



University of Brighton

Fitness to Study Procedure

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Contents

1.	Introduction	3
2.	Overview	3
3.	Scope	4
4.	Procedure	4
5.	Stage 1: assessment and evaluation	5
6.	Stage 2 support intervention.....	6
7.	Stage 3: required intervention.....	7
8.	Appeal	9
9.	Return to study.....	9

1. Introduction

The University of Brighton welcomes a diverse student body and aims to support all students throughout their studies. This includes students who have temporary or long-term physical or mental health conditions which may have an adverse impact on their ability to study.

The University is committed to supporting student mental health and wellbeing and recognises that a positive approach to the management of physical and mental health issues is critical to student learning, academic achievement and to the wider student experience.

The University also recognises that there may be instances where a student's physical or mental health may give rise to concerns about the student's capability to study and engage in the University environment, for example the student's capacity to engage with their studies and/or to function more widely as a member of the University community, adhering to all relevant policies and procedures.

This procedure will be reviewed after 12 months of first issue and then every three years by the Head of Student Wellbeing.

2. Overview

2.1 All students are required to act in a way that respects members of the general public, members of the University and its wider community across clinical, teaching and other placements; they should not put themselves or others at risk of harm.

2.2 The Fitness to Study Procedure provides a framework to support students during their studies when it appears that their conduct and/or health are either disrupting or having a detrimental impact on the student or on the people around them.

2.3 Students are encouraged to engage with this procedure, which provides a framework to ensure that they will be treated fairly and sensitively and provided with additional support to assist them.

2.4 There may be times when the University becomes concerned about whether a student is sufficiently well enough to be able to engage in University life, or whether they are compromising the ability of people around them to engage in University life. There may also be times when continuing to study may have a detrimental effect on a student and their health. The University may use this procedure to help them work with a student to decide what action might be the most supportive. For example, in a situation where a student's actions have a negative impact on the student or on the wellbeing of those around them. In the case of students who are apprentices, such conversations may include their employers.

2.5 The University aims to provide students with an opportunity to achieve their full academic potential, and will seek to offer reasonable support and adjustment during their studies to enable the student to make their own decisions about their progress. In determining whether the University should engage with a student under the terms of this procedure, the following points will be considered: context; circumstances; and risk of the situation as it applies to the

student's health and wellbeing, or the effect of the student's actions on other members of the University and wider community.

2.6 Application of this procedure can begin at any of the stages set out in section 4. In each case an assessment will be made of the risk to the individual and others: have the student's actions adversely impacted on, or are they likely to impact on the health or wellbeing of themselves or others around them, or the learning and/or living environment at the University?

2.7 The decision to escalate within this procedure will normally be made by the Head of Student Wellbeing in partnership with the Dean of School or Head of Department, depending on where the circumstances arise. The decision will be made based on the best information available at the relevant time. Decisions made under the procedure will be made in a fair, transparent way, considering the risks and probability of the impact on the student's health and wellbeing or that of the people around them.

2.8 The Head of Student Wellbeing in partnership with the Dean of School or Head of Department may at any point in the procedure refer the case to the Director of Legal Services for consideration under another regulation or policy if, based on the information available, it is deemed more appropriate. If there are concerns about a student's engagement with their studies and/or their conduct when they are a registered student, the University may consider the context and circumstances under the student disciplinary procedure, student contract, fitness to practise, and/or the residences contract (where appropriate).

3. Scope

3.1 This procedure applies to all students registered on undergraduate, postgraduate taught or research degrees, or pursuing modules on a full- or part-time basis, engaged in face-to-face study via distance or blended learning, on placement, or on a period of study abroad.

3.2 Should a student require adjustments to this procedure to be able to fully engage with the process, they should contact the Disability and Dyslexia Team to identify any reasonable adjustments which can be made to support their engagement with the process.

4. Procedure

4.1 The procedure has three stages: assessment and evaluation (stage 1); support intervention (stage 2); and required intervention (stage 3). The University will seek to resolve issues at the earliest possible stage in the procedure and will use the procedure to assess and manage risk. Following a risk analysis, there may be intervention and/or further follow-up.

