

Fitness to Study Policy and Procedure

Introduction

All University of East London students are expected to adhere to the standards of behaviour required of them as a member of the University community. The University recognises that students are responsible for their own behaviour. The University also recognises that university can be a challenging experience and provides a wide range of support for students to enable them to succeed.

There may be times when a student's health problems or disability issues prevent the student from adhering to the behaviours expected of being a UEL student. The purpose of the Fitness to Study policy is to provide a clear and supportive framework for responding to;

- Behaviours due to health problems / disability issues which disrupt a student's own study.
- Behaviours due to health problems / disability issues which affect the study of other students.
- Behaviours due to health problems / disability issues which place unreasonable demands or continually disrupt other students or staff in their university activity.

This policy is a framework for supporting those students whose health or disability is impacting any of the above. It is a supportive policy in that its intention is to help the student engage in appropriate support (whether UEL or external services) in order to bring their behaviour in line with UEL expectations and provide the best chance for the student to succeed.

A student's behaviour may also breach the Student Code of Conduct and other policies and procedures, such as the Non-Academic Misconduct Policy, Sexual Violence and Misconduct Policy or Fitness to Practise Policy may be more relevant. The University reserves the right to decide the appropriate policy and procedure to use in any given student case.

Fitness to study, is not limited solely to academic fitness but 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.

Fitness to Study has two formal levels;

- Level 1 - Action plan
- Level 2 – Welfare panel

In general, it is better for all if adverse behaviours due to a student's health or disability are recognised prior to the need for formal intervention. If there are emerging concerns about a student's behaviour these should be addressed at an informal, local level (e.g. through the Academic Advisor structures or Residential Life procedures). Students should be told of the emerging concerns about their behaviour, reminded of their responsibilities and signposted to appropriate support services. The University is committed to supporting students and provide a range of professional support services for students to access should they need help to succeed on their degree. University

of East London will meet its obligations under the Equality Act 2010 and is aware long-term health conditions and some chronic mental health conditions may meet the criteria for a disability under this act.

Should students engage with the services they need to enable them to modify the emerging behavioural concerns staff have raised with them then no formal action under this policy will be required. However, if a student is unable or unwilling to engage voluntarily in the range of support offered to them, or they do not recognise that their behaviour is problematic, the Fitness to Study policy and procedure should be invoked.

The 'Fitness to Study' procedure detailed below has two formal levels.

- Level 1 - Action plan
- Level 2 – Welfare panel

Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at either of the two formal levels. These 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

If the student's behaviour is considered to have an immediate risk precautionary measures should be considered.

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1. Principles

1.1 The core principles of this policy and procedure are that the process is accessible, clear, proportional, timely, fair, and of benefit to the wider student experience.

1.2 This policy is intended as a supportive policy to enable students to access appropriate help and support in order to manage their health / disability so they can engage productively in their academic endeavours.

1.3 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.

1.4 University of East London is committed to ensuring that students are supported with regard to their 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.

1.5 The University has a responsibility for the welfare and safety of all students and staff, and the impact on others will be considered alongside the health, wellbeing and safety of the student whose behaviour has attracted concerns

1.6 This policy and procedure will seek to empower students to take responsibility for their own behaviours and is intended to be a collaborative, supportive process. There may be times though when, because of a significant deterioration in their health or mental capacity, a student may not be able to make an informed decision regarding their best interests and the University may need to make a decision on the student's behalf.

1.7 A student who is alleged to have demonstrated behaviours that cause significant concern to others will be informed about these concerns and will be given an opportunity to respond to the concerns raised.

1.8 A student who is being supported under this policy is entitled to be accompanied at any formal Fitness to Study meeting by a friend, relative or representative of the Students' Union. The accompanying person cannot be a professional legal representative who has been employed to act on the student's behalf nor can they act in the capacity of a legal advisor. Students are encouraged to seek advice and representation from the UEL Students' Union Advice Team.

1.9 Sanctions imposed under this procedure will be reasonable, proportionate and consistent with standards applied across the University.

1.10 A student who has received a sanction has the right to appeal against the sanction

1.11 The University believes that the purpose of a Fitness to Study process is to help raise the standard of behaviour in its community which is for the benefit of the wider student experience

2. Scope

2.1 This policy applies to all students registered on any University module, programme or course. 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.

