

Ulster University Fitness to Study Policy and Procedure (September 2019)

Responsible Officer

The Head of Student Experience & Wellbeing is responsible for the development, compliance, monitoring and review of this policy and any related procedures.

Implementation Officer

The Head of Student Experience & Wellbeing and the Student Wellbeing Managers are responsible for overseeing the dissemination and implementation of this policy.

Document History

Approved by:	Senate
Date:	October 2019
Equality Screening:	
Next review date:	September 2020

Fitness to Study Policy

1. Purpose of this Policy

- 1.1. Ulster University is committed to providing the best possible support for our students to enable them to complete their academic study successfully, in a safe and inclusive learning environment.
- 1.2. Fitness to study relates to a student's capacity to participate fully and satisfactorily as a student in relation to their academic studies and student life generally at the University.
- 1.3. This Policy and Procedure will apply where a student's mental or emotional wellbeing, physical health and/or behaviour is causing significant concern and/or having a detrimental impact on their ability to progress academically and function effectively at the University. This policy puts the student's welfare at the heart of the process.
- 1.4. This Policy and Procedure is intended to ensure an appropriate and coordinated response in situations where:
 - Concerns arise over a student's perceived fitness to study, and
 - Prompt action/intervention is deemed necessary, and
 - Other internal procedures (e.g. those relating to students' academic performance, fitness to practice, reasonable adjustment recommendations or Student Discipline Procedures) are deemed to be less appropriate or have already been exhausted.

2. Scope

- 2.1. This policy applies to all students registered to study across all modes of study, including undergraduate, postgraduate taught, postgraduate research, professional students and full-time, part-time and distance learning students.
- 2.2. This policy applies to University campuses, University residential accommodation and any University related activities away from the University (such as field trips, work placements and study abroad/exchange).
- 2.3. This Policy and Procedure is applicable to all registered students throughout their time at the University, including those who are seeking a return to study and whose enrolment has previously been interrupted or suspended under this Policy.
- 2.4. Where it is deemed appropriate or necessary, the University may implement alternative procedures (e.g. the Student Discipline Procedures, or a course- specific fitness to practise procedure) instead of, or in addition to, acting under this Policy.

3. When this Policy should be used

3.1. This Policy should be used in circumstances where a student's fitness to study gives cause for concern and other procedures are not considered appropriate at that time or have already been exhausted. Examples of such situations include (but are not limited to) those in which:

- There is evidence of significant non-engagement by the student with his/her studies, which have not been satisfactorily addressed through other interventions and procedures;
- A student's support needs are beyond the type or level of support which the University can reasonably be expected to provide (including, but not limited to, the student's health, wellbeing and/or disability support needs which cannot be mitigated through reasonable adjustments);
- A student's behaviour is adversely affecting the activities or reputation of the University or a placement provider;
- A student poses or is perceived to pose a risk to his/her own health, safety or wellbeing or that of other students or staff;
- A student's behaviour is adversely affecting the teaching, learning and/or experience of other students.

3.2. In taking action under this Policy, the University will be mindful of the sensitive and confidential nature of fitness to study matters and its obligations under all data protection legislation (including General Data Protection Regulations (GDPR) 2018 and the Data Protection Act 2018 as well as the Special Educational Needs Disability Order NI (SENDO 2005).

4. General principles

4.1. Students are encouraged to seek appropriate practical and specialist support to manage and, where possible, mitigate the matters that give rise to concerns actioned under this Policy and Procedure.

4.2. All matters considered under this Policy and Procedure will be dealt with according to the individual circumstances. Whilst seeking to ensure consistency of approach and application, the University reserves the right to vary from the prescribed Procedure where it deems it necessary to do so in the interests of fairness and/or health and safety.

4.3. When a student is asked to attend a meeting which has been called to discuss or consider his/her fitness to study, he/she is entitled to be accompanied or represented by another person, e.g. a friend, relative, an adviser from the UUSU Advice Bureau, a health professional or support provider. The University does not permit students to have legal representation at these meetings.

