

## E4. Fitness for Study

For students on programmes and awards validated by the University of Plymouth this section of the CAPR has been agreed by the University (as the awarding institution) as meeting its requirements for addressing concerns about Fitness for Study. The shaded sections set out which sections of this document are policy requirements of the University.

Related guidance and codes of practice can be found at the QAA Code of Practice, Admissions in Higher Education. Chapter B2 Recruitment, Selection and Admissions to HE.

For Code of Conduct and disciplinary matters see CAPR section E1 Student Conduct and Behaviour.

### Purpose and scope

- 1.1 This section of the Consolidated Academic Policies and Regulations (CAPR) explains how concerns regarding students' health, wellbeing and associated behaviour are addressed and dealt with by the College, particularly where their health, wellbeing or behaviour is not conducive to being a productive and co-operative member of the academic community. This recognises the complexity and inter-relationship between health, well-being and associated behaviour.
- 1.2 This policy applies to all current students of the College, and any concern raised on or after the 1 February 2017 regardless of the date of the event giving rise to the concern.

**NOTE: Except in extreme circumstances (such as complete incapacity), students may not appoint a third party, including parents, to act on their behalf under this policy.**

### Definitions

- 1.3 'Associated behaviour' means the conduct of a student, directly or indirectly, affected by a student's health condition, well-being or other circumstances. It relates to their physical, verbal, and social, conduct regarding themselves and others.
- 1.4 'Discipline' means obeying the regulations, rules and code of behaviour of the College's academic community.
- 1.5 'Mental health' means a state of psychological and emotional well-being in which a person can achieve their potential, cope with the normal stresses of life, work productively and fruitfully, and contribute to the academic community.
- 1.6 'Wellbeing' means the ability of a student to function as a member of the academic community in a productive and co-operative manner. It relates to their physical, social, and mental health, and how these enable a student to achieve their potential.
- 1.7 'Reasonable adjustment' means taking steps that are practical and proportionate to remove or overcome barriers that may impede people with different kinds of disabilities. The measure of what is reasonable will depend: resources available; cost of the adjustment; practicality of the changes; and potential benefit to other staff, students and visitors

## Introduction

### *Overview*

- 1.8 The College is committed to supporting students and recognises the importance of health and wellbeing to their academic progress and wider experience. The College has a responsibility to support students to feel and function well in order to maximise their potential.
- 1.9 The College aims to foster independence, self-awareness and personal responsibility among all students. So it is also important that students take an active part in the process and take suitable action to manage their own health and wellbeing in order to fulfil their academic potential.

- 1.10 These regulations are mainly intended to support students. Staff can use them when a student's health, wellbeing and behaviour are harming their ability to progress academically and function at the College.
- 1.11 The College should think about fitness to study when a candidate is choosing to be admitted, at the time they are admitted as a student, and while they are studying. The College should give proper consideration to any reasonable adjustments it can make.

### *Principles*

- 1.12 These regulations may be used only when a student's ability to cope with College life and to progress in their programme is compromised by their associated behaviour, state of health or wellbeing or by a disability or that of another/other student(s)
- 1.13 The College must consider the Fitness for Study regulations as an alternative to other ways of managing problematic behaviour, academic conduct and progress if it:

- (a) seems likely to be caused by mental or physical ill health or disability; or
- (b) could affect other people's health, safety or wellbeing.

- 1.14 The regulations aim to ensure that the College:

- (a) considers the best interests of students including their personal situation, their health and wellbeing, and any disability they may have;
- (b) supports students to study to the best of their ability and, wherever possible, to meet the required learning outcomes and complete their programme of study;
- (c) help students who are facing difficulties with their health, wellbeing or a disability to tackle them at the earliest suitable time;
- (d) assist students to make informed decisions about options available;
- (e) considers any reasonable adjustments that the student may be entitled to and, where appropriate, puts them in place; and
- (f) works across all Departments so that students experience a consistent and fair process.

#### *Data protection and confidentiality*

- 1.15 The College is governed by the Data Protection Act 1998 and will treat all personal information (including sensitive personal information relating to students' mental, physical health or personal circumstances) as confidential within the terms of the legislation.
- 1.16 Personal information about a student obtained under this policy and procedure will only be shared within the College amongst those members of staff who need to know that information in order to offer the student appropriate support, to enable the operation of this policy and procedure, or where it is required, with accrediting professional, regulatory or statutory bodies.
- 1.17 The College may ask a student for his or her agreement to share personal information obtained under this policy and procedure with relevant professionals outside of the College in order to offer the student appropriate support. The College will not normally share any personal information about a student without their agreement, but may do so in exceptional cases, where permitted by law.
- 1.18 International students should be aware that the College is required to report any interruptions to study or withdrawal to UK Visas and Immigration.

