

## **APPENDIX 2**

### **UNIVERSITY OF BATH FITNESS TO STUDY POLICY**

#### **1. Introduction:**

- 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 near 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 The purpose of this policy is to outline the actions the University can take when there a concern over a student's fitness to study.
- 1.3 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 (or be using appropriate personal support assistance to enable them to do so), in harmony with others, and conduct themselves in a way which does not has an adverse impact on those around them.
- 1.4 As a general rule, this policy is only intended for use in cases in which the behaviour, disruption, or risk, or perceived or potential risk presented by the student to themselves or others is of a serious or critical nature. Where possible, any concerns should be discussed with the student and support services made available to them prior to taking any formal action. This will normally include a discussion about whether a Support to Study plan or Disability Access Plan may be appropriate.

#### **Interaction with other policies:**

- 1.5 This policy is not designed to address issues of misconduct raised under [Student Regulation 7 – Disciplinary Regulations for Students](#). These issues will normally be dealt with under the [Student Regulation 8 – Discipline Procedures for Students](#). If there is a question about whether the Disciplinary process or the Fitness to Study process would be most appropriate for a given circumstance, this decision will be made by the Pro Vice Chancellor for Student Experience with appropriate advice, for example from the Head of Student Policy and Safeguarding, the Director of Student Services and/or the Senior Case Manager.
- 1.6 This policy is not designed to address academic performance issues, which should be dealt with under the normal assessment procedures, nor issues relating to attendance, which would be dealt with under [Student Regulation 3](#).
- 1.7 This policy is not designed to address individual mitigating circumstances, which would be dealt with under the [Individual mitigating Circumstances Procedures](#).
- 1.8 There are several regulated programmes at the University of Bath. We are required by the regulators of these programmes to have in place Fitness to Practice procedures.

These programmes include Pharmacy, Social Work and Clinical Psychology. For students on these courses any outcome of Fitness to Study processes will be shared with the student's Head of Department for consideration under the Fitness to Practice policy. This may lead to further action being taken under this policy.

## **2. Purpose and Scope**

2.1 The Fitness to Study Policy involves a risk assessment-based approach. The level of risk, or perceived or potential risk, posed by a student to themselves, other individuals and/or the institution will be measured throughout the process. The risk assessment and fact-finding process will be initiated by the Senior Case Manager (or nominee). The student will be invited and encouraged to take part in this risk assessment process. The risk assessments will endeavour to determine the following matters:

- the nature, extent, and prognosis of any condition and whether the student will be receiving any ongoing treatment or support,
- the extent to which said condition may affect their fitness to study and/or manage the demands of student life,
- the extent to which said condition may be deemed to pose a risk to the student or to others,
- the extent to which said condition may pose a risk to the institution,
- whether any additional steps should be taken by the University considering any condition to support the student to study effectively.

This may be informed by:

- the student (the Senior Case Manager will invite the student to meet with them as part of the risk assessment process, wherever this is possible),
- and/or an assessment of the student's fitness to study carried out by a University of Bath Mental Health Advisor (if the student's fitness to study is related to a mental health difficulty),
- reports from other medical or care professionals as appropriate, for physical or mental health conditions.
  - The student may be asked to consent to the sharing of relevant information from external health professionals. Should the student withhold consent to sharing this information, the University may proceed to implement this policy based on the information already in its possession.
  - The student may be asked to attend medical assessments reasonably required by the University, with a medical professional appointed by the University, at any stage of this policy. The University will normally cover the cost of this assessment. Should the student not agree to attending a medical assessment, the University may proceed to implement this policy based on the information already in its possession.
- close collaboration and information-sharing with professional services and academic department staff, who may play a key role in identifying specific evidence to underpin any concerns and outlining any support mechanisms or reasonable adjustments that have been put in place for the student to date.
- other reporting parties who could provide valuable information including, but not

limited to, Security colleagues, Student Services colleagues, Student Living colleagues, flatmates or peers, and placement providers.

