

# Part 11

## Responsibilities of students and fitness to study

### 1 Definitions

- 1.1 *Student* means any person admitted or enrolled by our University to follow a course of studies, or any sabbatical officer of the Students' Union.
- 1.2 All students remain subject to the general law, and any rights or constraints conferred or imposed by these regulations are in addition to, and do not alter in any way, their rights and duties as citizens.

### 2 Enrolment

- 2.1 All students must produce at or before enrolment evidence of having satisfied the relevant entrance requirements.
- 2.2 Students, other than sabbatical officers of the Students' Union, are required to enrol or re-enrol for each successive year or other relevant part of a course.
- 2.3 At the time of initial enrolment with our University, and at such times thereafter as shall be required for renewal of enrolment, students must:
- (a) provide in full the information requested;
  - (b) pay fees due in accordance with prevailing fees policy.
- 2.4 On completion of enrolment, or re-enrolment, students will receive a student card which is valid for their entire course, production of which may be required by members of University staff for the purpose of identification.
- 2.5 Once enrolment is completed, a person is deemed to continue as a student until the end of the course or until re-enrolment is required, whichever is the earlier, provided that a person shall cease to be a student:
- (a) if excluded from the course following a recognised assessment procedure;
  - (b) if excluded from the course for non-compliance with prevailing fees policy;
  - (c) if excluded on medical grounds in accordance with 9.4(c) below;

- (d) if expelled from our University following a recognised disciplinary procedure;
- (e) in the event of withdrawal from the course;
- (f) if excluded for non attendance in accordance with section 4 below.

2.6 It is a student's responsibility, in order to maintain enrolled status, to amend in UEL Direct any changes to the information (especially local address) provided at enrolment and re-enrolment, and/or to make good on request any omissions subsequently identified in that information. Our University is required under the terms of the Data Protection Act 2018 to ensure that the personal data of its students is processed in line with the data protection principles including where appropriate that it is accurate and, where necessary, kept up to date. While UEL will implement measures to ensure compliance with its obligations including any processing by third party processors, it cannot accept responsibility for inaccuracies of personal data held on individuals where the source of the personal data is outside its control. The Data Protection Act makes provision for all students to be presented with information about how their personal data will be used by the university. UEL meets this obligation by providing access to its Fair Processing Notices via the UEL website Data Protection Pages during the enrolment process.

2.7 Persons who are neither enrolled as students nor are sabbatical officers of the Students' Union shall have no right of access to University facilities as students.

### **3 Terms of admission and fees payment policy**

3.1 Persons who accept the offer of a place at our University are additionally bound by the Terms of Admission.

3.2 Of particular note is the Fees Policy made and amended throughout a student's period at our University. Annual revisions will, so far as possible, be published and the definitive document(s) for each session can be obtained from Financial Services or our University website.

3.3 All students are required to abide by the fees policy and to pay their tuition fees in a timely manner. Students who consider themselves at risk of being unable to pay, or who have become debtors, must discuss their situation with Credit Control at the earliest possible opportunity.

3.4 Our University reserves the right to withhold the results and the issue of a degree certificate to any student who has a tuition fee related debt at the time of completing their course until such time as the debt, and, where relevant, any accrued recovery costs, have been cleared.

### **4 Attendance**

4.1 Students will be regarded as in attendance at our University whether they are present within our University buildings or engaged elsewhere on some

legitimate activity pursuant to the course (e.g. attending a field trip, or a course by distance learning), always provided that they maintain regular academic contact with Tutors and adhere satisfactorily to the course and the Attendance and Engagement Policy. Students who are unable to attend classes or other prescribed activities for any reason should inform their lecturer/teaching staff member as a professional courtesy. Students whose overall attendance rate falls below 50% across all compulsory events of their course may face withdrawal from their course with the agreement of their School of Study. Students who are withdrawn from courses have the right of appeal against that decision. This appeal will be considered by the Dean of School or nominee.

## **5 Assessment**

- 5.1 It is the student's responsibility to be familiar with our University's general regulations regarding assessment and with the particular assessment regulations currently applicable to his or her course.
- 5.2 For students on all courses, our University's general regulations regarding assessment can be found in this *Manual* (please refer to: Part 5 – *Assessment of Students*, and; Part 9 – *Research Degrees*).
- 5.3 Specific course regulations can be found in the student handbook for the course.
- 5.4 Students who dispute a decision of an Assessment Board may, under certain circumstances, appeal against that decision. For all relevant information, please see Part 7 of this Manual – *Appeals against Assessment Board decisions*.
- 5.6 Our University regards with particular severity any use of unfair means in an attempt to enhance performance (cheating). Part 8 of this Manual – *Assessment Offences* describe how suspected cases of cheating will be investigated and the penalties that shall apply.

