

UNIVERSITY OF CUMBRIA

FITNESS TO STUDY POLICY AND PROCEDURES

Library and Student Services

NB. This policy is available on the University of Cumbria website and it should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version of the policy.

POLICY SCHEDULE	
Policy title	Fitness to Study
Policy owner	LiSS
Policy lead contact	Mental Health and Psychological Wellbeing Service Manager
Approving body	Academic Board
Date of approval	
Date of implementation	1 September 2015
Version no.	V1
Related Guidelines, Procedures, Codes of Practice etc.	<ul style="list-style-type: none"> • Admissions Policy • Academic Regulations and Procedures • Student Social Media Policy • Student Progress Review Procedures • Student Code of Conduct. • Student Residential Contracts • Health Faculty's Fitness to Practise Policy • Single Equality Scheme

	<ul style="list-style-type: none"> • Equality, Diversity and Inclusion Strategy • Safeguarding Children and Working with Vulnerable Groups Policy and Procedures • HM Government Prevent Duty Guidance 2015 • Extenuating Circumstances Procedures • Health and Safety • Data Protection Staff Guide
Review interval	Interim review after July 2015 Triennial review 2018

Fitness to Study Policy and Procedures

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1. Introduction

The University of Cumbria, hereafter referred to as the University, is an education provider, set within local communities across a diverse geographical area, offering a range of programmes each with their own requirements and expectations. The University recognises the importance of a student's health and wellbeing in relation to their academic performance and retention and their wider student experience and it is with this in mind that a framework of support to study is necessary to ensure safety and to apply due process.

2. Aims and Objectives

The University understands that on occasions students may experience wellbeing difficulties that have a detrimental impact on their ability to study, beyond the normal sickness absence, and normal extenuating circumstances procedures. This policy's aims are to ensure a consistent approach to supporting students whose mental and/or physical wellbeing is of such concern, that interventions need to be put in place to support them by the University. The emphasis of this policy is on supporting a student's wellbeing, where the wellbeing is having a detrimental impact on the student's ability to study, or the impact on others around them, or poses a risk under Safeguarding or Health and Safety.

It should be noted that:

- Where a concern is raised about a student's academic ability, the **Student Progress Review** procedure may be a more appropriate process to follow.
- Where a concern is raised about a student's behaviour, the **Student Code of Conduct and Adjudication Procedure** may be a more appropriate process to follow.
- Where a student is on a programme of study that may lead to a professional qualification, the **Fitness to Practise Policy & Procedures** or **Fitness to Teach Policy and Procedures** would be a more appropriate process to follow in relation to their clinical, professional or teaching practice.

However, there may be instances where the Fitness to Study Procedure is run in parallel with one or more of the aforementioned procedures.

The objective of this policy is to support the retention of the student where possible on their chosen course of study. However, it needs to be recognised that some students may not be able to continue with their studies at that moment in time (and therefore may need to intercalate), or consider an alternative programme of study (where it may be appropriate to move to a non-professional course), or continue at the University.

It should be clear that the ability or inability of the student to continue their course of study on wellbeing grounds may mean that under a duty of care or possible health and safety grounds it is in the best interest of the student to be offered alternative options as an outcome of the procedure.

3. Scope

All students enrolled on any course or programme of study at the University are covered by these procedures. The procedure is applicable to any activity the student is engaged in as part of their studies (lectures, seminars, assessment, etc.) including activity on campus (including accommodation owned by the University), placement attendance and any other activity constituting their study experience (by way of illustrative example field trips and study abroad).

Students enrolled with other institutions will be subject to the policies and procedures of their own institution or organisation.

“Fitness to study” as used in this policy pertains to the entire student experience, and not just a student’s ability to engage with their studies.

4. Definitions

Adjudication Procedure – is the mechanism by which a student is informed that a complaint, grievance or allegation about them has been made, and that enquiries and/or investigations will be undertaken to ascertain whether or not the **Student Code of Conduct** has been breached and the range of sanctions that may be considered in the event of such a breach.

Fitness to Practise – Students on any course or programme within the University undertaking practice in any health community and social care settings, which bring them into contact with vulnerable people and patient or client groups are subject to this policy. The University, in conjunction with the professional and regulatory bodies, has a duty to ensure the student is fit to practise during and up to the point of registration or recording of qualification and academic credits.

Fitness to Teach - Students on Initial Teacher Training routes must meet the Secretary of State’s requirements for physical and mental fitness to teach. The University has a duty to make sure it’s trainee teachers meet the level of fitness required to teach during and up to the point of registration or recording of qualification and academic credits.

Student Code of Conduct - This describes the expectations of students’ behaviour as students (and representatives) of the University in a variety of locations and environments, both internal and external to the University.

Student Progress Review – This meeting is usually, although not always, instigated by the personal tutor. It is an opportunity to meet with the student and discuss the concerns that are affecting the students’ ability to engage with their course of study. An Action Plan is agreed between the student and the tutor which should be solution-focussed. This will then be monitored and reviewed. Issues of concern regarding a student may also be escalated via the appropriate policy.