#### Procedures

##### *Overview*

- 1.19 The procedure has three (3) stages. Each represents the degree of concern or the seriousness of the situation (or both).
- 1.20 The procedure can be entered at any stage; however, in most cases Stages 1 and 2 should be used before escalation to Stage 3. If a student does not remedy their difficulties by taking the recommended and agreed actions at a particular stage, then the next stage may be started. Some cases may stay at a single stage or move between Stages 1 and 2, never reaching Stage 3.
- 1.21 Stages 1 and 2 can be started by a staff member with a direct link or primary responsibility for the student's needs (e.g., a course tutor or leader, a member of the Learning Support and Wellbeing Team).
- 1.22 Stage 3 can be started only by the Senior Officer responsible for education or their nominee after consulting relevant staff. This normally means representatives from the programme team and the Learning Support and Wellbeing Team.
- 1.23 If staff are unsure whether to start the procedure, they should seek advice and discuss their concerns with staff in the Learning Support and Wellbeing Team or the Senior Officer responsible for education. Because of confidentiality and data protection, staff will normally raise their initial concerns without using the student's name, unless the student has consented to this disclosure.
- 1.24 Staff should act promptly on concerns because early intervention and support can result in better outcomes for the student and may avoid the situation becoming more complex. They should raise the matter with the student's Head of Department.

1.25 The Head of Department will appoint a 'lead person' to start Stage 1. This will normally be a member of the student's programme team, the Learning Support and Wellbeing Team or the Student Advisory Team. The person appointed will normally have had specialist training in supporting students with mental health concerns in the last three (3) years, or have a good understanding of mental health from other perspectives.

**NOTE: In situations where the student is likely to be suffering a high degree of anxiety or distress, consideration will be given to restricting the number of staff in attendance at any one time.**

*Stage 1 – Discussing emerging concerns*

1.26 Stage 1 is used when there are emerging concerns about a student's health, wellbeing or behaviour and the effect of these on their ability to progress in their programme. Such concerns may include significant deterioration in health, appearance or attitude, particularly if this affects their attendance or their ability to meet deadlines, succeed academically and participate in normal student life.

1.27 The lead person should clarify the situation, including:

- (a) identifying the issues;
- (b) gathering any other relevant information about the student (e.g., non-attendance, missed deadlines, isolation);
- (c) clarifying what action has been taken so far and whether anyone has discussed the issues with the student;
- (d) discussion with their line manager or a member of the Learning Support and Wellbeing Team to consider the most suitable approach.

1.28 The lead person should contact the student to request a meeting because of concerns about their health, wellbeing and its effects on their study. The contact could be by email or letter.

1.29 The lead person should give the student clear information about this procedure, particularly emphasising that it is intended to support them.

**NOTE: Using a formal procedure may increase a student's feeling of stress, particularly if they do not understand the procedure's role and purpose. To minimise this risk, staff should use the procedure sensitively. They should ensure that the student understands the focus on their best interests, and reassure them that the College will take all possible steps to minimise any additional concerns and worries.**

1.30 Other relevant staff members may be invited to the meeting. However, as Stage 1 is meant to be relatively informal, the College recommends keeping the number attending to a minimum. The staff should try to ensure the student does not find the meeting intimidating. The student should be informed who else will be present and why they will be there.

1.31 The student may be accompanied by a friend or a member of the Students' Union team (but not a member of University staff, and not someone acting in a legal capacity). The student should notify to the lead person at least 24 hours before the meeting of the name of the person attending. But any such person will attend in a

supportive capacity only and may not speak or otherwise act on the student's behalf.

1.32 The meeting with the student should take place in a private space and, as appropriate, should:

- (a) state or explain the concerns being raised – clear examples will help;
- (b) allow the student to say what they think is happening, and clarify whether this has happened before and if so what was helpful then;
- (c) state the relevant College rules and regulations of which the student needs to be aware;
- (d) clarify the student's personal responsibility (e.g., to be 'well enough' to study and to be respectful of others);
- (e) consider what would be helpful and make a difference to the student to support them and minimise concerns;
- (f) direct the student towards any relevant College support services they may benefit from;
- (g) clarify agreed actions and options to support the student and minimise the concerns (e.g. accessing Learning Support, requesting an interruption of studies);
- (h) agree a date to meet again to review the situation and who needs to attend. The length of time between the meeting and the review should be agreed by all present, taking into account relevant academic and personal factors;
- (i) explain that if the student continues to have the same difficulties or cause more concerns, staff may have to escalate the case to Stage 2.