## **6 Health and safety**

- 6.1 Students shall behave in such a way that their health and safety, and that of others, is not put at risk. Where children are concerned this duty extends to whoever has brought them into our University.
- 6.2 Students shall not endanger themselves or others by intentionally or carelessly interfering with, or misusing, any article, substance or material provided by our University or on its premises.
- 6.3 Students shall use any protective equipment provided, and ensure, so far as is reasonably practicable, that they understand and abide by safe systems of work

and any safety procedures required by our University, or general health and safety legislation, in connection with any of our University's activities.

## **7 Damage to equipment and premises**

- 7.1 Any individual student or group of students found to be responsible, through any wilful act or negligence, for any loss or damage to University premises, equipment or property shall be liable for the cost of such restoration or repair as is necessary. The full cost will be payable on demand to the appropriate University officer.
- 7.2 Any individual student or group of students whose actions are found to have wilfully compromised the security, integrity, availability, confidentiality or educational purposes of computer systems provided within our University will be considered potentially to have contravened the disciplinary regulations and will be subject to the relevant procedures. On enrolment all students agree to be bound by the obligations set out in the Universities Information Security and Acceptable Use policies and further agree to ensure that any use of computer equipment provided within the University is subject to all applicable laws including the Data Protection Act 2018 and the Computer Misuse Act 1990.

## **8 Exclusion, suspension and expulsion of students**

- 8.1 Our University reserves the right to exclude, suspend or expel any student who contravenes University regulations.
- 8.2 Under such exclusion, suspension or expulsion, all University activities and premises shall be prohibited to the student.
- 8.3 Acting in breach of such exclusion, suspension or expulsion shall constitute a disciplinary, or further disciplinary, offence and shall be referred by the Vice-Chancellor for consideration by an Investigating Panel.
- 8.4 **Exclusion** shall apply where the contravention of regulations does not involve a disciplinary component. Exclusion may follow where a student:
- (a) fails to comply with prescribed assessment regulations or those laid down by a professional body;
  - (b) fails to comply with prevailing fees policy;
  - (c) fails to comply with the regulations on attendance;
  - (d) is identified by our University as having failed to comply with the terms of admittance;
  - (e) is considered by our University to be unfit to continue his or her studies and/or fails to produce a satisfactory medical certificate of fitness when asked to do so by the Vice-Chancellor or his or her nominee. Fitness to study shall be determined by application, where necessary, of the

procedure set out in section \* below.

Students excluded under (a), (b) and (e) may be re-admitted to our University subject to their subsequent compliance with the relevant regulation(s) and to the permission of the Vice-Chancellor, which may be delegated. Students excluded under (c) shall have the right of appeal as set out in the Engagement & Attendance Policy. Students excluded under (d) shall have the right of appeal.

8.5 **Suspension** shall apply in cases of alleged breaches of the disciplinary regulations (see Part 13 of this Manual) where the incident is under investigation according to prescribed procedures (see. Part 13 para 2) or where the Vice-Chancellor, in the exercise of his summary powers (see. Part 13 para 5), or a Committee of the Disciplinary and Grievance Panel, at the conclusion of its hearing (see. Part 13 para 7), determines this to be the appropriate action. Suspended students shall be re-admitted to our University subject to satisfactory completion of their period of suspension, or to the case against them not being found.

8.6 **Expulsion** shall apply where a breach of disciplinary regulations has been found by a Committee of the Disciplinary and Grievance Panel, which deems this to be the appropriate penalty. Expelled students shall not be re-admitted to our University except by special dispensation of the Governors.

