

## UNIVERSITY OF BATH FITNESS TO STUDY POLICY

### 1. Purpose and Scope

- 1.1 Whilst at University all students should be able to study and perform to the best of their ability, in a safe and comfortable environment. The reality of University life means that students not only work, but also often live, in close proximity to each other, and whilst many students find studying and living in such an environment easy and enjoyable, others can find it more challenging.
- 1.2 In order to maintain and enhance the University community, students need to conform to certain standards of behaviour, and the University has disciplinary mechanisms in place to deal with students whose behaviour falls outside these standards (see Student Regulations 7 & 8). However, it is recognized that the cause of misconduct may include issues relating to a student's health and general well-being, where disciplinary action may not be appropriate.
- 1.3 The University has in place a Fitness to Practise Policy for students on specified programmes.
- 1.4 Similarly, a student's fitness to study may be questioned if health problems are disrupting their own studies or the studies of others, or result in unreasonable demands being placed on staff or other students. The University has a duty of care to its community and is bound by health and safety legislation, which means it is obliged to take action if a student presents a risk to themselves or to others.
- 1.5 The term 'fitness to study' as used in this policy relates to the entire student experience, and not just a student's ability to engage with their studies. For example, unless it is informed otherwise, the University expects its students to be able to live independently and in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them. This policy is not designed to be used to address academic performance issues (which should be dealt with under the normal assessment procedures) or with issues relating to attendance (Student Regulation 3) or individual mitigating circumstances.
- 1.6 The level of risk posed by a student will be measured by the use of a risk assessment process, which will be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Director of Student Services (or designate) in close collaboration with department staff, who would play a key role in identifying the specific evidence to underpin any concerns. If it is determined that the level of risk is sufficiently high, the Director of Student Services may recommend via the ~~University Secretary~~ ***Vice-President (Student Experience)*** to the Vice-Chancellor that the student be suspended.
- 1.7 As a general rule this policy is only intended for use in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature. Where possible the support services available to students should be used as the first port of call prior to taking any formal action.

- 1.8 The University reserves the right to use the disciplinary procedure to deal with behaviour which is the result of physical or mental health issues, depending on the individual circumstances of the case. However, once this policy had been used (at any of the three stages) the behaviour observed will normally be considered under this policy rather than under the disciplinary procedure.
- 1.9 The Fitness to Study policy detailed below has three levels. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three levels.
- 1.10 If concerns are raised whilst a student is on placement, where the University's ability to engage with the student may be limited, if possible the University will discuss with the placement provider alternative arrangements that might address any concerns.

## **2. Crisis Situations**

- 2.1 It is possible that a student may pose such an extreme risk to themselves and / or others that they require emergency assistance outside of these procedures. In such cases staff should refer to the following:

Crisis Intervention Guidelines – Supporting Students in Distress  
(<http://www.bath.ac.uk/guides/supporting-students-in-distress/>)

## **3. Initial Support and Guidance to Students**

- 3.1 Student with a mental or physical health difficulty, firstly:-
  - Are encouraged to consult all relevant support services available at the University, and in particular their medical practitioner, Student Services, and (where appropriate) the Student Immigration Service (further information on these services can be found by visiting the Student Support web-pages).
  - Are expected to speak to their Personal Tutor, Director of Studies or another appropriate member of staff in their academic department about the difficulty and any related problems that they may be experiencing.

## **4. Circumstances Under which a Student's Fitness to Study May Be Brought Into Question**

- 4.1 A student's fitness to study may be brought into question as a result of a wide range of circumstances. These include (but are not restricted to) the following:-
  - Serious concerns about the student emerge from a third party (i.e. house-mate, friend, colleague, placement provider, member of the public, medical professional etc.) which indicate that there is a need to address their fitness to study.
  - The student has told a member of the university that they have a problem and/or provided information which indicates that there is a need to address their fitness to study.

- The student's disposition is such that it indicates that there may be a need to address an underlying mental health problem, for example if they have demonstrated mood swings; shown signs of depression; become withdrawn.
- Behaviour, which would otherwise be dealt with as a disciplinary matter, which it is considered may be the result of an underlying physical or mental health problem.
- The student's academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

4.2 In all cases, the student's personal tutor or Director of Studies should be notified so that the Department is aware of the situation and can provide any necessary support.