1.33 The lead person should write a meeting report that includes any agreed actions. A copy should be sent to the student at most five (5) working days after the meeting.

1.34 The College should keep a copy of the report on the confidential student file throughout the student's programme of study.

1.35 The Dean of Faculty and Senior Officer responsible for education should be informed of the outcome of the Stage 1 meeting and arrangements for review.

1.36 The lead person should arrange for a review meeting at most about three (3) months after the Stage 1 meeting.

1.37 The Stage 1 review meeting should:

- (a) review how the student has been since the first meeting;
- (b) describe and explore any further concerns;
- (c) explore any further and ongoing support needed; and
- (d) agree whether or not further action is needed. If the concern has been resolved, no further action may be needed. If concerns continue or have increased, the meeting should consider escalation to Stage 2.

1.38 If the student is invited but fails to attend Stage 1 meetings, the situation should be discussed in the student's absence, and:

- (a) if there is a straightforward way to proceed, the lead person should send the student the agreed expectations, support options and plans, along with a timetable for completion and a review date;
- (b) if the situation is more complex or unclear, the case should be escalated to Stage 2;
- (c) the student should be informed that if they fail to take the opportunity to meet to discuss concerns about their health and wellbeing, the College may need to consider using disciplinary procedures as an alternative or suspend them from studies without further consultation.

#### *Stage 2 – Discussing significant or continuing concerns*

1.39 Stage 2 is used when there is continued and ongoing concern after Stage 1 or when there is significant concern about a student's health, wellbeing, behaviour, safety and ability to study; and when a response from the College is clearly appropriate.

1.40 A Stage 2 meeting should include relevant people who have a direct link or support role with the student, as well as the Senior Officer responsible for education.

1.41 The lead person should inform the student of the meeting and its purpose in a clear written statement, normally four (4) working days beforehand.

1.42 The student may be accompanied by a friend or a member of the Students' Union team, whose name must be notified to the lead person at least twenty-four (24) hours before the meeting. But any such person attends in a supportive capacity only and may not speak or otherwise act on the student's behalf. Stand-ins (proxies) for students are not normally allowed.

1.43 The meeting should do the following:

- (a) Identify and explain the issues or concerns (providing clear and specific examples).
- (b) Enable the student to give their view of the issues and, if appropriate, set out a history of events, experiences and things that have previously helped them cope with similar issues.
- (c) Clarify relevant College rules and regulations.
- (d) Clarify the student's responsibilities at the College.
- (e) Discuss what would be helpful or make a difference to the student to support them and to minimise the issues.
- (f) Direct the student towards any relevant College support services they may benefit from.
- (g) Clarify agreed actions and support options to change and improve the current situation (e.g. accessing Learning Support, suspending their studies).
- (h) Explicitly clarify the consequences if the student does not complete the agreed actions and if the issues continue to cause concern.

- (i) Agreeing any interim monitoring or measures.
- (j) Agreeing a date to meet again to review the situation.

1.44 A report of the meeting and agreed actions should be written by or on behalf of the lead person.

1.45 The report should be sent to the student and all others who were present up to five (5) working days after the meeting.

1.46 A copy of the report should be kept in the confidential student file throughout the student's programme.

1.47 The Stage 2 meeting will state who is responsible for monitoring the process and ensuring the review meeting takes place. This will usually be the lead person.

1.48 The lead person should arrange for a review meeting to take place about three (3) months after the Stage 2 meeting.

1.49 The Stage 2 review meeting should:

- (a) review how the student has been since the first meeting;
- (b) review whether agreed actions have been taken;
- (c) describe and explore any further concerns;
- (d) consider new or ongoing relevant mitigating evidence (i.e., evidence that will tend to reduce the seriousness of the student's actions);
- (e) explore further or ongoing support or adjustments that may be needed;
- (f) agree whether or not a further action plan is needed. If the concerns have been resolved, no further action will be needed. If concerns continue or have increased, a further action plan may be put in place, or a Stage 3 meeting may be required.