**2.2 In the circumstance of a student becoming incapacitated:**

- as determined by a medical professional, or
- in circumstances where the University, on receipt of appropriate advice, deems the student to lack mental capacity or the ability to make sound and rational decisions for themselves

a Stage 2 panel (see section 7) will be convened, to decide on the best course of action to take for the student. Where possible and appropriate, and in line with the Student Emergency Contact Protocol, this decision will be made in discussion with the student's emergency contact. If or when the student regains capacity, a Stage 2 panel meeting will be held with the student to determine their fitness to return to study and any additional support that they may need.

**3. Student wellbeing**

- 3.1 Staff with concerns about a student's wellbeing should consult with Student Services using the Staff Advice line 4321. Colleagues can also access guidance on supporting students here: [Student Services advice for staff \(bath.ac.uk\)](#)
- 3.2 It is possible that a student may pose such an extreme risk, or perceived risk, to themselves and / or others that they require emergency assistance outside of these procedures. In such cases staff should refer to the following: [Supporting Students in Distress](#). In such cases, the University may also consider taking precautionary measures to protect the students and others (see Section 11 – precautionary measures).

**4. Initial Support and Guidance to Students**

- 4.1 Students are encouraged to consult all relevant support services available to them, and in particular their medical practitioner, [Student Services](#) or [The SU Advice and Support Centre](#). All students are encouraged to disclose mental or physical health conditions or any other difficulty they are facing to their Personal Tutor, Doctoral Supervisor, Director of Studies, another appropriate member of staff in their academic department or to a colleague in Student Services, to ensure that appropriate support is in place and the academic staff are fully aware of the student's situation.

The University will support any student who is struggling with their studies or with University life in general. This may be done through the following channels:

- the Wellbeing Service,
- a student's Personal Tutor or Doctoral Supervisor,
- the SU Advice and Community Centre, and/or
- the Mental Health and/or Counselling service.

As well as listening to the student and offering advice, these services may put in place a Support to Study plan. This is a plan that outlines the actions that the student and the University commit to, to support the student to continue with their studies. The

student will continue to meet with their personal tutor, doctoral supervisor or support service and review these actions and their impact over an appropriate period. For most students, this level of support will help them to get back on track with their studies. For students who require further support, or whose fitness to study is brought into question, they may enter the Fitness to Study process.

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

5.1 A student's fitness to study may be questioned if support is or has been insufficient to meet the student's needs and:

- health problems are believed to be significantly impacting their own studies or the studies of others,
- health problems are believed to be impacting or significantly impacting their student life or the lives of other students,
- health problems resulting in requirements exceeding those that can be provided for by reasonable adjustments, or
- the University is obliged to act if a student presents a serious or potentially serious risk to themselves or to others under its duty of care to its community or under health and safety legislation.

5.2 Concerns may be raised about a student's fitness to study through several avenues. These include, but are not limited to:

- a student's behaviour is compromised or impaired and it appears likely that this is the result of an underlying physical or mental health problem,
- the student has told a member of the university that they have a problem and/or provided information which indicates that there may be a need to address their fitness to study,
- concerns are raised by the student themselves, a staff member, a fellow student or a third party (i.e., housemate, friend, colleague, placement provider, member of the public, medical professional, family member, etc.) which indicate there is a need to address their fitness to study.

5.3 Any such concerns should be raised with the Student Casework Manager who will initially notify the Director of Student Services and the Student's Director of Studies so that any necessary support can be provided

5.4 Once a question of the student's fitness to study has been raised, the following decisions need to be made:

- 1) whether to simply offer the student additional support outside of the Fitness to Study process (at least in the first instance) or whether to initiate the Fitness to Study process, and
- 2) if initiated, whether the case should be considered at Stage 1 or Stage 2 of the Fitness to Study policy.

This decision will be made by the Head of Student Policy and Safeguarding using the Fitness to Study Criteria document, with advice from the Senior Case Manager and the Student Casework Manager.