## **5. Stage 1 – Informal Action by the Department**

- 5.1 Should preliminary action be unsuccessful, a member of staff should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have emerged. This would ordinarily be a member of staff within the academic department with primary responsibility and /or knowledge of the student concerned (e.g. their Personal Tutor, Supervisor or Director of Studies). However, if concerns arise within the student residences, then the Student Accommodation Office should take the lead, in consultation with the student's department. Should a member of staff require advice or guidance on this they should contact Student Services.
- 5.2 The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised, including if appropriate reference to the level of perceived risk presented by the student as measured by the risk assessment process. The member of staff will attempt to resolve the matter by informal discussions with the student. The student should be given the opportunity to explain their own views on the matter, and be encouraged to think about using one or more of the support services offered by the University. It may also be appropriate to look into the possibility of applying special academic arrangements to enable the student to study effectively.
- 5.3 It is hoped that in most cases issues can be resolved at this level, and that students will respond positively, co-operating fully with the process and taking advantage of the support available.
- 5.4 A review period should be determined (if possible by agreement between the member of staff and the student) to allow the student to consider their own behaviour and seek advice from the support services available. At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the policy.
- 5.5 The informal discussions, advice and any undertakings made by the department and / or the student should be documented for the benefit of both the department and the student.

5.6 If a student is unable to co-operate with the above process or modify their behaviour, they should be informed that more formal action under Stage 2 of this policy may be considered appropriate.

## **6. Stage 2 – Case Review Group**

6.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the policy can be invoked. A meeting of a Case Review Group shall be convened by the Head of Department or Director of Student Services, made up of appropriate representatives of the student's academic department (normally the Director of Studies) and the Director of Student Services (or nominee). Representatives from the Student Accommodation Office, Student Services and Security Services may also attend for information and advice if felt appropriate.

6.2 Before the meeting a medical assessment may be sought. The student will be encouraged to consent to this, as it will ultimately enable the University to address the student's difficulties in the most effective manner possible, and make an accurate assessment of risk. The medical assessment will be used to determine the following matters:-

- 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 the University in light of the medical condition to enable the student to study effectively;
- whether the student will be receiving any ongoing medical treatment or support.

6.3 The student will be asked to authorise full disclosure to the University of the results of any examination. The University recognises that any such information disclosed will constitute "sensitive data" for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination, the University may continue this policy based on the information already in its possession, or use another appropriate means to address the issue.

6.4 The student will be given at least 7 days notice of the Case Review Group and informed of the purpose of the meeting. They will also be provided with any documents which will be considered by the Group, and asked to provide any documentation they may wish the Group to consider in good time for the meeting.

6.5 The student may be accompanied at the meeting by a Students' Union representative, a fellow student, or other advisor. Disabled students may also be accompanied by a support worker if required.

6.6 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,
- The student is fully aware of the possible outcomes if difficulties remain.

6.7 The Case Review Group will order its proceedings at its own discretion and may call witnesses, including Student Services staff working with the student, and institute enquiries to assist its deliberations. It will also consider an updated risk assessment where appropriate.

6.8 The Case Review Group may decide:-

- That no further action is required;
- To formally monitor the student's progress for a specified period of time. In this case an action plan will be agreed with the student, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan, which will normally involve their fitness to study being considered at Stage 3;
- To recommend part-time study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the student's department and by the student through the change of circumstance process. The student should also be advised to seek guidance from the Student Money advice Team and the Student Immigration Service (where appropriate) before agreeing to a change in circumstance. The student will be informed that unless these arrangements remedy the concerns to the University's satisfaction, their fitness to study may be considered at Stage 3;
- Where the student is on placement, to propose to the student suspending the placement or (if available) switching programmes to a 'without placement' equivalent.
- With the consent of the student, to agree that their studies be suspended for a mutually agreed period of time;
- To refer the case to the ~~University Secretary~~ **Vice-President (Student Experience)** to be considered under Stage 3 of this policy. This will only be appropriate in the most serious of cases, where for example evidence of a serious risk to either the health and safety of the student or others has been identified, and it is thought that suspension, exclusion or expulsion of the student may be the appropriate course of action, or where a particular course of action has been recommended (such as part-time study or suspending a placement) but the student does not agree.

6.9 The decision of the Case Review Group, together with a concise record of the meeting,

should be sent to the student within 7 working days from the date of the meeting, and a copy kept on the student's personal file.

