subject to the Fitness to Study process who have mental health conditions.

### Timing of decisions

A decision to approve the revised regulations at June LTC would allow the necessary practical processes to be put in place so as to implement the new regulations with effect from September 2017.

### Further Information

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## Background

It has been a cause of some concern for a number of years that the University did not have a non-disciplinary means of requiring a student to interrupt their study where overwhelming evidence exists that the student is not currently capable of meaningfully engaging with their studies.

Students will generally engage positively with our Fitness to Study process and in most instances we are able to find appropriate support or agree a period of interruption with the student. However, there are rare instances where a student, often as a direct result of the condition which is undermining their ability to study, will not engage with the process or will not agree that an interruption has become necessary.

In the past, the University has dealt with these occasional cases by making a referral to Senate Student Disciplinary Committee, which has the power to recommend suspension, or in urgent cases to make a recommendation to the Vice-Chancellor that a disciplinary suspension be imposed.

The revised regulations replace this disciplinary model with a Fitness to Study Panel, comprising the Head of Wellbeing, University Physician and the appropriate Academic Director. This panel will have the authority to effect a mandatory interruption to study without that interruption having the punitive implication or association of a suspension or disciplinary hearing.

## Discussion

### UEA Assessment of Students' Fitness for Study Procedures

#### 1. Preamble

**1.1** UEA acknowledges that it has both a role and responsibility in ensuring the welfare of its students, staff and the wider community. It therefore expects that that students studying at the university are in a fit state, subject to the terms of relevant disability discrimination law to:

- (a) benefit from their programme of study and pursue it for the required period with a reasonable chance of successfully obtaining the award for which they are registered;
- (b) be able to not in any way prevent, hinder or disrupt the study or assessment of other students at the university, staff in the discharge of their duties or academic pursuits, or visitors to the University from carrying out their lawful business
- (c) as a consequence of their required or necessary presence on campus, not constitute an unacceptable risk to the health or safety of themselves or others;
- (d) be in a position to engage satisfactorily in any elements of study or assessment which take the form of placements, particularly those taking place in a professional and/or work-based setting.

1.2 In most cases, when concerns are raised about the academic engagement and/or behaviour of a student and they cannot be resolved informally, it is appropriate for them to be addressed by reference to the academic or non-academic disciplinary procedures or other regulations, policies and procedures, including those prescribed by professional bodies (see the General Regulations for Students and

the Disciplinary Procedures which may be consulted at: <https://www.uea.ac.uk/ltqo/calendar>)

1.3 However, there are occasions when serious concerns about a student's behaviour, appearance or academic engagement are raised that suggest that a student is 'not fit' to fulfil some or all of the expectations listed above. In such circumstances it may not be appropriate to use the normal disciplinary or academic progress routes to attempt to resolve the situation that has presented itself. Such occasions usually arise when it is suspected that there are underlying medical, behavioural or personal difficulties which have not been recognised and/or appropriately addressed by the student with or without the help of others. In such circumstances disciplinary or other action will normally be suspended until a review of a student's fitness to study has been undertaken, and the student has been given the opportunity and support to try to resolve their difficulties. There are, however, occasions when other formal requirements and situations that may arise have to take precedence over these fitness for study procedures. These exceptions include:

- students on professional courses with professional suitability, conduct and fitness to practise requirements, which will normally take precedence over fitness for study proceedings (see General Regulation 14 of the General Regulations for Students which may be consulted at: <https://www.uea.ac.uk/ltqo/calendar>)
- students whose behaviour presents a serious and immediate risk to self or others, and/or to the University's reputation. In such cases, emergency action(s) may need to be taken (see section 7 below)

1.4 This document describes the procedures to be followed when there is likely to be benefit in assessing a student's fitness to study in order to find a way to resolve difficulties. It describes three types of action to be taken in relation to three levels of concern. While this document aims to describe relevant processes, actions and outcomes in a clear and comprehensive manner, it is recognised that particular circumstances may require adjustments to the procedures outlined in order to be able to act in the best interests of the student and, when relevant, any other individuals or bodies concerned.

Whatever action is taken, it is imperative that all those involved take all reasonable steps to respect the right of the student to an appropriate level of confidentiality. Any disclosure of a student's name should be limited to those who need to know in order to help resolve the situation that has presented itself.