Wellbeing¹ - The World Health Organisation defines health/wellbeing *“A state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity.”*

¹ Taken from the preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19-22 June, 1946; signed on 22 July 1946 by the representatives of 61 States (Official Records of the World Health Organization, no. 2, p. 100) and entered into force on 7 April 1948.

5. The Fitness to Study Procedures

The University recognises that concerns may be raised about a student's wellbeing by a variety of individuals, for example University staff, other students, and third parties (such as health professionals, placement providers or the police) as well as the individual student concerned. The University will encourage students to take responsibility for their own wellbeing wherever possible.

This Procedure seeks to promote early intervention, active collaboration between staff, students and third parties with a consistent approach. Matters will be dealt with sensitively and in a non-judgemental and coordinated manner across the University to maintain dignity of the student as much as possible.

Whilst the University will seek to work with students in a spirit of cooperation, cases may arise in which it may, under the terms this policy, be determined that a student is unfit to study and that their registration should be suspended or terminated.

The University will adhere to this procedure whilst remaining mindful of the obligation under the Equality Act 2010, and making reasonable adjustments where applicable (see Section 7). It will also be mindful of the sensitivity inherent in fitness to study concerns, and therefore be diligent in its obligation to comply with the Data Protection Act 1998 (see Section 8). In particular, it should be noted that information about a student's mental or physical health or disability is classed as sensitive personal data under the Data Protection Act. This places a more stringent duty on the university to handle this type of information with care and confidentiality. Any disclosure about a student's health, whether verbally or in writing, should normally be with the student's full knowledge and express agreement. Where consent is withheld, disclosure may be possible in some circumstances, for example if there is a significant risk to health and safety. Advice should be sought where necessary.

The policy procedures follow three distinct stages reflecting the potential impact the wellbeing issue(s) have on the student's ability to function whilst at University. The three stages reflect the level of difficulty the student faces or the risk/disruption highlighted, as well as the type of intervention required by the University and the responsibilities of the student. In the event that a student is unable or unwilling to participate in any of the processes associated with this policy and procedures, the University will continue with the process regardless, where it is deemed reasonable to do so given the risk involved.

Degrees of Concern

The member of staff who responds to the concerns should do so in a non-confrontational manner, and should strive to uphold the dignity of the student.

Stage 1 Initial and/or Emerging Concerns

Initial and/or Emerging Concerns are typically attributed to low levels of risk, that do not require immediate additional specialist support. A Stage 1 concern would normally consist of a Student Progress Review with the student as soon as possible. A member of staff who knows the student (for example a personal tutor, senior lecturer or programme leader supported by where appropriate eg accommodation staff, LiSS member of staff) would normally be the appropriate person to respond to this level of concern.

Outcomes that may be required from this intervention include:

- a) No further actions
Or one or more of the following:
- b) That the student should be asked to moderate their behaviours, address the concern, or to seek help with the presenting issue within an agreed timeframe.
- c) The member of staff who engages with the student in this situation should make sure they are familiar with support services within the University including the Disability Service and the Psychological Wellbeing Service and encourage the student to attend (but acknowledge that neither service provides mandated interventions)
- d) The member of staff refers the student to Occupational Health for an assessment of the student's Fitness to Study
- e) Extenuating Circumstances may be submitted
- f) Other modes of study may be considered if it is a viable option
- g) The student takes time off due to ill health, or where appropriate they intercalate

Where the student responds positively, no further action would be required. Where the student fails to respond positively, or refuses to engage in the process, progression to stage two would be required.

Stage 2 Continuing and/or Moderate Concerns

Continuing and/or Moderate concerns may be attributed to needing an appropriate and timely intervention from one or more internal support services (the Psychological Wellbeing Service or Disability Service, by way of example), or external support services (such as a G.P appointment or referral to Occupational Health).

Outcomes that may be required in this intervention include:

- a) Either a review of the initial Student Progress Review where one has taken place, or a new Student Progress Review if more appropriate by the personal tutor or programme lead, and where appropriate a representative from the Student Development and Wellbeing team or appropriate other professional service staff, should be invited to attend to offer advice and support for all parties.
- b) The member of staff refers the student to Occupational Health for an assessment of the student's Fitness to Study
- c) Putting in place reasonable adjustments and/or other support structures and interventions where appropriate
- d) Recommends that the student is advised to takes a period of voluntary absence (sickness absence or intercalation)
- e) Extenuating Circumstances may be submitted
- f) Other modes of study may need to be considered
- g) Unless it is decided that no further action needs to be taken, an Action Plan should be drawn up outlining specific behaviours and concerns that need to be addressed.

Stage 3 Severe and/or Enduring Concerns.