## 7. Stage 3 – Vice-Chancellor's Review Panel

- 7.1 This stage of the procedure will only be implemented following a referral from a Stage 2 Case Review Group, or if in the opinion of the ~~University Secretary~~ ***Vice-President (Student Experience)*** (having consulted as appropriate) initial concerns are raised which are sufficiently serious as to warrant the consideration of the student's suspension; exclusion or expulsion (e.g. if they pose a potentially threat to the health and safety of themselves or others, or disruption to the working of the institution).
- 7.2 As a first step the Vice-Chancellor (advised by the ~~University Secretary~~ ***Vice-President (Student Experience)***) shall consider whether interim suspension of the student pending further action is appropriate, including from University accommodation.
- 7.3 The ~~University Secretary~~ ***Vice-President (Student Experience)***, in consultation with the Vice-Chancellor, shall then convene a Review Panel which shall be chaired by the Vice-Chancellor. This will normally comprise the Vice-Chancellor, the Head of Department, the Director of Student Services and a member of Senate who is not a member of the Senate Appeals Committee. (If judged appropriate, the ~~University Secretary~~ ***Vice-President (Student Experience)*** or the University's Legal Adviser may also be in attendance.)
- 7.4 The ~~University Secretary's Office~~ ***Vice-President (Student Experience)*** will fix a date for a formal meeting of the Vice-Chancellor's Review Panel to hear the case and invite the student to attend to discuss the concerns and all relevant issues. A member of the ~~University Secretary~~ ***Vice-President (Student Experience)***'s Office will act as Secretary to the Panel.
- 7.5 Wherever possible the student will be given at least 7 days notice of the meeting of the Vice-Chancellor's Review Panel. The student will be informed of the purpose of the hearing. The student will also be provided with any documents to be considered at the meeting and asked to provide any documentation he /she may wish the Group to consider in good time for the meeting.
- 7.6 The student may be accompanied at the meeting by a Students' Union representative, a fellow student or other adviser. Disabled students may also be accompanied by a support worker where required.
- 7.7 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns and to reach an appropriate decision, action plan or other outcome.
- 7.8 The Vice-Chancellor's Review Panel will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, including Student Services staff working with the student, which may include requesting further medical assessments of the Student's fitness to study. It will also consider an updated risk assessment where appropriate.

7.9 The decision it arrives at shall be made by the Vice-Chancellor, having received the advice of other members of the committee.

7.10 The student shall be notified of the decision within 7 days of the meeting of the Vice-Chancellor's Review Panel. This may include one or more of the following:-

- To formally monitor the student's progress for a specified period of time. In this case the Panel will provide the student with an agreed action plan, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan.
- That, following consultation with the academic department, the student should convert from full-time to part-time study with support; special academic arrangements are put in place; or an interruption of studies occurs. The student should be advised to seek guidance from the Student Information and Funding Service and the International Office (where appropriate) on the implications of such a measure. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the University's satisfaction.
- To recommend that the Vice-Chancellor exercises her statutory power to suspend or exclude the student.
- To refer the case to the Senate with a recommendation that Senate should exercise its statutory power to expel the student from the University.
- Any other action considered to be appropriate and proportionate.

7.11 The outcome of the hearing shall also be reported to Senate at its next meeting.

## **8. Return to Study**

8.1 After a period of suspension on health grounds reached by mutual consent, the decision as to whether to permit the student to return to study will be made by the Department, having taken advice from Student Services. (The Head of Department and Director of Student Services should not be involved at this stage).

8.2 To this end, Student Services, in consultation with the Department, will identify the issues of concern the University has in respect of the student's fitness to study. Student Services will contact the relevant medical professional for an assessment of the student's ability to manage the demands of studying at University, drawing attention to the nature and extent of the student's previous problems and the University's concerns about them.

8.3 Students will only be permitted to return if, after receiving medical advice, the University is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return. Should it not be immediately obvious that return to study is appropriate the decision should be referred to a Stage 2 meeting.

- 8.4 For suspensions made by the Vice-Chancellor, the same medical evidence will normally be required to inform the Vice-Chancellor in deciding if the suspension may be lifted. A Stage 2 meeting may be appropriate to advise the Vice-Chancellor on whether the suspension should be lifted.
- 8.5 In any case where a student returns to study following the implementation of the fitness to study procedure, the University may decide that there should be regular review meetings with the student that can be used to monitor and support a return to study plan. If so, the student must provide their continued co-operation in this respect and such review meetings may continue for part or all of their remaining time at University.
- 8.6 Further advice on returning to studies can be found in the following guidance note: <https://www.bath.ac.uk/publications/procedure-for-returning-to-study-after-suspension/>

## **9. Right of Appeal**

- 9.1 A student who wishes to appeal against a decision to suspend or exclude them may do so to the Senate Appeals Committee under the provisions of University Statute 27.1. In addition to this right, a student may also appeal to the Senate Appeals Committee against any other decision reached at Stage 3 of the Fitness to Study Procedure, except where this is a recommendation by the Vice-Chancellor to Senate that a student be expelled. Statute 27.2 also provides for an appeal to the Council Appeals Committee against a decision of the Senate (on the recommendation of the Vice-Chancellor's Review Panel) to expel a Student.

## **10. General Matters**

- 10.1 Any of the functions of the Vice-Chancellor under this Policy may be delegated to the Deputy Vice-Chancellor or a Pro-Vice-Chancellor either generally or in respect of a particular case.
- 10.2 The University will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Human Rights Act, the Equality Act and the general rights and expectations of a student of confidentiality. In cases where Stages 2 or 3 of the Fitness to Study Procedure have been invoked, the Chair will make a decision about whether the student's emergency contact should be informed, and discuss with the student whether any statutory services should be contacted.
- 10.3 The University acknowledges that as a result of implementing this policy it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data is handled, processed and stored accordingly.
- 10.4 The University reserves the right at any reasonable stage to require a medical assessment or further medical assessment to be carried out by a medical practitioner of its choosing, normally at the University's expense.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 25 September 2020*