4.4. If a student is unwilling or unable to attend a meeting or participate in any other aspect of the Procedure, the University may still follow the Procedure where it is

reasonable to do so. The University may also deal with issues based on written reports and/or statements in the absence of the student and/or his/her representative.

- 4.5. References to specific University post holders in this Procedure will include the facility to nominate another staff member of equal or higher seniority to avoid potential conflicts of interest or responsibilities that may have an impact on the Procedure.

Fitness to Study Procedure

5. Overview

- 5.1. The Procedure has two distinct levels (Level 1 and Level 2) and includes provisions for temporary suspension in situations that require immediate action (see section 15) and a process for appeal against decisions.
- 5.2. Level 1 will typically be implemented in response to initial (non-critical) concerns about a student's fitness to study, with the intention of seeking a successful resolution of the matter at that Level through mostly informal interaction with the student.
- 5.3. Depending on the nature and/or severity of the concerns and the student's own response to the situation, the Procedure may be initiated directly at Level 2 without any requirement for Level 1 to have been implemented or exhausted.
- 5.4. This Procedure will be undertaken in a transparent manner. The student will be notified of the identity of the staff member dealing with the case (the Case Officer) and, subject to any obligations of confidentiality, will normally be informed of the identity of anyone that the University consults about the case.
- 5.5. Prior to implementing this Procedure, University staff are expected to consult with the Student Wellbeing team to ensure that the student's immediate support needs are adequately considered and to confirm the appropriateness of invoking this Procedure.
- 5.6. The student should be encouraged to engage with the Student Wellbeing services offered by the University and (where appropriate) external providers.
- 5.7. The Case Officer should ensure that the student is provided with a copy of this Policy and Procedure when initiating action under this Procedure.

6. Procedure - Level 1: Initial concerns

- 6.1. When concerns are raised about a student's fitness to study, a member of University staff will act as Case Officer. The Case Officer will be appointed by a more senior member of staff and is likely to be a person who knows the student (e.g. a personal tutor, course director).
- 6.2. The Case Officer will consult with the Student Wellbeing services and other University staff, external professionals and others, as appropriate, to gather relevant information about the matter and confirm that this Fitness to Study Procedure is the most appropriate means of dealing with the matter. They will also discuss whether it would be appropriate/supportive for them to attend the meeting, however the Case Officer must notify the student of any such attendee in advance of the meeting.

- 6.3. The Case Officer will contact the student to advise them of the concern about their fitness to study and the nature of the concern. They will also confirm and explain that the matter will be dealt with at Level 1 under the provisions of this Procedure. The Case Officer will arrange a meeting with the student, giving at least three working days' notice
- 6.4. The Case Officer should remind the student that they are entitled to be accompanied at the meeting (e.g. a friend, relative, an adviser from the UUSU Advice Bureau, a health professional or support provider) and ask them to confirm in advance the name and relationship of any person who will accompany and/or represent them at the meeting. However, the Case Officer is permitted to continue with the Procedure if the student is unable or unwilling to participate.
- 6.5. During the meeting, the Case officer will:
- Explain the concern
 - Discuss its perceived impact/implications and the student's perception of the matter
 - Allow the student opportunity to respond to the concern
 - Identify any related support needs the student may have, and
 - Allow the Case Officer to reach an informed decision on the matter.
- 6.6. After considering the advice and input received from others, including any comments/representations made by the student, the Case Officer will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. This may include one or more of the following:
- a) Implementation of appropriate support arrangements and/or reasonable adjustments for the student
 - b) A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed including any obligations on the part of the student (e.g. in respect of their conduct, engagement with studies, or additional support that they should seek)
 - c) Other action taken with the objective of resolving the matter at Level 1
 - d) Escalation of the matter to Level 2 of this Procedure.
- 6.7. The student's wellbeing should always be considered when communicating the outcome of the Case Officer's decision at each stage of the procedure and this should be done in person where reasonable and practicable (with support if appropriate). The student must also be notified in writing (normally within five working days of the meeting), with reasons, and any actions to be taken.