## **6. Stage 1**

- 6.1 If a student's fitness to study is being considered under Stage 1 of this process, the following procedure will apply.
  - 6.2 Prior to the Stage 1 panel meeting and using the information available to them (see section 2.2), the Senior Case Manager will complete a risk assessment of the student's circumstances.
  - 6.3 The Student Casework Manager will set a date for a formal meeting of the Stage 1 panel, within a maximum of one month from the concern being raised, to hear the case and invite the student to attend to discuss the concerns and all relevant issues. The Student Casework Manager will act as Secretary to the Panel.
  - 6.4 The student will be given at least 7 calendar days' notice of the Stage 1 panel meeting and informed of the purpose of the meeting. They will also be provided with the risk assessment and any other documents which will be considered by the panel (unless there are exceptional circumstances where it is believed that this may lead to increased risk) and asked to provide any documentation they may wish the panel to consider in good time for the meeting. They will be notified of who will be on the panel and to the support they can access.
  - 6.5 A meeting of the Stage 1 panel will be organised by the Student Casework Manager. The student will be invited to attend and may be accompanied at the meeting by a Students' Union representative, a friend, family member or advisor. In addition, disabled students may also be accompanied by a support worker or advisor if required. The panel will be made up of appropriate representatives of the student's academic department (normally the Head of Department or nominee, who will chair the meeting) and the Head of Student Policy and Safeguarding. The Director of Student Services and the Senior Case Manager will advise the panel.
  - 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 is given the opportunity to explain their views on the situation,
    - the student is fully aware of the possible outcomes if the situation does not improve.
  - 6.7 The Stage 1 panel may decide:
    - that no further action is required,
    - to put in place an action plan, agreed with the student,
    - to recommend an individual programme of study. Such recommendations would

need to be agreed by the student's department and by the student (where necessary through the change of circumstance process). The student should also be advised to seek support 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 2,

- to recommend a Disability Action Plan (where appropriate),
  - where the student is on placement, to propose 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; remembering that there are maximum periods of study for Undergraduates and suspension limits for Postgraduates,
  - to refer the case to the Pro Vice Chancellor for Student Experience to be considered under Stage 2 of this policy. This will only be appropriate in the most serious of cases, for example, where:
    - it is believed that there is a critical risk or perceived or potential risk to either the health and safety, wellbeing, studies or student life 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,
    - where a particular course of action has been recommended (such as part-time study or suspending a placement) but the student does not agree.
- 6.8 The decision of the Stage 1 panel should be made in conjunction with the student if possible. If a decision cannot be reached, the case will be considered at Stage 2.
- 6.9 The decision of the panel, together with a concise record of the meeting, should be sent to the student within 7 calendar days from the date of the meeting, and a copy kept on file.
- 6.10 For any student continuing to study at the University, the details of the Stage 1 panel outcome will be communicated to the student, including:
- steps which the student will need to take,
  - any support to be provided to the student,
  - the outcomes that need to be met for the student to be considered fit to continue studying and how these must be demonstrated (including timescales and contact details of support services where applicable),
  - the timings of regular review meetings with the student and 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). These meetings will be held at least monthly,
  - what will happen if the student does not complete the steps that they have

committed to in the action plan, or there is insufficient improvement in the student's situation. This will normally involve their fitness to study being considered at Stage 2,

- what needs to happen if there is a shortfall in the support available to the student,

6.11 The regular review meetings will allow the student an opportunity to seek further support and to share their progress and concerns. The nominated member of staff will update the Chair of the Stage 1 panel, who can:

- determine that the student's Fitness to Study is no longer in question. The student should continue to receive the support they need despite the end of their formal interaction with this policy,
- determine that the review meetings should continue,
- determine that the student has not completed the steps that they have committed to in the action plan, or there is insufficient improvement in the student's situation. This will normally involve referring the case to be considered at Stage 2.

## 7. Stage 2

- 7.1 This stage of the procedure will only be implemented following a referral from a Stage 1 panel or if in the opinion of the Pro Vice Chancellor for Student Experience, having consulted as appropriate, initial concerns are raised which are sufficiently critical as to warrant the consideration of the student's suspension, exclusion, or expulsion (e.g., the risk presented by the student to themselves or others is perceived to be of a critical or potentially critical nature).
- 7.2 As a first step, the Pro-Vice Chancellor for Student Experience (or nominee) will consider whether any precautionary measures should be implemented, including recommending interim suspension from the University or University accommodation.
- 7.3 The Student Casework Manager (or nominee) will set a date for a formal meeting of the Stage 2 panel to hear the case and invite the student to attend to discuss the concerns and all relevant issues. The Student Casework Manager will act as Secretary to the Panel.
- 7.4 Prior to the Stage 2 panel meeting and using the information available to them (see section 2.2) the Senior Case Manager will complete a risk assessment of the student's circumstances.
- 7.5 The student will be given at least 7 calendar days' notice of the Stage 2 panel meeting and informed of the purpose of the meeting. They will also be provided with the risk assessment and any other documents which will be considered by the panel (unless there are exceptional circumstances where it is believed that this may lead to increased risk) and asked to provide any documentation they may wish the panel to consider in good time for the meeting. They will be notified of who will be on the panel and to the support they can access.