## 9. Fitness to Study

### 9.1 Purpose

9.1.1 The purpose of the fitness to study policy is to:

- a) provide a framework for responding to issues relating to health or disability-related concerns that are affecting a student's ability to study and/or ability to function as an effective member of the University community. This may include:
  - emerging concerns relating to inappropriate behaviour, health, safety or mental wellbeing identifying support for Academic Advisor procedures;
  - long-standing issues which have reached a stage where our University feels that it needs to intervene to protect the Student Health and Wellbeing of (a) student(s);
  - responding to crisis situations relating to the Student Health and Wellbeing of (a) student(s), including those relating to mental health issues;
  - responding to referrals from the disciplinary procedure or suitability procedure where it is felt that a student's actions or behaviours could be the result of health-related concerns, and;

- responding to appeals for review of disability-related institutional support provided by the University.
- b) set out the principles underpinning the policy and procedure;
  - c) ensure that the response to an event is appropriate, timely and effective;
  - d) ensure that the University communicates effectively with any relevant parties or professional services;
  - e) ensure that the University acts in a holistic and supportive way.
  - f) define the procedure for deciding whether an incident should be dealt with under the Academic Advisor policy; student disciplinary regulations and procedures/ procedures, student suitability procedure or fitness to study policy.

## **9.2 Scope**

9.2.1 This policy and procedure applies to students directly enrolled and on courses and receiving tuition from our University's staff. Students studying at collaborative partner institutions will be subject to that partner institution's own local policies and procedures. This policy can also be applied to applicants who have accepted an offer to study at UEL.

9.2.2 This policy does not address our University's response to major incidents or emergencies, which are dealt with under the incident management procedures.

9.2.3 This policy is complimentary to, but does not replace the student disciplinary regulations and procedures, suitability procedure, or the student code of conduct.

## **9.3 Equality Analysis**

9.3.1 This policy seeks to ensure that students with health or disability (including mental health) related issues that impact negatively on their own (or that of others) ability to study are dealt with in the most appropriate way. The Policy seeks to ensure that issues arising are handled in a manner that ensures that students are not unreasonably disadvantaged and that, where possible, we will seek to act in a manner that is advantageous to the student.

## **9.4 Application of the fitness to study policy**

9.4.1 Our University is committed to ensuring that students are fully supported with regard to their Student Health and Wellbeing while they are on their course of study. This includes ensuring that students are well enough to access their course effectively and without detriment to their own health or the wellbeing of

others. In rare circumstances, where students are not in a position to identify their own deterioration in health or behaviour, and, therefore, may not be able to make an informed decision regarding their best interests, our University is duty bound to providing a safeguarding response for those individuals. Similarly, where the behaviour of an individual is impacting negatively on others, our University must act to address this. Heads of School are ultimately responsible for the welfare of all students within their School

9.4.2 Our University will be guided by the following principles when responding to such incidents:

- a. to act in a fair and proportionate manner when dealing with vulnerable individuals;
- b. to consider relevant professional advice and guidance where appropriate;
- c. to comply with our legal duties and responsibilities;
- d. to safeguard the needs of staff and students affected by inappropriate behaviours;
- e. to consider the impact of any breaks in study holistically and provide appropriate advice, information and guidance to those concerned, and;
- f. to provide a clear framework for staff and students.

9.4.3 The administrative response to any incident under this policy will be conducted in accordance with the procedure below.

## **9.5 When is this policy applied?**

9.5.1 This policy complements our university's Academic Advisor policy, student code of conduct, suitability procedure and student disciplinary regulations and procedure.

9.5.2 It is expected that, where possible, any emerging concerns will be addressed by means of standard staff interactions with students as part of the Academic Advisor role. This policy will be invoked only in situations where it is felt that the behaviour/health, or wellbeing of the student concerned requires the input of specialist services to reaffirm boundaries/consider support, or where the impact of this behaviour on others is unacceptable.

9.5.3 Where a student has been subject to disciplinary action (for example, exclusion from class, or suspension) due to inappropriate behaviour and they have been referred to this procedure to ascertain whether their difficulties relate to a health (including Mental Health) or wellbeing issue; the University reserves the right to refer that student back to the disciplinary procedures should it not be possible to establish an acceptable welfare-based reason for their actions.

9.5.4 Where a student has been subject to investigation under the suitability procedure due to inappropriate behaviour and they have been referred to this procedure to ascertain whether their difficulties relate to a health (including

Mental Health) or wellbeing issue; the University reserves the right to refer that student back to the suitability procedures should it not be possible to establish an acceptable welfare-based reason for their actions.

## **9.6 Student responsibilities under this policy**

9.6.1 A student whose fitness to study is being assessed under this policy is required to:

- work with our University to obtain updates to medical/specialist evidence as required;
- attend all appointments/meetings as required unless there is a justifiable reason for absence;
- act on the advice, guidance or instructions provided, and;
- keep our University updated regarding any alteration in condition or support provision that could affect their ability to study or function as an effective member of our University community.