- 6.8. Notes of the meeting with the student will be recorded and retained on the student's record.
- 6.9. The student has the right to appeal against the Case Officer's decision. The Appeal process is set out in section 11 (Right of Appeal).

7. Procedure - Level 2: Serious and/or continuing concerns

Note: Level 2 of the Procedure can be used where, in the opinion of the University, action already taken at Level 1 has not resulted in a satisfactory outcome, or the concern is sufficiently serious or persistent as to require the Procedure to be initiated directly at Level 2.

- 7.1. A member of academic staff of suitable seniority and experience appropriate to the case will be nominated by the Head of School to take on the role of Case Officer.
- 7.2. The Case Officer should consult with the Student Wellbeing team and other University staff, external professionals and other persons (as appropriate) to gather relevant information about the matter at any point in this Procedure. This consultation may become a formal case review meeting at the Case Officer's discretion.
- 7.3. The Case Officer will contact the student to advise them of the concern about their fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 2 under the provisions of this Procedure. The Case Officer will arrange a meeting with the student, giving at least three working days' notice. The Case Officer may invite other University staff and/or external professionals to attend the meeting (where they deem it appropriate) and must notify the student of any such attendee in advance of the meeting.
- 7.4. The Case Officer should remind the student that they are entitled to be accompanied at the meeting (e.g. a friend, relative, an adviser from the UUSU Advice Bureau, a health professional or support provider), and ask them to confirm in advance the name and relationship of any person who will accompany and/or represent them at the meeting. For avoidance of doubt, the Case Officer is at liberty to continue with the Procedure in the event that the student is unable or unwilling to participate.
- 7.5. During the meeting, the Case officer will:
 - Explain the concern
 - Discuss its perceived impact/implications and the student's perception of the matter
 - Allow the student opportunity to respond to the concern
 - Identify any related support needs the student may have, and

- Allow the Case Officer to reach an informed decision on the matter.

7.6. After taking account of the advice/information made available, including any comments/representations made by the student, the Case Officer will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. In deciding on the actions to be taken the Case Officer will have due regard for the implications they may have for the student's financial support; advice may be sought from the Student Money Advice team. Such actions may include, but are not limited to, one or more of the following:

- a) Implementation of appropriate support arrangements and/or reasonable adjustments for the student;
- b) A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed and any obligations on the part of the student (e.g. in respect of his/her conduct, engagement with studies, or additional support that they should seek);
- c) A recommendation to the student take a voluntary leave of absence from study and/or from the relevant area of activity as appropriate (e.g. student accommodation);
- d) A decision to withdraw the student from any current placement, overseas study or other University related activity;
- e) Permitting the student to continue their studies on a part-time basis or to study away from the University if this is practicable;
- f) Imposing a formal suspension of study for a stated period of time and/or exclusion from specified University facilities/activities, with or without conditions for any subsequent return to study or readmission to those facilities/activities. (See section 8);
- g) Termination of the student's studies at the University. (See section 9).

7.7. The Case Officer may choose to communicate their decision verbally in person to the student (with support if appropriate), particularly where circumstances indicate a need for prompt notification. The student must also formally be notified in writing (normally within five working days of the meeting), with reasons for the decision and details of any actions to be taken.

7.8. Minutes from the meeting with the student and the decision of the Case Officer (including the rationale for that decision) will be recorded and retained by the student's Head of School as part of the student's formal records.

- 7.9. The student has the right to appeal against the Case Officer's decision at Level 2. The Appeal process is set out in section 10 (Right of Appeal).

8. Formal Suspension (for a specified period)

- 8.1. If the Case Officer considers that the student should be subject to a formal suspension from study (or exclusion from certain University facilities/activities) for a specific timeframe, the proposed suspension must be referred to the Associate Dean for Education within the student's Faculty for consideration and approval.
- 8.2. When the student is informed of the decision to suspend, they will also be provided with details of any conditions associated with eligibility to return to study or for readmission to the facilities/activities from which the student is being excluded.
- 8.3. The Associate Dean for Education and/or Head of School will liaise with the Student Wellbeing team and relevant academic staff to ensure that a plan to support the student's return to study (where required) is developed and implemented.