## **2. Level 1: emerging concerns about a student's fitness for study**

2.1 Academic, administrative or student services staff may receive reports about a student's behaviour or their physical or emotional health, breaches of health and safety procedures or reports of failure to engage in effective study without due explanation. These concerns may be raised by teaching, administrative or student services staff, fellow students or family members. Level 1 assessment is appropriate when the nature of the concerns raised suggests that if prompt and relatively informal action is taken, the student may respond to the support offered, and be able to take steps themselves to remedy their situation and resolve the concerns raised.

2.2 In such cases, those raising their concerns are directed to report them straight away to the student's Adviser (or if this is not possible or appropriate to the Senior Adviser) or, if a PGR student, his/her primary Supervisor.

It may at this stage be appropriate for the Adviser or Supervisor to first ask other colleagues if they also have concerns, paying due regard to the need to preserve appropriate levels of confidentiality.

2.3 Where the concern(s) relate(s) to evidence of episodes of nonattendance at teaching or assessment events or non-submission of coursework that risk academic failure, the Adviser/Supervisor should also refer the student under General Regulation 13 of the General Regulations for Students, concerning attendance, engagement and progress. Where the concerns, prima facie, suggest that there may be more general and widespread issues regarding the student's fitness for study, the Adviser/Supervisor should follow the Fitness to Study procedure and, where it is considered, prima facie, that a more formal response is required, may refer the student direct to Level 2 of this Procedure as set out in section 4 below.

2.4 If the Adviser/Supervisor remains concerned about a student's fitness for study, he/she will promptly arrange a meeting with the student in order to raise these concerns in a sympathetic and understanding way. The date, time and place of the meeting should be notified in writing to the student's University email address and contact address at least five working days before the meeting. The student may, if s/he wishes, be accompanied by a friend, family member or Student Union Advice Worker, provided that the Adviser/Supervisor is informed of their identity at least two working days before the meeting. It is the responsibility of the student to inform any attending third party of the date, time and location of the meeting. The meeting may proceed in the student's absence if, having been properly invited, if the student fails to attend.

2.5 The aim of the meeting will be to attempt to identify the underlying causes of the reported behaviour or appearance, and discuss any actions that might be taken to resolve the difficulties presented. For example, the Adviser/Supervisor might discuss the possibility of making appropriate adjustments to the teaching environment or assessment tasks to help the student continue to manage their workload or alleviate any health concerns. The possibility of voluntary intercalation might also be suggested. In addition, the student should be specifically referred to relevant sources of additional support, for example, the University Medical Centre or the Student Support Service. The Adviser/Supervisor may wish to seek informal guidance from Student Support Service as to the most appropriate source of help for the circumstances presented.

2.6 The Adviser/Supervisor should make it clear to the student that a written record of the discussion will be kept and placed on his/her School file normally for the duration of his/her registration as a student of the University. The student should also be given a copy of this record, which should include an outline of the actions to be taken by the student and that of any other parties who might be involved in advising and supporting the student. The written record/action plan should be issued within five working days of the meeting and will be sent to the student's University email address and contact address.

### **3. Review of Level 1 finding and/or outcome**

3.1 A student may request within five working days of receipt of the outcome of the Level 1 discussion and any action plan, that the finding arising from the Level 1 discussion, and/or any ensuing action plan, be reviewed if s/he has a concern about any aspect. The review – which shall normally be on the papers, including the record of the discussion and any action plan together with a statement by the student setting out his/her concerns - shall be undertaken by the Director of Learning, Teaching and Quality of the School in which the student is registered. The reviewer may, if s/he considers that it would inform the review, invite the student to a meeting. In such circumstances, the student may, if s/he wishes, be accompanied as set out in paragraph 2.4 above.

3.2 The reviewer shall:

- i) confirm the finding and/or action plan;
- ii) set aside the finding and/or action plan;
- iii) adjust the finding and/or action plan.

The outcome of the review shall be issued to the student within five working days of the request for a review and notified in accordance with paragraph 2.5 above.

The review completes the internal procedures of the University at Level 1.