## **9.7 Procedure**

### **9.7.1 Stage 1a: Threatening or dangerous behaviour (Crisis Situations)**

9.7.1.1 Any student displaying behaviour that is threatening, or which puts themselves, or any other person in danger should be removed from class immediately and initially dealt with via the student disciplinary regulations and procedures and procedures (see section 12 of this Manual).

9.7.1.2 All staff have the right to have a student removed for threatening or dangerous behaviour. Dependant on the situation the staff member should where possible ask the student to leave the area.

9.7.1.3 If the student refuses to leave when requested to do so, or the situation is such that the member of staff does not feel that they can ask the student to leave without Security staff being present, they should either:

- send another person to the security desk to ask for a member of security to come to the classroom immediately, or;
- call Security staff by dialling 0 on an internal telephone, or;
- call the main switchboard 020 8223 3000 and ask to be put through to the relevant Security desk;

9.7.1.4 Security should document the incident and send a report to the relevant Dean of School of School immediately, so that s/he can make

the necessary decision regarding how the behaviour should be dealt with, including, if necessary, formal suspension from study.

- 9.7.1.5 If there are other people who have been affected by the behaviour, the member of staff should ask Security to interview them while it is fresh in their memory and include this in their report to the Dean of School.
- 9.7.1.6 If the member of staff knows (because they have a teaching and learning requirements form from the Disability and Dyslexia Team) that the student under consideration has a mental health, or other disability, which should be taken into consideration by the Dean of School, a copy of this form should be annexed to the report.
- 9.7.1.7 The Dean of School may consult with the Head of Student Support and Wellbeing or the Manager of the Disability and Dyslexia Team regarding any additional information required due to disability-related needs before making a decision on suspension.
- 9.7.2 Non-suspension
  - 9.7.2.1 A student may be disciplined without a formal suspension from studies. However, consideration can be given for the student to have a behavioural contract put in place pending the outcome of the disciplinary process. A behavioural contract will, in such situations, be considered as an action under the student disciplinary regulations and procedures.
  - 9.7.2.2 If the Dean of School feels that the circumstances of the case are such that they wish to refer the case for consideration under the fitness to study policy and procedure, the student should be referred to the Welfare Panel at this point (see stage 3).
- 9.7.3 Suspension:
  - 9.7.3.1 If the Dean of School feels that the behaviour is such that a formal suspension is required they may suspend for one week (seven consecutive days) in the first instance. The suspension would be considered as an action under the student disciplinary regulations and procedures.
  - 9.7.3.2 If the Dean of School feels that the circumstances of the case are such that they wish to refer the student for consideration under the fitness to study policy and procedure, the student should be referred to the Welfare Panel at this point (see stage 3).

- 9.7.3.3 **Stage 1b: Inappropriate/disruptive behaviour (Non Crisis)**
- 9.7.3.4 If a student is displaying behaviour which is disruptive, offensive, or otherwise inappropriate (but not threatening or dangerous), staff may remove the student from the class for the rest of that session.
- 9.7.3.5 Dependant on the situation in the class the member of staff should where possible ask the student to leave the classroom.
- 9.7.3.6 If the student refuses, or the situation is such that the member of staff does not feel that they can ask the student to leave without security being present, they should:
- send another person to the security desk to ask for a member of security to come to the classroom immediately, or;
  - call Security staff by dialling 0 on an internal telephone, or;
  - call the main switchboard 020 8223 3000 and ask to be put through to the relevant Security Desk;
- 9.7.3.7 The student's behaviour should be documented and the report sent to the Dean of School immediately.
- 9.7.3.8 The Dean of School should issue a letter notifying the student that they are receiving an official warning under the student disciplinary regulations and procedures.
- 9.7.3.9 The Dean of School should inform the Academic Registry as this offence should be recorded on the student record. Any subsequent offence will immediately invoke the Student disciplinary regulations and procedures.
- 9.7.3.10 If the Dean of School feels that the circumstances of the case are such that they wish to refer the student for consideration under the Fitness to Study policy and procedure, the student should be referred to the Welfare Panel at this point (see stage 3).