9. Termination of Studies

- 9.1. If the Case Officer considers that the student's studies should be terminated, this must be referred to the Executive Dean of the Faculty and/or the Deputy Vice-Chancellor (Academic) for consideration. They will then be responsible for submitting the request for Termination of Studies to Senate for approval.
- 9.2. If the decision to terminate the student's studies is approved by Senate in accordance with section 9.1 above, the student's wellbeing should be considered when communicating this outcome and this should be done in person/verbally where reasonable and practicable (with support if appropriate). The student must also be informed of the decision in writing together with reasons and any resulting consequences (e.g. entitlement to partial qualification for studies completed).

10. Right of Appeal

- 10.1. The Case Officer should advise the student of their right to appeal against the decision at each level and provide contact details for the UUSU Advice Bureau (to support the Appeal) as well as details of the Appeal Officer for submission.
- 10.2. The identity and seniority of the Appeal Officer will be influenced by the Level at which the outcome decision was made and the nature of the decision, as follows:

Decision Level/Type	Appeal Officer	Appeal considered by
Level 1 outcome decision	Case Officer's line manager, or other staff member of equivalent seniority	Appeal Officer
Level 2 outcome decision which does not include either formal suspension or termination of studies	Case Officer's line manager, or other staff member of equivalent seniority	Appeal Officer
Level 2 outcome decision resulting in a formal suspension of studies or exclusion for a specified period	Executive Dean (Education)	Appeal Officer
Level 2 outcome decision resulting in termination of studies	Vice-Chancellor	Panel chaired by the Appeal Officer

10.3. An Appeal must be made in writing, and must be received by the Appeal Officer within the following timescales:

- a) In respect of a Level 1 decision, within **five** working days of the date of the letter/communication notifying the student of the original outcome decision;
- b) In respect of a Level 2 decision which does not include either formal suspension or termination of studies, within **five** working days of the date of the letter/communication notifying the student of the original outcome decision;
- c) In respect of a Level 2 decision which resulted in either formal suspension or termination of studies, within **ten** working days of the date of the letter/communication notifying the student of the original outcome decision.

10.4. A student is entitled to submit an Appeal on the following grounds:

- The University failed to follow its own Procedure correctly.
- The student has significant new extenuating information or evidence that was not reasonably available at an earlier time, or if they think some evidence was overlooked.

10.5. When submitting an Appeal, the student must provide all relevant evidence and information in support of the ground(s) on which the Appeal is being made.

11. Consideration of an Appeal

- 11.1. If the Appeal Officer is satisfied that there are valid grounds for Appeal and that the strength of the evidence/arguments presented in the Appeal merits consideration, they or an Appeal Panel (where appropriate) shall consider the Appeal.
- 11.2. The appeal should be considered within five working days of its receipt or, where the Appeal is to be considered by a Panel, within ten working days of receipt of the appeal.
- 11.3. The Appeal Officer/Panel has the power to decide whether the original outcome decision should stand, be revoked or be amended.
- 11.4. In the event that the Appeal Officer (or Panel) decides to amend the original decision, they have the power to vary the nature and extent of any obligations imposed on the student by that original decision.
- 11.5. The student's wellbeing should be considered when communicating the outcome of the Appeal and this should be done in person/verbally where reasonable and practicable (with support if appropriate). The outcome of the Appeal should also be notified to the student in writing together with reasons within five working days of determination of the Appeal. The decision of the Appeal Officer/Panel is final. The written notification of the Appeal outcome will also represent a formal "Completion of Procedures" and will provide information on the student's right to seek independent external review via the *NI Public Services Ombudsman* (<https://nipso.org.uk/nipso/for-organisations/information-and-guidance/n15-higher-education/>).