- 7.6 A meeting of the Stage 2 panel will be organised by the Student Casework Manager. The student will also be invited to attend, unless this could be deemed to be harmful or inappropriate to a student at this stage, and the student may be accompanied at the meeting by a Students' Union representative, a friend, family member or advisor. In addition, disabled students may also be accompanied by a support worker or advisor if required. The panel will be comprised of the Pro Vice Chancellor for Student Experience (who will chair the meeting) the Head of Department and a member of Senate who is not a member of the Senate Appeals Committee. The Director of Student Services and the Senior Case Manager will advise the panel. If appropriate, the University's Legal Adviser may also be in attendance.
- 7.7 The purpose of the meeting will be to consider the concerns presented, including the student's response to these concerns, and to reach an appropriate decision, action plan or other outcome.
- 7.8 The student will be notified of the decision within 7 calendar days of the meeting of the Stage 2 panel meeting and a copy of this outcome kept on file. This may include one or more of the following:
- to formally monitor the student's progress for a specified period. In this case, the panel will provide the student with an agreed action plan, outlining:
    - steps which the student will need to take,
    - support to be provided to the student,
    - the outcomes that need to be met for the student to be considered fit to continue studying (including timescales and contact details of support services where applicable),
    - the timings of regular review meetings with the student and 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). These meetings will be held at least monthly, and
    - what will happen if the student does not make progress through the action plan, or there is no improvement in the student's situation,
  - that, following consultation with the academic department and Registry, to put an individual programme of study in place if possible; or a suspension of studies occurs. The student should be advised to seek support from the Wellbeing Team, and advice from the Money Advice Team and Student Immigration Services (where appropriate) on the implications of such a measure. These arrangements will include the following details:
    - steps which the student will need to take,
    - support to be provided to the student,
    - the outcomes that need to be met for the student to be considered fit to continue studying, or to return to studying (including timescales and contact details of support services where applicable),

- the timings of regular review meetings with the student and 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). These meetings will be held at least monthly,
  - what will happen if the student does not complete the steps that they have committed to in the action plan, or there is no improvement in the student's situation,
- to recommend to the Vice-Chancellor that they exercise their statutory power to suspend or exclude the student,
- to refer the case to the ~~Senate~~ Vice-Chancellor with a recommendation that ~~Senate~~ they should exercise its **their** statutory power to expel the student from the University,
- any other action considered to be appropriate and proportionate.

7.9 The outcome of the panel will also be reported to Senate at its next meeting.

## **8. Fitness to Return (following a period of exclusion or suspension)**

- 8.1 A student will only be permitted to return to study if the University is satisfied that they are fit to do so and able to comply with any conditions imposed on their return.
- 8.2 Following a period of exclusion or suspension as part of a Fitness to Study process, the student will be required to contact the Student Casework Manager to notify them of their desire to return to study, normally 3 months before their intended return date.
- 8.3 As a result of this notification, the Senior Case Manager will carry out a risk assessment of the student's return to study using the information available to them (see section 2.2) and may seek an update from stakeholders at this point.
- 8.4 If the student suspended by agreement following Stage 1 of this policy, a Stage 1 panel meeting will be held (see section 6) to determine whether the student is fit to return to study, and to assess any support that may be needed by the student to best ensure a successful return to University life. The student is required to engage with this process and engagement will be a condition of their return to study. If consensus between the panel and the student cannot be reached, then a Stage 2 panel will be convened to determine whether a student is fit to return to study.
- 8.5 If the student suspended or was suspended or excluded following Stage 2 of this policy, a Stage 2 meeting will be held (see section 7) to determine whether the student is fit to return to study, and to assess and implement any support that may be needed by the student to best ensure a successful return to University life. The student is required to engage with this process.