1.50 If the student does not attend the Stage 2 review meeting, the situation will be discussed in the student's absence, and:

- (a) if there are straightforward ways of proceeding, the lead person will inform the student of agreed expectations, support options and plans, as well as giving a timetable for completion and a review date;
- (b) if the situation is more complex or unclear, the matter will be escalated to a Stage 3 Panel meeting;
- (c) the lead person will inform the student that if they do not take the opportunity to meet to discuss concerns about their health and wellbeing or do not give supporting evidence of underlying issues, then the College may have to use disciplinary procedures to tackle the concerns, or suspend the student from studies without further consultation

1.51 If the meeting agrees an interruption or suspension of studies, the relevant procedure must be followed. This will include making clear to the student what they must do before the College can consider allowing them to return to their studies. It will also make clear that the student is responsible for attending meetings and providing the evidence needed.

### Stage 3 – Serious or persistent concerns

1.52 Stage 3 is used if there are serious or persistent concerns about a student's health, wellbeing, behaviour, safety and ability to study. In most cases, Stage 3 will follow attempts to tackle concerns using Stages 1 and 2.

1.53 It may be appropriate to go straight to Stage 3, for example if:

- (a) a student's health, wellbeing and ability to study are seriously compromised;
- (b) all other options to deal with the situation have been explored at programme level and a wider College view is needed;
- (c) a higher level of decision-making and authority is needed;
- (d) a student's behaviour affects the learning or College life of other students or staff;
- (e) there are serious concerns about the health and safety of the student or others.

1.54 In exceptional circumstances, such as where there is deemed to be an unacceptable level of risk to the student or members of the College community, the Academic Registrar may decide that pending further investigation, the College will refer the student under the policy on 'Emergency Suspension or Exclusion'.

1.55 The Senior Officer responsible for education or in their absence their nominee (who will be a Senior Officer with responsibility for student welfare and support) will decide whether or not to convene a Stage 3 Panel meeting. They will make this decision in consultation with the staff member who raised the concerns.

1.56 Where possible the Stage 3 Panel meeting will aim to ensure that the College considers all possible options to enable the student to continue their studies. The panel will consider the student's present situation, taking into account relevant past events, while also considering relevant College procedures and regulations.

1.57 However, escalation to Stage 3 signifies strong concern about the student's current ability to continue studying. So the panel will consider whether it may be in the student's and the College's best interests to suspend the student from study or for the student to withdraw from the College permanently.

1.58 Ultimately the panel can impose a compulsory suspension of studies or withdrawal, but this is only ever a last resort when the College and the student cannot reach agreement and the College has an evidence-based case to proceed.

1.59 A Stage 3 Panel will comprise:

- (a) the Senior Officer responsible for education, or their nominee, acting as Chair;
- (b) the Academic Registrar;
- (c) representatives from the student's programme team;
- (d) representatives from the Learning and Wellbeing Team or the Student Centre or both;

- (e) a representative from the Students' Union (from October 2016); and
- (f) if required, a note-taker to record the meeting's key points and outcomes.

1.60 The Senior Officer responsible for education should inform the student of the panel meeting and its purpose in a clear, written statement, normally sent five (5) working days before the meeting.

1.61 The student may be accompanied by a friend or a member of the Students' Union (whose name must be notified to the Chair of the panel at least 24 hours before the meeting). But any such person attends in a supportive capacity only and may not speak or otherwise act on the student's behalf.

1.62 The student should be encouraged to prepare for the meeting by speaking to key staff, getting any necessary documents and reports, and giving consent for disclosure of medical reports. The student may wish to write a short summary report for the meeting and provide this to the panel at least twenty-four (24) hours before the meeting.

1.63 To prepare for the meeting, the key staff involved with the student may be invited to write a short summary report of relevant past and present issues. They can send the report to the Senior Officer responsible for education and it may be circulated to those attending. All contributions to the meeting will be treated in strict confidence and according to relevant legislation.

1.64 Some of those attending the meeting may not have been involved with the student before. To enable them to understand the process, issues, details and options better, it may be helpful to begin the meeting without the student.

1.65 The meeting should do the following:

- (a) Summarise the present situation, concerns being raised, and past relevant information.
- (b) Enable the student to give their view of current issues and, if appropriate, set out a history of events, experiences and things that have previously helped them to cope with similar issues.
- (c) Clarify relevant College rules and regulations.
- (d) Clarify the student's personal responsibilities at the College.
- (e) Identify any further information that may be needed.
- (f) Clarify the options available to the student at this stage (e.g. interruption of studies, permanent withdrawal).
- (g) Consider what would be helpful or make a difference to the student regarding the options available.
- (h) Direct the student towards any relevant College support services they may benefit from.
- (i) Clarify agreed actions and describe the support options that the student is encouraged to access.

- (j) Explicitly clarify the consequences if the student does not complete the agreed actions or if the concerns continue.
- (k) Agree any interim monitoring or other measures.
- (l) Agree a date to meet again to review the situation.