12. Return to Study

- 12.1. A student who wishes to return to study (following an imposed or voluntary suspension resulting from actions taken under this Procedure) must submit a formal written request to their Head of School.
- 12.2. The approach determining a return to study request should be influenced by the context and specific circumstances of the case. Accordingly, the actual process to be followed will be at the discretion of the Head of School, establishing that the student is fit to resume study and has complied with any conditions placed upon them.
- 12.3. The Head of School will determine whether to permit the student to return to study. In order to reach an informed decision, the Head of School may:
 - Consult with relevant University staff and/or external professionals;
 - Require the student to meet with the Student Wellbeing team and (where

deemed appropriate) other staff or external professionals for input/advice to assist the Head of School to reach a decision on the request. (This may include referral to external agencies for assessment of medical fitness to resume study);

- Require the student to produce satisfactory medical and/or other evidence of their fitness to study from recognised professionals (e.g. a GP, qualified mental health specialist) who have sufficient knowledge of the student.
- 12.4. The decision of the Head of School will be notified to the student in writing, normally within ten working days of the student's written request to return to study.
- 12.5. If a return to study is permitted, the Head of School may impose conditions upon the student (for example, relating to the student's conduct, attendance or any support they should seek or academic progress they are expected to make.
- 12.6. Before their return, the student will be invited to attend a Return to Study Meeting with appropriate members of academic staff (e.g. the course director or personal tutor) and Student Wellbeing staff. An action plan will be developed at this meeting to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified in respect of the student's return. This should be a collaborative process and the student will receive a copy of the action plan.
- 12.7. If the student's request to return to study is declined, the notification letter will include the reasons, along with information on the process of re-application for a return to study. In the event that the student wishes to appeal against a decision to decline the request to return to study, they can do so by writing to the Executive Dean of the Faculty setting out the reasons for contesting the decision. The decision of the Executive Dean is final.

13 Temporary Protective Suspension

13.1 A Temporary Protective Suspension is a neutral act and is not in itself a determination of the student's fitness to study. It may be implemented in cases where there is a strong belief that the student poses an immediate risk to:

- their own health, safety and/or wellbeing, or that of others, and/or
- University property, and/or
- the reputation of the University

In these cases, a Temporary Protective Suspension may be deemed necessary to protect against immediate risk to a student's wellbeing and include the facility to:

- temporarily suspend the student from studies, and/or
- temporarily exclude the student from certain University premises and/or activities

- 13.2 Where the circumstances of the situation might warrant immediate proactive management of a situation to ensure the wellbeing of the student, staff should consult with the Student Wellbeing team on campus. The Student Wellbeing team may also invoke the provisions and procedures outlined in the Student Wellbeing 'Risk assessment and management of students experiencing mental health crisis procedure'.
- 13.3 If serious and immediate risk is identified (as per 13.1) and there are no other options to mitigate that risk, a request to implement a Temporary Protective Suspension should be made to the Associate Dean (Education) or Executive Dean of the student's Faculty.
- 13.4 Where the circumstances require prompt action, the imposition of the Protective Suspension may be communicated verbally to the student but the student must be formally notified in writing, normally within two working days of the date on which the decision to impose the Protective Suspension was taken.
- 13.5 Where a Temporary Protective Suspension is imposed, the Associate Dean for Education and/or Head of School will ensure that it is reviewed at regular intervals with a Student Wellbeing Manager to determine whether it is necessary for the Protective Suspension to continue or whether the student is safe to return to study.
- 13.6 If the student is deemed safe to return, a Return to Study meeting must be held with student, academic staff and Student Wellbeing staff to agree a Return to Study Action Plan.
- 13.7 The student may appeal against that decision within five working days of the date of notification of the imposition or continuation of a Protective Suspension on the grounds the Protective Suspension is unreasonable in the circumstances.
- 13.8 The Deputy Vice-Chancellor (Academic), whose decision on the matter shall be final, will consider such an Appeal.