4.2 The procedure can be started at any stage as appropriate to the presenting circumstances. It is intended to ensure a consistent and proportionate approach to support interventions. At all stages, students may be accompanied by a member of the University or a Students' Union Advisor (but not a legal representative). In exceptional cases the University will consider a request for the student to be accompanied by a key-worker (e.g. social-worker) or their workplace mentor in the case of apprentices. The University will normally seek to provide the student with a written record of meetings that take place under this procedure within ten

working days. A confidential note of meetings under this procedure will be placed on the Student Information Desk (SID) case management system.

4.3 In extreme cases where the risk of disruption and associated actions become too great, it may not be appropriate for students to continue with their studies at a given time. In these circumstances a decision may be taken that a temporary withdrawal from studies, for a period of time, would be the most appropriate and supportive next step. If this happens the procedure includes steps which provide students with the opportunity to recover and continue with their studies through a supported return.

4.4 If all support options have been exhausted or are unlikely to safeguard against harm to the student, others, or to satisfactorily reduce the risk of harm, it may be exceptionally recommended to the Vice Chancellor that the student is permanently excluded from the University without an opportunity to return.

5. Stage 1: assessment and evaluation

5.1 If concerns are raised about a student's actions and the impact of those actions on the student and/or on the wellbeing of others, the student may be invited to meet with an appropriate member of academic, support or professional services staff.

5.2 At the meeting the student will be able to hear all of the issues of concern and will be offered the opportunity to disclose any mitigating circumstances. The student will be provided with information about support available within the University.

5.3 The purpose of the meeting is to assess the presenting facts and all related evidence, giving the student an opportunity to respond and try to resolve the concerns. Relevant documents will be shared with the student prior to the meeting, unless there is an exceptional reason, such as the medical advice received has identified that hearing the evidence may place the student at risk of harm.

5.4 Possible outcomes of the meeting will be either no further action, an informal action plan which all parties agree to, referral to the School's professional lead (where there may be Fitness to Practise considerations), or an escalation to stage 2 of this procedure, support intervention. If the student does not engage with this stage of the procedure, it is likely it will be escalated to stage 2.

5.5 If the student is studying on a course leading to a professional registration and the Fitness to Practise Procedure applies; the matter may need to be dealt with under that procedure as a result of the Assessment and Evaluation stage of this procedure. If the concern originates from outside of the School but indicates a potential Fitness to Practise issue, this will be discussed with the student in the first instance and depending on the level of risk to others may need to be shared with the School.

5.6 Where cases are progressed under the Fitness to Practise procedure, the Fitness to Study process will pause or cease and the Student Wellbeing service will continue to offer the appropriate support to the student. Where cases do not meet the Fitness to Practise threshold, but serious concerns remain, the Fitness to Study procedure may still apply.

5.7 Where appropriate, a follow-up meeting may be called to: satisfy all parties that the concerns have been resolved; review the existing action plan; or escalate to stage 2. In the case of students who are apprentices, if not already involved, employers will be advised of any matters affecting progression.

6. Stage 2 support intervention

6.1 If concerns are not resolved following the assessment and evaluation stage of the procedure, or if the member of staff considers that the risk presented cannot be satisfactorily mitigated, the Wellbeing Coordinator will be informed of their concern(s). The Wellbeing Coordinator or Practitioner will then liaise directly with the member of staff to gain an understanding of relevant facts, and make an assessment on whether to escalate to stage 2.

6.2 Unless the student's behaviour necessitates a faster intervention, the University will normally provide seven days' notice of a stage 2 meeting where the student will be required to meet with an appropriate member of academic staff and a member of the wellbeing team. Relevant documents will be shared with the student prior to the meeting, unless there is an exceptional reason.

6.3 The purpose of the meeting is to: explain the concerns of the University; the potential impact of the reported circumstances or behaviour on the student and/or others; to assess the student's capability to study at the present time; and to discuss and agree an action plan to support the student with their studies. The student will be asked to agree to the action plan which may set out a number of support interventions such as: the requirement to attend weekly meetings with a nominated member of staff for a specified period of time; the requirement to engage with University support or external support or advice; or other reasonable step(s) to support a change in the actions that are a cause for concern or causing unacceptable risks to the student or others. A review date will be agreed. Alternatively, the student may be supported to take a break from their studies if they decide that it is in their best interests.