3.3 If the student does not agree to or follow the finding and/or action plan and it is considered that the student's behaviour could present a serious and immediate risk to self or others, and/or to the University's reputation, emergency or required action may need to be taken as set out below (Level 3: emergency or required action) immediately. The Adviser/Supervisor who held the initial Level 1 meeting or the School Director of Learning, Teaching and Quality who reviewed Level 1 shall make a case to the Faculty Associate Dean (Learning, Teaching and Quality) of the Faculty to which the student's School belongs for a referral to Level 3: emergency or required action to the Head of Quality (LTS) as set out in section 4 below.

#### **4 Level 2: serious concerns about a student's fitness for study**

4.1 Level 2 action will be taken when there is evidence that a more formal response is required to resolve presenting or reported difficulties. For example, there may be clear evidence of risk of harm to self, or of harm or disruption to others. Where the issue relates to evidence of persistent nonattendance at teaching or assessment events or non-submission of coursework that risk academic failure, the Adviser/Supervisor should refer the student under General Regulation 13 of the General Regulations for Students, concerning attendance, engagement and progress unless the concerns, prima facie, suggest that there may be more general and widespread issues regarding the student's fitness for study, in which case the Adviser/Supervisor should follow the Fitness for Study procedure.

Level 2 action may be taken as the first response to reports of concerns about fitness, or may follow Level 1 action, when there is evidence of a deterioration or lack of improvement in the behaviours that first brought the student to the attention of those expressing concern.

4.2 In such cases, those raising their concerns are directed to report them straight away to the student's Adviser (or if this is not possible or appropriate to the Senior Adviser) or, if a PGR student, his/her Primary Supervisor, who shall notify the Head of the Student's School. In accordance with the provisions set out in paragraph 4.1 above, a student's Adviser/Supervisor may refer a student direct to Level 2 of this Procedure.

4.3 In both these circumstances the student, if well enough, will be invited to attend a formal fitness to study review meeting with the Head of School (or her/his representative) and the Head of Wellbeing (or her/his representative). Where the case or concern(s) cover health matters, the Head of School (or his/her representative) and the Head

of Wellbeing (or his/her representative) should be advised by an appropriate professionally qualified (written or oral) opinion. The person providing such opinion may or may not be present at the meeting.

4.4 The date, time and place of the meeting shall normally be notified in writing to the student's University email address and contact address at least five working days before the meeting, unless there are good reasons for taking more immediate action. The student may, if s/he wishes, be accompanied by a friend, family member or Student Union Advice Worker, provided that the Adviser/Supervisor is informed of their identity at least two working days before the meeting. It is the responsibility of the student to inform any attending third party of the date, time and location of the meeting. The meeting may proceed in the student's absence if, having been properly invited, if the student fails to attend.

4.5 The letter of invitation to the meeting should:

- (i) clearly outline the causes of concern(s);
- (ii) indicate that the student may, if s/he wishes, be accompanied and by whom;
- (iii) inform the student of the members of the Fitness for Study Review Panel;
- (iii) inform the student that other staff (such as the student's Adviser/Supervisor or Senior Adviser, a Mental Health Adviser or Counsellor, the Senior Resident Tutor or the Disciplinary Officer) may be in attendance when this is considered by the Head of School and Head of Wellbeing to be in the best interests of the student; and
- (iv) encourage the student to seek advice from their doctor and/or the Disability Co-ordinator or Mental Health or other adviser in the Student Services as appropriate to the particular case or concern(s) in question prior to their attendance at the meeting.

4.6 Other staff such as the Adviser/Supervisor or Senior Adviser, or Student Services staff may also be asked to provide reports and, as indicated above, when it is considered by the Head of School and Head of Wellbeing to be in the best interests of the student, to attend in person. If the student declines to attend, or is unable to do so for health reasons, the meeting will be held in absentia unless the student provides good reason to the Head of School for not attending the meeting in which case the meeting will be rescheduled as soon as possible. A member of administrative staff from an LTS Hub shall act as the Secretary to the meeting and shall make a formal record of the meeting and its outcome(s).