This Stage 2 panel will be able to decide on all the outcomes described in section 7, and:

- to recommend to the Vice-Chancellor that they exercise their statutory power to extend the period of suspension or exclusion; remembering that there are maximum periods of study for Undergraduates and suspension limits for

Postgraduates, or

- to recommend to the Vice-Chancellor (or nominee) ~~refer the case to the Senate with a recommendation that Senate that they~~ should exercise its **their** statutory power to expel the student from the University.

- 8.6 If there were concerns raised about a student's fitness to study and the student suspended prior to the Fitness to Study Procedure taking place, the student will be required to complete the Fitness to Return process as a condition of their return. The student will be notified of this requirement at the time of their suspense.
- 8.7 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 and/or a Support to Study plan in place for this student. If so, the student must engage in this process and attend these review meetings which may continue for part or all of their remaining time at University. A student can request changes to their review meeting in discussion with their nominated member of staff, or by emailing [fitnessstostudy@bath.ac.uk](mailto:fitnessstostudy@bath.ac.uk)
- 8.8 Further advice on suspending studies can be found here:  
<https://www.bath.ac.uk/guides/suspending-your-studies-or-leaving-the-university/>

## **9. Right of Appeal**

- 9.1 A student may appeal against any decision reached at Stage 2 of this Fitness to Study policy. A student who wishes to appeal against a decision do so by emailing [fitnessstostudy@bath.ac.uk](mailto:fitnessstostudy@bath.ac.uk) within 14 calendar days of the outcome of the Stage 2 review panel. This appeal will be heard by the Senate Appeals Committee under the provisions of [University Statute 27.1](#) within 30 days of the student being notified of the outcome, except where this pertains to a ~~recommendation~~ **decision** by the Vice-Chancellor to ~~Senate~~ that a student be expelled. In this case, the appeal will be heard by the Council Appeals Committee under Statute 27.2.

## **10. General Matters**

- 10.1 The University will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Human Rights Act, the Equalities Act and the general rights and expectations of a student of confidentiality. In cases where Stages 1 or 2 of the Fitness to Study Procedure have been invoked, the Chair will trigger the Emergency Contact protocol so that the institution can decide whether the student's emergency contact should be informed and discuss with the student whether any statutory services will be contacted.
- 10.2 The University acknowledges that as a result of implementing this policy it will receive special categories of personal data and data of a confidential nature pertaining to the student and other third parties, and will ensure that all such data is handled, processed, and stored accordingly.
- 10.3 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. The student has the right to decline this. Should the student decline, the University may continue this policy based on the information already in its possession.

10.4 Any of the functions of the Vice-Chancellor under this policy may be delegated to a Deputy Vice-Chancellor or Pro-Vice-Chancellor

## **11. Precautionary Measures**

11.1 The University will take appropriate action to protect the safety and wellbeing of its members. Any such measures will be identified through a risk assessment conducted by trained members of University staff.

11.2 Precautionary measures may include, but will not be limited to, one or more of the following options:

- changes to the accommodation of the student,
- exclusion from certain parts of the University,
- suspension from the University.

These precautionary measures will be regularly reviewed throughout the Fitness to Study process.

11.3 Exclusion of a student by the Vice-Chancellor involves prohibition on entering certain areas of the University. Recommendations of any prohibition of exercising the functions or duties of any office or committee membership in the University or the Students' Union will be made on a case-by-case basis. The details will be specified in writing by the Vice-Chancellor to the student.

11.4 The precautionary suspension of a student by the Vice-Chancellor involves a total prohibition on attendance at or access to the University and on any participation in University activities on and off campus including placement, study abroad or exchange activities. However, it may be subject to qualification such as permission to attend for specified academic purposes, or for limited and prescribed access to the University for the purpose of receiving support or obtaining information relating to this policy or a disciplinary or court hearing.

*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: 6 April 2022 (Policy revisions agreed 6 October 2021 are not individually shown)*