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## Section 26 Fitness to Study Policy

### 26.1 Policy

- 26.1.1 The University recognises that the transition to university life involves developmental and cognitive challenges that for some students may become overwhelming. This can affect both those students who have a pre-existing recognised health condition and those who do not. A student's engagement with academic study may be impeded and/or the student may exhibit behaviour that causes concern for fellow students, academic or other university staff.
- 26.1.2 A student's behaviour may also breach the 'Disciplinary' procedure. Other procedures, such as 'Fitness to Practise' (see **section 27**), may also be relevant. The University reserves the right to decide the appropriate procedure to use in any given student case.
- <https://www.yorksj.ac.uk/students/policies-and-documents/behaviour-and-discipline/>
- 26.1.3 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 or where there are serious ongoing health concerns. Where possible, the support services available to students should be used as the first port of call prior to taking any formal action. It should be remembered that mental health conditions may meet the legal definition of disabilities under the Equality Act 2010. The University is mindful of its obligations to avoid discrimination on the grounds of disability.
- 26.1.4 Fitness to study, as a term, relates to the entire student experience, encompassing ability to engage with studying, to live independently and harmoniously with others and not to have an adverse impact on others.
- 26.1.5 A student's fitness to study may be questioned if any of the following arise:
- Health problems disrupt a student's own study.
  - Health problems affect the study of other students.
  - Health problems place unreasonable demands on staff or other students.
- 26.1.6 The University has a duty of care to its community and is bound by health and safety legislation which means it is obliged to act if a student presents a risk to themselves or others.
- 26.1.7 The 'Fitness to Study' procedure 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. The three stages reflect the seriousness of the risk presented by the student and their responsiveness to interventions from the University. If the student fails to cooperate or absents themselves from engaging with the University at any point in the procedure, the University may continue with the process in their absence.
- 26.1.8 If concerns are raised whilst a student is on placement, where the University's ability to engage with the student may be limited, the University will discuss with the placement provider alternative arrangements that

might address any concerns. If concerns that are raised are of a serious nature, the University will remove the student from the placement.

- 26.1.9 A student will be given **five working days**' notice of any 'Case Review' meetings and will have the right to be accompanied by a Students' Union representative or other appropriate supporter. If either their supporter or representative behaves inappropriately at any stage during the meeting, that person will be asked to withdraw their involvement. Consent to representation will not be unreasonably withheld or withdrawn. They will also be provided with copies of the relevant documentation.
- 26.1.10 In cases where the University requires a specialist opinion/medical assessment of the student, a student may be asked to submit themselves for a medical examination by a doctor/specialist nominated by the University. The University will bear the cost of such an assessment. A medical assessment will seek to establish the following:
- The nature and extent of any medical condition that the student is experiencing.
  - Prognosis of their medical condition.
  - The extent to which it affects their ability to study and live within the University community independently.
  - Impact or risk it may have on others.
  - The level and type of support a student requires to enable them to continue to study effectively.
- 26.1.11 The University may enact the following outcomes:
- a) In the informal stages a student may be kept under review and expected to access the support provided.
  - b) In the formal stage of the procedure, the University may:
    - Require the student to suspend their studies (enforced suspension), or
    - Expel the student where the risk posed by the student to themselves or others is considered serious enough, or
    - Take other action the University deems appropriate to the circumstances.
- 26.1.12 Enforced suspension may only be recommended if the student can still complete all study and assessments within 24 months following the standard period of study for their programme (see **General Regulation 1.10** <https://www.yorks.ac.uk/policies-and-documents/regulations/>).
- 26.1.13 A student will have the right of appeal against any decision to enforce suspension or exclude them from the University, using the standard university 'Appeals Policy' and procedure (see **section 56**).
- 26.1.14 The University acknowledges that as a result of implementing this policy it will receive personal data of a confidential nature pertaining to the student and it undertakes that all data will be handled, processed and stored appropriately.
- 26.1.15 When an action plan or other measure taken under this procedure has come to an end, the University will decide whether further steps should be taken or whether the 'Fitness to Study' procedure is no longer required in respect of the student. The procedure may be re-invoked if concerns arise again.

### **Return to study**

- 26.1.16 Return to study after a period of enforced or voluntary suspension of studies will be subject to satisfactory outcome from a Return to Study Case Review meeting.

### **Crisis situations**

- 26.1.17 It is possible that a student's situation is so extreme that they require emergency assistance from external agencies. In these situations, staff members are referred to: <https://www.yorks.ac.uk/health-and-wellbeing/wellbeing-support/crisis-support/>

## 26.2 Fitness to study procedures

### Stage 1 – Emerging concerns

26.2.1 At this stage, concerns have been raised about an individual student's health, safety or mental wellbeing. Examples of this could include the following:

- A member of staff notices signs of an individual student's behaviour changing in the academic situation.
- Friends of a student may have approached university staff to raise concerns about a student's behaviour.
- A student's academic performance has deteriorated suddenly and significantly.
- Problems arise within student accommodation and are noticed by accommodation staff.
- A placement provider notices signs of an individual student's behaviour changing in the placement situation
- Concerns raised by the Exceptional Circumstances Panel following multiple exceptional circumstances claims on the same or similar health grounds

26.2.2 At this stage, the emphasis should be on approaching the student in a supportive manner. It is preferable that a member of staff with primary responsibility or knowledge of the individual student should approach them for an informal meeting. This may include, for example, the Programme/Course lead, Academic Tutor, or an appropriate member of the Wellbeing or Disability Advice teams. The nature of the concerns should be clearly identified to the student and the student should be encouraged to discuss the issues. Information regarding sources of support, both internal and external to the University, may be discussed and the student encouraged to access appropriate support. In a situation where the School is unaware of the student's problems, the student will be encouraged to discuss their situation with an appropriate academic or to give consent for a staff member to discuss the concerns with the programme team. Where a student does not consent to disclosure to the programme team, the programme team will usually only be informed that the student is currently subject to the 'Fitness to Study' procedure, with the details remaining confidential.