6.4 For students who are apprentices, supportive action plans will be agreed in collaboration with the employer to ensure they take into account both on and off the job learning experience. Any decision to move to a break in learning should be taken in collaboration with the employer.

6.5 If the Support Intervention meeting considers that an action plan will not sufficiently mitigate the risk of harm, injury or disruption to the student or others in a sufficiently timely manner, it may instead refer the case to stage 3: required intervention.

6.6 If the student refuses to attend the support intervention meeting, the University may make a decision about the student's capability to study based on the information available and any presenting risks.

6.7 If the student does not follow an agreed action plan and/or if there are further instances of actions which raise a risk of harm, injury, or disruption to the student or others, a required intervention meeting (section 7) will be arranged.

7. Stage 3: required intervention

7.1 If the risks associated with a student's actions remain a cause for concern and have not been reduced to an appropriate level through stage 2 of this procedure, or if their actions have raised a serious and immediate risk of concern for their safety or that of others, the Head of Student Wellbeing (or designated nominee) may call a stage 3 required intervention meeting.

7.2 A required intervention meeting will consider all the relevant information available regarding the student's studies and conduct, to enable an assessment of risk to take place and to assess their capability to study and / or engage safely with University life at that time. The University will advise the student and, in the case of apprentices, their employer, that the meeting is being arranged under stage 3 of this procedure and will provide them with a copy. Where appropriate the student will be invited to attend.

7.3 The required intervention meeting will consist of at least three members of staff, representing the Academic School and the Student Wellbeing service as a minimum. The panel may be drawn from among the following staff or their nominees:

- Head of Student Wellbeing;
- Wellbeing Coordinator;
- Dean of School or Head of Department;
- Personal tutor;
- PGR Supervisor;
- Representative(s) from any other University department(s) relevant to the case;
- Employer representative (in the case of apprentices);
- Relevant external parties or agencies.

7.4 The purpose of a required intervention meeting is to assess the risk to the student and others as a consequence of their actions. The meeting will consider the level of risk and if it is likely to persist, reduce or worsen; and therefore, what actions will be required.

7.5 The required intervention meeting will consider evidence including whether the student has been able to comply with any prior action plans that have been in place as a result of agreements at stage 2. It will also consider whether any further action plans could be agreed to enable the student to continue with their studies at the time.

7.6 Relevant documents will be shared with the student prior to the meeting unless, in exceptional circumstances, there is medical evidence to demonstrate that hearing the evidence would put the student or others at risk. The student will have the opportunity to provide a written and/or oral statement to the meeting.

7.7 Once all of the evidence has been presented, the student will be asked to leave the meeting while the circumstances are considered by the panel. The panel will try to provide the student with the decision or recommendation of the stage 3 required intervention meeting in person on the day, but, where this is not possible, they will write to the student within seven days of the meeting. If the student has been advised of the decision at the meeting, they will receive written confirmation within seven days of the meeting (see paragraph 8 below).

7.8 Where an action plan is changed or developed at stage 3, a review meeting will be scheduled and the case will be reviewed using the support intervention meeting arrangements (section 6) in an agreed timescale.

7.9 Where the required intervention meeting decides the risk is too high, and the student is not prepared to pause their studies voluntarily, the panel may decide that the student is not permitted to continue their studies at the time. In reaching the decision, the panel will consider the risk of harm or other serious consequence to the student or others, and will recommend to the Vice-Chancellor that the student be required to intermit from their studies for a period of time or that the student is temporarily suspended. If the Vice-Chancellor agrees with that recommendation, the decision may include the following:

- The duration of the intermission from study or suspension;
- Contact information for the Student Wellbeing services and a requirement to discuss support needs with these services before returning to study;
- Information about relevant sources of help outside the University;
- Information the University will require before the student is able to return. This may include an in-date GP or other registered health professional who is familiar with the student's care letter, stating that the student is fit to study and re-join the University. The academic implications will be considered with the advice of the student's academic school in accordance with the applicable regulations¹;
- Contact points to enable the student to keep in touch will be agreed during the intermission from study or suspension in line with relevant regulations;
- A request may also be made for a report from an appropriate Occupational Health Adviser or Physician (including the University's own OH providers) confirming that the student is fit to study. If this is the case, the student will be asked for permission for the report to be disclosed to the Student Wellbeing Service and shared with the appropriate panel confidentially, but in any event the OH recommendation will be forwarded to the Panel even where the detailed report remains confidential;
- The University reserves the right to impose other requirements depending on the individual circumstances of the case.