4.7 The purpose of the meeting shall be to discuss areas of concern and assess the student's fitness for study. Those responsible for this assessment will endeavour to identify a way forward that is likely to serve the best interests of the student, appropriately balanced, if relevant, with best interests of other members of the University community and the institution itself. The outcome of the meeting may include one or more of the following (this list is not exhaustive):

(a) agreement by all concerned that the circumstances that have given rise to the concerns about the student's fitness have been or are very shortly to be resolved, and that further action is unlikely to be required by the student or the institution;

(b) agreement by the student to a formal action plan to remedy his/her situation. This might include referral to the University Occupational Health Service for assessment and advice, or to Student Services for practical or therapeutic support, or to an externally- provided programme to address, for example, drug or alcohol abuse, or to any other person or persons internally or externally, who are likely to be able to help the student to address their difficulties and improve their fitness for study to acceptable levels. The action plan will include a clearly defined timescale to be met by all parties mentioned;

(c) agreement by the student to apply for an interruption of study for a specified period, the presumption being that normally such a request will be approved. Re-admission will be subject to the normal return from to study processes. Additionally, further specific requirements may be identified (for example, evidence that a student has engaged in a specific therapeutic programme);

(d) agreement to withdraw from the University.

4.8 A written record of the meeting shall be made by the Secretary and this will include any agreed action plan. The written record/action plan will be issued within five working days of the meeting and will be sent to the student's University email address and contact address. Copies of the action plan may also be sent to any others in the University who will be responsible for helping the student to undertake the actions required.

4.9 The Secretary to the meeting will also arrange for a copy of the record to be kept on the student's School/Faculty file and will also send

a copy to Student Services to be lodged on the student's file for the duration of the student's registration as a student of the University plus one year. It will be the responsibility of the Secretary to the meeting to ensure that actions arising from the meeting are followed up.

4.10 These latter actions may include scheduling a further meeting of the Review Panel to re-assess the student's fitness once the period specified in any action plan has elapsed. Further review meetings are most likely to be required in the circumstances outlined in paragraph 4.7 (b) above, but may also be required when, despite the outcome of a Level 2 assessment of fitness being that described in paragraph 4.7 (a) above, there is evidence that the concerns about the student's fitness remain, and/or additional concerns have been raised.

#### ***Follow-up meetings by the Review Panel***

4.11 The purpose of a Level 2 follow-up meeting by the Review Panel is to ensure that any agreed actions of a previous assessment of fitness have been taken, and that the student is now fit to continue his/her studies. The procedure followed will be that described in section 4 above for a first Level 2 review meeting. All attempts will be made to ensure consistency of panel members, although it may be necessary to find alternates. All those conducting the follow-up review will be given copies of the report(s) of previous assessments and of all other relevant documentation.

4.12 The outcome of a second or any subsequent follow-up may be any of those defined in paragraphs 4.7 (a) to (d) above or any other outcome(s). The student will be informed of the outcome(s) within five working days of the follow-up meeting and provided with the formal report of the meeting and any revised or further action plan. Notification shall be via the student's University email address and contact address. Copies of any revised or further action plan may also be sent to any others in the University who will be responsible for helping the student to undertake the actions required.

4.13 If the decision of a Level 2 follow-up meeting is that there is no evident improvement in the student's health or behaviour, no likelihood that the student or others can or are able and willing to take action that will improve the student's situation or behaviour in the foreseeable future, and the student will not agree to a voluntary intercalation, the Review Panel may agree that it is appropriate for Level 3 – emergency or required action to be taken, and will make the appropriate referral (see section 7 below).

### **5. Review of Level 2 finding and/or outcome**

5.1 A student may request within five working days of receipt of the outcome of the Level 2 discussion and any action plan, that the finding arising from the Level 2 discussion, and/or any ensuing action plan, be

reviewed if s/he has a concern about any aspect. The review – which shall normally be on the papers, including the record of the discussion and any action plan together with a statement by the student setting out his/her concerns - shall be undertaken by the Faculty Associate Dean (Learning, Teaching and Quality) of the Faculty in which the student's School belongs. The reviewer may, if s/he considers that it would inform the review, invite the student to a meeting. In such circumstances, the student may, if s/he wishes, be accompanied by a friend, colleague or representative, who may provide support as set out in paragraph 4.4 above.

The reviewer shall:

- i) confirm the finding and/or action plan;
- ii) set aside the finding and/or action plan;
- iii) adjust the finding and/or action plan.