## **9.7 Stage 2: Emerging concerns about an individual students' health, safety, behaviour or mental wellbeing.**

- 9.8.1 Where a student is demonstrating behaviour which is giving cause for concern (see guidance notes), this will normally be dealt with under the Academic Advisor policy. If concerns are raised in Student Support, Halls of Residences or other Professional Services the service will deal with the emerging concern and liaise with the student's School accordingly.
- 9.8.2 The Academic Advisor should arrange an appointment with the student as soon as possible. Where Academic Advisors feel uncomfortable about

meeting alone with a student, they should ask a colleague to co-facilitate the meeting.

- 9.8.3 The meeting should be held in a private space and the confidentiality of the proceedings should be respected.
- 9.8.4 If the Academic Advisor is aware that that student has a disability or mental health condition through having received a teaching and learning requirements form from the Disability and Dyslexia Team, then they should contact the Manager of the Disability and Dyslexia Team for advice and guidance prior to meeting the student. If the concern relates to mental health issues it may be appropriate to bring in the experience of the Manager of the Student Health and Wellbeing Team. A member of the Disability and Dyslexia Team, or the Student Health and Wellbeing Team can be asked to attend the meeting, but the student should be advised of this in advance of the meeting.
- 9.8.5 Where the Academic Advisor feels that the behaviour relates to a mental health issue and the student has not disclosed a disability, or mental health issue, to our University, the Tutor should contact the Manager of the Student Health and Wellbeing Team to discuss how to approach the issue before conducting the meeting.
- 9.8.6 If the Manager of the Student Health and Wellbeing Team feels that it would be appropriate for a member of the Team to attend the meeting, it would be expected that the Team member would come shortly after its commencing, so that they could be introduced in a supportive manner by the Academic Advisor(s) present.
- 9.8.7 The meeting should seek to address the concerns in a direct and clear manner and to achieve the following outcomes:
- that all areas of concern have been addressed;
  - that any existing areas of support, treatment or care have been identified;
  - that an agreement has been reached regarding future behaviour;
  - that any additional support required to facilitate the student's future behaviour has been identified and staff and student responsibilities for putting this in place have been assigned (for example, state specifically what the Tutor will do and what the student is responsible for), and;
  - that timelines have been put in place together with a mechanism for submitting work and monitoring progress.
- 9.8.8 The Academic Advisor is responsible for ensuring that the meeting is documented and full records are kept in line with the Academic Advisor

Policy. In circumstances where meetings are held by Student support, Halls of Residences or other Professional Service the notes from the meeting and arising actions will be sent to the Academic Advisor for information. The notes from the meeting will also be shared with any other colleagues who have identified actions from the meeting to carry out.

9.8.9 The student should be provided with written confirmation of the meeting including any agreed actions, including timescales for completing them and the agreed monitoring process (where possible within **five** working days of the meeting).

9.8.10 If the agreed course of action is that the student will interrupt their studies then Academic Registry should be informed in writing as soon as possible after the meeting took place and no later than 10 working days. If the recommendation from the meeting is that the student considers interrupting their studies but the student does not wish to do so this should be clearly documented so that if there are any future Fitness to Study concerns they are addressed separately and cannot be applied retrospectively as the student has effectively agreed that they are Fit to Study by opting to continue with their studies.

9.8.11 Where a student meets all of the agreed criteria within the set time limit, they should be released from the plan and monitored as normal as part of the Academic Advisor policy. If a student does not meet the agreed criteria the case should be escalated to Stage 3 of the fitness to study policy.

9.8.12 If a student does not attend the meeting write to the student to advise they missed a meeting with you and offer another meeting date. Consult your line manager and Wellbeing Service as necessary.

If a student does not attend the initial meeting or a review meeting, this may raise concerns sufficiently that the situation may need to move to the next stage of the procedure. You may wish to discuss this with your line manager or the Wellbeing Service

## **9.9 Stage 3 Continuing or Significant concerns about an individual student's health, safety, behaviour or mental wellbeing.**

9.9.1 This stage can be invoked where:

- a student has been referred by the Dean of School (or nominee) for consideration;
- actions taken under stage 2 have not resolved the concerns or the student has not met the agreed criteria outlined at stage 2.
- a student has failed to meet their conditions or behavioural contract;

- there are significant immediate issues that have not previously been addressed, but raise serious concerns for the health, safety or well-being of the individual;
- the behaviours of an individual are adversely affecting others, or;
- the behaviours of the student are such that it is impacting on their ability to live independently in the halls of residence or their ability to act as a member of the University community.
- an unexpected deterioration of a long term health condition/disability which raises immediate concerns for the student's health, safety, or wellbeing.
- a student is not complying with their existing treatment and/or care plan which raises immediate concerns for the student's health, safety, or wellbeing.