7.10 If the stage 3 required intervention meeting decides that:

- A return to study in the foreseeable future is likely to have a detrimental effect on the student's health, or
- that the student poses an unacceptable risk of harm to themselves or others, or
- that all support options have been exhausted and there remains potential risk to the wellbeing of the student or others and it has not been possible to sufficiently reduce the level of risk presented, it may exceptionally recommend to the Vice-Chancellor that the student is permanently excluded from the University.

¹ General Examination and Assessment Regulations (GEAR); Programme Examination and Assessment Regulations (PEAR); Postgraduate Taught Examination and Assessment Regulations (PGTEAR); Code of Practice and Regulations for Research Degrees.

7.11 If the student does not attend a stage 3 required intervention meeting, the University will make a decision about the student's capability to study in their absence and based on the information available.

8. Appeal

8.1 An appeal must be made on one or more of the following grounds only:

- (i) that certain evidence was submitted which was not considered by the panel;
- (ii) that evidence which was not previously submitted, either because it was not available or because the appellant was for valid reasons unwilling to submit it, has become available; (it is only in exceptional circumstances that evidence which was available previously but not submitted will be allowed at a subsequent appeal);
- (iii) that a procedural irregularity is deemed to have occurred before or during the hearing which may have affected the findings of the panel. Appeals in this category must specify the nature of the irregularity which is thought to have occurred;
- (iv) that the decision is perverse or manifestly against the weight of the evidence.

A simple rehearsal of the arguments from the original panel will not be deemed adequate grounds for appeal. In cases where new evidence is to be submitted, the nature of this evidence must also be stated.

Appeals should be made in writing to the Deputy University Secretary within 10 working days of the notification of the decision of the Fitness to Study panel. The Deputy Secretary will then decide whether the appeal meets any of the grounds listed above.

If the decision is taken that there are no grounds for appeal, the student will be informed in writing as soon as possible after receipt of the appeal by University.

If it is identified that there are grounds for appeal, the Deputy Secretary will convene an Appeals Panel drawn normally from three members of the categories outlined at 7.3 above and chaired by a Dean of School, Head of Department, or nominee. The decision of the Appeals Panel will be notified as soon as possible.

Office of the Independent Adjudicator for Higher Education

- A student may complain about the Appeal Panel's decision (or any decision short of the Appeals Panel that effectively brings the internal process to an end) to the Office of the Independent Adjudicator. Details of how to complain can be found at: <http://www.oiahe.org.uk/index.asp>

9. Return to study

9.1 A supported return will be tailored to each student dependent upon their circumstances. A student can expect to meet with a member of the Student Wellbeing Service and have a full

assessment of their current wellbeing. The student will complete a plan which includes steps to ensure that their wellbeing is prioritised, and that appropriate support is accessed.

9.2 At all times it is the University's preference that students are enabled to return to their studies and to achieve to the best of their ability without detriment to their safety or wellbeing or that of those around them.

9.3 If a student has, as a result of the provisions in this procedure, taken (or been required to take) a period of intermission from study, the University will seek to ensure that the student is able to return to their studies at the right time for them within their maximum period of registration.

9.4 At the earliest possible time when considering a return to study the student should engage with the Student Wellbeing Service. It is important that the student understands the effect of their decisions on their finances, health, and immigration status (if appropriate). The student should also discuss their plans with their Personal Tutor or equivalent.

9.5 If the student is registered, they have access to Student Support services provided by the University as set out on the [university website](#).

9.6 Any return to study will be managed in accordance with the applicable university regulations.