5.2 The outcome of the request for review shall be issued to the student within five working days of the meeting.

The review completes the internal procedures of the University at Level 2.

5.3 If the student does not agree to or follow the finding and/or action plan and it is considered that the student's behaviour could present a serious and immediate risk to self or others, and/or to the University's reputation, emergency or required action may need to be taken as set out below (Level 3: emergency or required action). The reviewer at Level 2 shall make a case for a referral to Level 3: emergency or required action to the Head of LTS as set out in section 7 below.

## **6. Review of Level 2 follow-up meeting(s)**

6.1 Except in cases when emergency action is necessary to ensure the safety of self or others (see section 7 below), the student may request within five working days of receipt of the outcome of a Level 2 follow-up meeting (as set out in paragraphs 4.11 to 4.13 above) and any revised or further action plan, that the finding arising from a Level 2 follow-up meeting and/or any revised or further action plan, be reviewed if s/he has a concern about any aspect. The review procedure and timescales shall be those outlined in paragraphs 5.1 to 5.3 above.

### **7. Level 3: emergency or required action: Mandatory interruption to study**

7.1 Where a student's behaviour presents a serious and immediate risk to self or others, and/or to the University's reputation, or there is no evidence of effective engagement by the student despite efforts made informally and via Levels 1 and 2 assessment(s) and Level 2 follow-up meeting(s), emergency or required action may need to be taken.

7.2 Consideration of such cases will be the responsibility of the University Fitness to Study Panel which shall comprise:

- i) The Head of Well-being
- ii) The University Physician or suitably qualified nominee
- iii) The relevant Academic Director (ADTP/ ADPGR)

A secretary to the panel who shall be a manager with Student Services

7.3 Referrals to the Panel may be made by the Head of the student's School, the Dean of the relevant Faculty, or by the Director of Student Services. The referral document should indicate the nature of the concern and include the documentation and notes of meetings that have given rise to the concerns about the student's fitness to study

7.4 The panel shall meet to consider a student case at the nearest possible opportunity and not more than 5 working days after the date of the referral of a student to the panel.

7.5 The panel shall consider the documentation provided with the referral and make a decision on the papers as to whether a mandatory interruption to study is required.

7.6 The panel shall have the power to require a mandatory interruption to the student's study. This power shall be exercised where the panel regards the continuation of the student's studies to pose a significant risk to themselves or others or where the student's fitness to study is sufficiently undermined by their current circumstances such that they are unable to engage effectively with their studies or make progress.

7.7 The interruption period shall be set by the panel and should not exceed 12 months in duration. The Secretary to the panel shall ensure that all processes and inter-departmental liaison regarding the interruption are effected.

7.8 The student shall be notified of the panel's decision within 5 working days of the date of the meeting

7.9 The student's return to study shall be subject to the existing Return to Study processes for students who interrupt their study on medical grounds.

7.10 Where the panel is satisfied that the student's fitness to study is not impaired to such a degree that a mandatory interruption is necessary, the case shall revert to Level 2 and a follow up meeting in accordance with 4.11 above will be held within 10 working days. This meeting will determine how best the student be supported in continuing their studies and what ongoing monitoring may be required to ensure that the student's fitness to study is kept under review for as long as the relevant concerns persist.

7.2 The reports, action plans and formal recommendations of those who have been responsible for any prior consideration) of the student's behaviour or health at Levels 1 or 2 (including follow-up review(s)) will form the primary evidence to be considered.

## **8. Return from mandatory interruption to study**

8.1 A student may return to study following a period of required interruption or following a fitness to study assessment provided that the University is satisfied that the issues giving rise to the intercalation or suspension have been satisfactorily addressed, and subject to a decision as to any academic conditions for return e.g. the need to repeat some or all of the course of study.

## **9. Confidentiality and equality**

9.1 At all stages of the process due consideration will be given to issues of confidentiality and data protection.

9.2 The University is committed to equality issues and shall act throughout in accordance with its duties under the Disability Discrimination Act 1998 (as amended) and the Equality Act 2010 on implementation. In particular, the University shall make any reasonable adjustment(s) to its practices that emerge as necessary as a result of a better understanding of the student's position.