9.9.2 Under these regulations the Dean of School may suspend a student for up to five working days to enable a Welfare Panel to be convened. The Dean of School (or their nominee) is responsible for convening the Welfare Panel. The Dean of School (or their nominee) is also responsible for organising the administration involved in this process e.g. booking meeting rooms, taking minutes of the meeting, sending meeting invitations. The membership of a Welfare Panel is outlined in appendix C

9.9.3 Where it is not practicable for a Welfare Panel to be convened during this timescale, a Member of the Vice-Chancellor's Group can decide whether an extension of the suspension for a specified period should be approved. The student will be notified of the extension and its duration before the five day suspension has expired.

9.9.3.1 The Welfare Panel will be constituted in accordance with the terms of reference.

9.9.4 The Welfare Panel will consider the case(s) brought before it and will:

- work with professional service departments and students to obtain updates to medical/specialist evidence as required;
- liaise with relevant professional service departments and Schools to find all available options available to support the student;
- consider all options available to ensure that there is no reasonable disadvantage to the student(s) concerned and, where possible, that the student is treated advantageously;
- ensure that the student's views are heard and taken account of;
- meet when required to consider new developments in student cases;
- decide what actions should be taken, and under which policy and procedure they will be taken forward.
- make final binding decisions on behalf of our University regarding the fitness to study and requests for return to study, such

recommendations and decisions being considered on an individual case by case basis;

- where a leave of absence has been agreed under the policy, the relevant evidence that will be required for a return to study will be detailed (it will be the student's responsibility to provide this evidence);
  - approve behavioural contracts and/or return to study plans.
- 9.9.6 Wherever possible, the student will be given at least 2 working days' notice of the Welfare Panel meeting. The student will be informed of the purpose of the meeting which will be to consider the evidence available, including the student's perception of these concerns, and to reach an appropriate decision, action plan or other outcome. The student will also be provided with any documentation to be considered at the meeting, and asked to provide any documentation he/she may wish the Panel to consider in good time for the meeting. If the student does not attend the meeting will proceed in their absence.
- 9.9.7 The student may be accompanied at the meeting by a representative from the Students Union or an appropriate advocate. Students with disabilities may also be accompanied by a support worker where required. The student should tell the Chair of the Welfare Panel at least 24 hours in advance of the meeting the names of any companions / advocates who will be attending the meeting
- 9.9.8 The University reserves the right to call a welfare panel as a discrete professionals meeting without the student being present in cases where attendance at the meeting may be detrimental to the students wellbeing.
- 9.9.8 The Chair of the Welfare Panel will write to the student confirming the decision made by the Welfare Panel and any subsequently agreed actions, including timescales for completing them and the agreed monitoring process (where possible within five working days of the meeting).
- 9.9.10 Any decisions reached will be communicated by the Chair of the Welfare Panel to the student's School, Academic Registry and any other relevant professional service (e.g. Residences if the student is in Halls). If an interruption is agreed Academic Registry will update the student's record and note that the student can only be permitted to return to study after following the return to study process detailed under 9.10
- 9.9.11 In accordance with clause 8.4 (e) above, a Welfare Panel is empowered to act on behalf of the Vice-Chancellor and to exclude indefinitely any student who is considered to be unfit to continue his or her studies and/or fails to produce a satisfactory medical certificate of fitness when asked to do so. A Welfare Panel is also empowered under

this same regulation to consider and decide whether a student excluded under regulation 8.4 (e) is fit to be readmitted. In considering readmission the Panel may take whatever professional advice and guidance it deems necessary in order to enable it to make an informed decision.

- 9.9.12 In ongoing cases, the Welfare Panel may delegate authority to the Head of Student Support and Wellbeing to monitor progress and report back on any students being supported by teams within that area.