Severe and/or Enduring Concerns may be attributed to needing an immediate and/or emergency intervention as appropriate to the situation. Where the fitness concerns are critical a 999 call will be required for the

appropriate emergency response as the first port of call. The student should have Intercalation options discussed with them at the appropriate time (e.g. if and when they can make informed decisions) Where the relevant Associate Dean reasonably believes that there is a risk to the health, safety or wellbeing of a student, or that the behaviour linked to the student's wellbeing is currently or potentially going to adversely affect the teaching, learning or experience of other students or the University activities then a temporary suspension without prejudice may be put in place, following the Student Code of Conduct & Adjudication Procedure. A Student Progress Review would be convened when the student is able to partake in such a meeting.

Outcomes that may be required in this intervention include:

- a) The student decides to intercalate
- b) The student withdraws from their studies
- c) Extenuating Circumstances are submitted
- d) An adjudication interview/hearing takes place
- e) The member of staff refers the student to Occupational Health for an assessment of the student's Fitness to Study
- f) Putting in place reasonable adjustments and/or other support structures and interventions
- g) Other modes of study may need to be considered
- h) The student may be suspended without prejudice
- i) The member of staff should consider recording the details via the Incident Reporting procedures to Facilities Management

Returning to Study

Where a student has required a substantive break in their studies due to illness, compassionate pastoral support should be in place ready for their return. This may include a referral to Occupational Health for advice on reasonable adjustments. A carefully managed and monitored return to study is likely to enable a positive experience for the student and improve retention. It should be recognised at the stage where a student intercalates that access to services external to the University may take several weeks or months and beyond to access, and for treatments and interventions to show positive effect. Students returning from intercalation or suspension should be offered a mandatory Student Progress Review

Rights of Appeal

Students would have recourse to the same rights of appeal that are already in place as part of the Student Progress Review Policy and Procedures and the Student Code of Conduct Policy and Procedures.

6. Equality, Diversity and Inclusion (with particular reference to disability reasonable adjustments) and Equality Assessment Statements

- The Equality Act 2010 covers the "protected characteristics" of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity,

race, religion or belief (including lack of belief), sex and sexual orientation. The University has developed a Single Equality Scheme and Equality Objectives to implement the Equality Act within the University practices and procedures.

- Within the Equality Act it remains permissible to treat a disabled person more favourably than a non-disabled person. It remains lawful to make reasonable adjustments in relation to employment, education and services to ensure that there is true equality of opportunity for disabled people.
- This policy and its implementation will be monitored, as appropriate, in line with relevant legislation for its impact on different equality groups. This process will provide a check on whether there are any differences and allow the University to assess whether these differences have an adverse impact on any particular group such that appropriate action is taken.

7. Records Management Statement

- The records associated with this policy will be created, stored and disposed of in line with the University's Records Management guidelines and procedures.
- The University is committed to complying with the requirements of Data Protection legislation and regulations and any personal data created as part of this policy will be processed in accordance with the University's Data Protection Act procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed.
- The University also aims to ensure that users of this policy are aware of Data Protection, Freedom of Information and Records Management issues associated with this policy.
- International students need to be aware that the University is required to comply with the rules and regulations of UKVI (UK Visa and Immigration) and report any interruptions to study or withdrawal to that office.

8. Risk Management Statement

The following statement, completed as appropriate should be included in all policies:

- Failure to comply with this policy could have a wide range of consequences, from failure to achieve and progress, through to actual risk of harm to self and other
- Failure to comply with this policy could lead to failure to uphold relevant legislation including Equality Act, Safeguarding, the protection of vulnerable adults, and Health and Safety legislation and could result in action being taken through the Courts against individuals and/or the organisation
- This policy mitigates risk(s) OD2: Failure to offer appropriate courses and modes of delivery that support widening participation; OD4: Failure to ensure that appropriate retention policies and practices are embedded across the University; OD9: Failure to safeguard children and young people and vulnerable adults; LGM14: Failure to have an effective Emergency Management Plan to mitigate against a major incident at one or all of the University's campuses, or an IT hardware or software failure; LGM15: Failure to put in appropriate measures and processes to ensure that Health & Safety is effectively managed across the Institution, in the University's Risk Register

9. Roles and Responsibilities

It is the responsibility of:

- The University Board to oversee the Policy via Governance structures
- University Executive Group to endorse and support the Policy and Procedure's implementation
- Staff members to implement the procedures as and when necessary

10. Contact Details

For further information regarding any of the issues covered by this policy please contact:

Post: Mental Health and Psychological Wellbeing Service Manager

Faculty/Service: Library and Student Services

Address: University Of Cumbria, Harold Bridges Library, Bowerham Road,
Lancaster. LA1 3JD

**UNIVERSITY OF CUMBRIA
POLICY DOCUMENT CONTROL SCHEDULE**

All University of Cumbria Policies must include a completed Policy Document Control Schedule consisting of the Policy Schedule (see front cover), Review Schedule and Drafting Schedule (see below) which should be completed as appropriate.

REVIEW SCHEDULE				
Review no.	Due date	Reviewed by	Approved by	Completion date

DRAFTING SCHEDULE	
Draft no.	Date
<i>Eg. 0.1</i>	1 st May 2015
0.2	19 th May 2015
0.3	
Final Version	
1.0	