1.66 If the student does not attend the meeting, the relevant actions in paragraph 4.59 should take place in their absence. Those present will consider and agree the best course of action. By not attending, a student loses the right to contribute to the decision-making process.

1.67 The Stage 3 Panel's note-taker should write a report of the meeting's key points and agreed actions. These actions may include:

- (a) Requesting the student to complete a further action plan and agree the consequences of not meeting the action plan;
- (b) Requesting the student take an interruption of study;
- (c) Requesting the student withdraw from their studies and to reapply if they feel they are able to continue their studies at a later date;
- (d) Terminate the student's registration with the College.

1.68 The Chair should send a copy of the report to the student and to all who attended the meeting up to five working days after the meeting.

1.69 A copy of the report will be held in the confidential student file.

1.70 If an interruption or withdrawal from studies is the outcome, the meeting should talk the student through the relevant procedures. It should also state clearly what the student must do before the College can consider allowing the student to return to study.

1.71 If an interruption or withdrawal from studies is agreed, the relevant procedure must be followed. This will include making clear to the student what they must do before the College can consider allowing them to return to study. It will also make clear that the student is responsible for attending meetings and getting required evidence.

1.72 If the student's registration is terminated as the outcome of the Stage 3 meeting, the Chair must notify the next meeting of the Academic Board.

#### *Appeal and review*

1.73 A student who disagrees with the outcome of Stages 1 or 2 may appeal within five (5) working days of the relevant meeting. The College will convene a panel to review any such appeal and will advise the student of the outcome within ten (10) working days.

1.74 A student may appeal against a decision reached at Stage 3 under the relevant regulations for academic or regulatory appeal. Information about the appeal process will be provided in the relevant outcome letter.

Advice and support

- 1.75 If a student is concerned about their fitness to study, they may wish to discuss their situation with their personal tutor or programme leader before the formal process may be raised by another individual.
- 1.76 Advice for students on fitness to study including because of a disability, and the associated lower-level College rules, is available from the Learning Support and Wellbeing Team (learningsupport@gsm london.ac.uk) or the GSM London Students' Union (gmsuadvicecentre@gsm london.ac.uk). More complex queries may be referred to appropriate individuals.
- 1.77 Advice for staff on fitness to study including because of a disability is available from their nominated Academic Policy Partner.
- 1.78 Any staff development needs – particularly on supporting individual students with access needs related to mental health and making relevant adjustments – may be discussed with the Learning Support and Wellbeing Team and the Staff and Educational Development Team.

Fees

- 1.79 No fees or charges are associated with these regulations.

Legal and regulatory context

- 1.80 These regulations regarding fitness to study have had regard to many of the principles outlined in administrative law, and in particular that this is an area of academic judgement, as cited in *Matthew Higham v the University of Plymouth [2005] EWHC 1492 Admin, [2005] ELR 547*.
- 1.81 Further, these regulations have had regard to the principles of fairness in judgements regarding the fitness of a student outlined in *R v University of West of England, ex p Helen Maddox [1998] EWHC Admin 1133*.
- 1.82 The College additionally recognises that it has duties for the safety and security of all its members and visitors under the *Health and Safety at Work Etc. Act 1974*, and under the statutory regulations made under this act, and has used these principles to inform regulations surrounding the conduct of students.
- 1.83 However, by paying regard to these principles, the College does not suggest that these regulations alone provide the mechanism to meet all these principles, or that its decision-making is bound to adhere to these principles. The College uses the principles simply as guidance on sound decision-making.

Enforcement, monitoring and review

- 1.84 If any other person or body in the College or a staff member refuses to comply with a decision taken under these regulations, their refusal must be reported to the Academic Registrar.
- 1.85 Each year, the Education Committee must receive a report that enables it to monitor, identify and act upon any shortfalls in how these regulations are interpreted and operate.

1.86 The annual report must include statistical data on the number of cases by stage; the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex, disability and ethnicity) of those at each stage including terminations of registration.

1.87 Every two (2) years, the Faculty Board must undertake a full review of these regulations to ensure:

- (a) they remain up to date and continue to meet the expectations of the UK Quality Code;
- (b) that areas of enhancement or any concerns raised by students, external examiners, or professional bodies have been addressed; and
- (c) that opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies or regulations):

*Responsible Officer: Academic Registrar*

*Approved by: Board of Directors and Academic Board*

*Version: 2.0*

*Date: June 2017*

*Monitoring and Review Body: Education Committee*

*Effective From: July 2017*

*Next Scheduled Review: June 2018*