## **9.10 Return to study**

- 9.10.1 Students requesting a return to study after a leave of absence under the Fitness to Study policy should write to the Head of their School (or nominee) at least 2 months before they wish to return. Students requesting a return to study will be required to provide acceptable medical evidence dated within 2 months of the proposed re-enrolment date that supports the student's return to study from a recognised health professional who has the full background to the circumstances which led to the student's suspension or interruption.
- 9.10.2 The student must also attend a return to study meeting with the School and the relevant student support service that may have been involved in the original decision making process where a return to study plan will be drawn up. This will set out the responsibilities of the student and the University in supporting the return.
- 9.10.3 The student will only be permitted to return if, after receiving medical advice, the University are satisfied that the individual is fit to study and able to comply with any conditions imposed on return.
- 9.10.4 The decision to permit a student to return to study will be made by either the Welfare Panel, if a panel has been previously convened to consider the case, or the Dean of School (or their nominee). The Head will normally liaise with relevant colleagues in Student Support and the School for information to help inform them of a student's fitness to return. The Welfare Panel or Head has the right to request a 2<sup>nd</sup> medical opinion if the evidence provided is not satisfactory or there are ongoing concerns about the student that seem to contradict the evidence provided. In these cases the Welfare Panel/Head, on behalf of the University, may refer the student to an appropriate medical professional and the university will meet the cost of any assessment undertaken.
- 9.10.5 If the Welfare Panel/Head is not satisfied that the evidence proves that the student is fit to study, or there are other mitigating factors, the Dean of School (or nominee) will write to the student to inform them that they will not be permitted to re-enrol at this stage.

- 9.10.6 The timing of any return to study will take into account our University's rules, regulations and procedures and the need to ensure that the student's reintegration into study harmonises with the need of the academic timetable.
- 9.10.7 Students will be expected to meet the requirements of their return to study plan. The plan will include any ongoing arrangements to support and review the progress of the student in order to minimise the potential of a relapse or recurrence of the individual student's health, safety, behavioural or mental wellbeing difficulties.
- 9.10.8 In cases where a student has interrupted their studies for health reasons in advance of the Fitness to Study procedure being initiated or prior to it being completed they may be required to follow the Return to Study process before they can return to their studies.

## **9.8 Appeals**

- 9.11.1 A student may appeal against a Fitness to Study decision reached at either Stage 2 or Stage 3 of the procedures. An appeal will only be considered if there is proposed evidence of:
- a) material procedural irregularity;
  - b) perversity of judgement in the face of the evidence presented;
  - c) demonstrable bias or prejudice on the part of any person forming the judgement;
  - d) failure to reach a 'reasonable' decision in handling the process;
  - e) further new and material evidence that has not been submitted for exceptional reasons but would have aided the decision making process.
- 9.11.2 Students can lodge an appeal to review the Fitness to Study decision by submitting a written statement to the Registrar and University Secretary detailing the reasons for the appeal (see 9.11.1) within 10 working days of being notified of the decision made at stage 2 or 3 of the procedures.
- 9.11.3 The Registrar and University Secretary (or nominee), in consultation with the Dean of School, will review the original decision made under the Fitness to Study procedures to consider whether there is a case for an appeal. If no grounds for an appeal are found, then the Registrar and University Secretary (or nominee) can dismiss the appeal and will write to the student to inform them of the reasons. If it is decided that there is a case for a review of the original decision, the Registrar and University Secretary can then decide whether:
- a) To refer the case back to the original Welfare Panel for consideration;

b) To appoint a new Welfare Panel to consider the case afresh.

The final decision will be sent to the student within 5 working days after the convening of the relevant Welfare Panel.

### Appendix 3 – Welfare Panel membership

A welfare panel is quorate with 3 staff members. The Welfare Panel will be convened and chaired by the Dean of School (or their nominee). The Dean of School (or their nominee) is also responsible for organising the administration involved in this process e.g. booking meeting rooms, taking minutes of the meeting, sending meeting invitations.

The Welfare Panel may consist of the following staff:

Dean of School (or nominee)

Academic staff member who has knowledge of the student and their engagement with the course

Representative from Governance and Legal

Director of Student Support/Head of Student Support and Wellbeing/Manager of the Health and Wellbeing team

Representative from Academic Registry

Any other relevant professional staff as identified by the Chair of the Welfare Panel to enable the full consideration of the individual case e.g. Health and Wellbeing practitioner/Mental Health Co-ordinator/Disability Adviser/Residential Officer/Security staff

A copy of the notes from all welfare panel meetings and any subsequent letters sent to the student should be sent to the Head of Student Support and Wellbeing so that Student Support can keep a centralised record of cases across the University.