26.2.3 The member of staff should informally review the case within a specified timeframe and monitor the student's response to the intervention. If the student responds positively and there are no further concerns, the staff member may decide not to proceed any further under the 'Fitness to Study' procedure.

26.2.4 In light of the student not responding positively, the staff member involved in the initial consultation will discuss the situation with Head of Wellbeing (if not already involved) and/or other senior members of staff it is deemed appropriate to include. At this point Stage 2 of the procedure will be invoked.

26.2.5 At this initial stage, if a student's behaviour gives cause for concern within a School and relates to poor participation and unsatisfactory academic performance, the 'Standards Review' procedure (see [section 25](#)) may be used. Should the Standards Review panel decide that the student's poor participation/performance seems to stem from issues with health and wellbeing, the student will normally be managed through the 'Fitness to Study Policy'.

### Stage 2 – Formal / continuing concerns

26.2.6 At this stage, continuing concerns about the student's health, safety or mental wellbeing will be considered more formally.

26.2.7 The student will be asked to meet formally with at least two of the following staff members:

- Programme/Course Lead
- Head of Wellbeing
- Associate Head
- Wellbeing Team Manager
- Disability Advice Team Manager
- and/or other relevant staff members to discuss the issues e.g. Representative from Registry.

At this meeting it can be ascertained what the student's perception of the impact of their ill health and/or behaviour is having upon themselves or the general university community.

26.2.8 An action plan will be put in place to address the situation. This will be embedded in a support agreement and will specify actions, dates for review and consequences for non-engagement with the agreement. It will include expectations for future behaviour. This will not affect the rights of the School to determine appropriate standards for the academic performance of the individual student and if necessary, call a Standards Review meeting or Case Consultation meeting.

26.2.9 A record of this meeting and the agreed action plan will be made with copies provided to the student and the staff members concerned. The action plan will state who is responsible for ensuring that the plan is followed; if it is not followed, or if the student does not respond positively to the action plan and difficulties continue, this person or their nominee will hold a Case Review meeting as set out in Stage 3.

### Stage 3 – Formal Case Review

26.2.10 If significant or persistent concerns are raised about an individual student's actions or behaviours that put the student's own health, safety wellbeing or academic progress or those of other members of the University community at significant risk, the Programme/Course Lead or Head of Wellbeing or other appropriate staff member will convene a 'Fitness to Study Case Review' meeting. The Case Review will assess the student's fitness to study.

26.2.11 The panel will consist of some or all of the following (or their nominees):

- Programme/Course Lead
- Head of Wellbeing
- Wellbeing Team Manager
- Disability Advice Team Manager
- Other relevant staff members (e.g. tutor, representative from Registry)

This panel may request medical evidence from the student that they are fit to study. The student is entitled to be accompanied by a Students' Union representative or other appropriate supporter. If either their supporter or representative behaves inappropriately at any stage during the meeting, that person will be asked to withdraw their involvement. Consent to representation will not be unreasonably withheld or withdrawn.

26.2.12 The Fitness to Study Case Review Panel will determine the following:

- a) Whether to agree an enhanced action plan to support the student with agreed review dates.
- b) Whether to recommend an enforced suspension of the student's studies.
- c) To terminate study.
- d) That no further action is required.

26.2.13 Enforced suspension may only be recommended if the student can still complete all study and assessments within 24 months following the standard period of study for their programme (see **General Regulation 1.10** <https://www.yorks.ac.uk/policies-and-documents/regulations/>).

26.2.14 After the review, the student will be invited to meet with the Programme/Course Lead or Head of Wellbeing, or other appropriate person to discuss the recommended actions from the 'Fitness to Study Case Review' meeting. The student will be able to bring a supporter to this meeting. If either their supporter behaves inappropriately at any stage during the meeting, that person will be asked to withdraw their involvement. Consent to representation will not be unreasonably withheld or withdrawn.

26.2.15 Where there is a recommendation to enforce suspension or terminate the student's studies, this recommendation is reported to the Chair of the Progress and Award Examination Panel for a decision to be made. Following approval, the student will be informed in writing of the decision.

### Return to study

26.2.16 Any enforced or voluntary suspension of studies will be subject to periodic review in the light of further developments or improvements in the student's situation and their ability to undertake academic study again.

26.2.17 When the student confirms their intention to return from a period of suspension of studies, a further Case Conference meeting will be convened to determine whether or not the student is fit to return to study. The panel membership will be on the same basis as that set out for the Case Review, above. Sufficient medical evidence will be required to verify that the student is fit to return to study.

26.2.18 Should the panel decide the student is not fit to return to study, this recommendation will be referred to the Chair of the Progress and Award Examination Panel for a decision.

### Appeal

26.2.19 Students may appeal any decision taken under this procedure through the standard university 'Appeals Policy' and procedure (see **section 56**). The deadline for appeals is **20 working days** from the time the student is notified of the decision.

## 26.3 Fitness to Study procedure flowchart