2.2 UEL offers certain courses which entitle successful graduates to become registered members of regulated professions. The regulators of those professions require that the University has processes in place to ensure that students are fit to practise during the course and upon registration. For these professional courses the fitness to practise policy and procedure is likely to be the appropriate policy to follow.

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

3. Student responsibilities

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

- work with the 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.

4. Precautionary Measures

4.1 At times it may be necessary to mitigate risk and protect the University community by applying precautionary measures prior to the commencement of the fitness to study process. Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that the University has decided that the student is not fit to study. Its aim is to protect all members of the University community.

4.2 The Dean of School or the Director of Student and Academic Services, or nominee, makes the decision on whether to apply precautionary measures. The Dean of School Director of Student and Academic Services, or nominee, will undertake a risk assessment and complete the Precautionary Measures Risk Assessment form (Appendix C) before a decision is made. If the Director of Student and Academic Services, or nominee, reasonably believes that a student against whom concerns about their fitness to study has been made poses a risk, s/he may, acting under delegated authority from the Vice-Chancellor and President:

- Restrict a students' access to certain parts of campus, e.g. particular buildings or residential halls
- Restrict a students' participation to certain academic and/or non-curricula activities
- Restrict who a student can contact (e.g. a non-contact order may be issued)
- Suspend the student. Suspension means that the student is prohibited from participating in the academic activity of the University and the student's registration on her/his programme of study is put on hold. A qualified or partial suspension may be put in place where appropriate.
- Exclude the student. Exclusion means that the student is prohibited from taking part in University activities, using University facilities and/or entering University grounds or premises. A qualified or partial exclusion may be put in place where appropriate

4.3 Arrangements will be explored to see what reasonably can be put in place for any student subject to precautionary action, in order to minimise the impact on her/his studies.

4.4 A student will be informed in writing when a precautionary measure has been applied to them and the reasons for this, normally within two working days of the decision.

4.5 A student has the right to appeal the precautionary measures applied to them. The student can appeal against the precautionary measures at any point during their application by writing to their Dean of School or Director of Student and Academic Services expressing their reasons for the appeal.

4.6 Any precautionary measures will be reviewed at regular intervals (and a minimum of every two months) to consider whether they should be revoked, extended or the terms amended. In the case of the University awaiting the outcome of any criminal proceedings or investigations the precautionary measures are likely to remain in place for the duration.

4.7 If a student breaches the precautionary measures applied to them then this is non-academic misconduct and may be subject to further disciplinary action.

5. Level 1 – Action plan stage

5.1 It is expected that, where possible, any emerging concerns about fitness to study will be addressed informally prior to the invocation of the formal process within Schools by means of

standard staff interactions with students as part of the Academic Advisor role. If informal support has not encouraged a change in behaviour the Level 1 Action plan stage should be invoked. This formal Level 1 stage can be started by the School (likely the Academic Advisor). This stage can also be invoked by professional services (e.g. Residential Life, Student Support) if the concerns about a student's behaviour due to health / disability issues are recognised outside of the School environment.

5.2 Usually the Level 1 stage will happen after informal attempts to resolve emerging concerns have been made but there may be occasions when it is prudent for the wellbeing or safety of the student / other students and staff for this Level 1 stage to begin straight away. Where there are serious and immediate concerns about the safety of students' precautionary action measures can be considered.

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 disability issue; the University reserves the right to refer that student back to the disciplinary procedures should it not be possible to establish that the behaviour was due to a health or disability issue.

5.4 The purpose of Fitness to Study – Level 1 is to create a supportive Action plan for the student to follow. This should be a tripartite agreement between the student, the School (likely the Academic Advisor) and Student Support.

5.5 The Action plan will set out clear expectations of the student's actions and set out clearly the support the student is expected to engage with to help them achieve these actions [Appendix 1 has an example]

5.6 Usually it will be the School (likely the Academic Advisor) who will instigate the Action planning stage and they will need to contact Student Support staff (although there will be occasions when the roles are reversed). This meeting between staff is to discuss the behavioural issues the student has demonstrated, to understand the health or disability related reasons why the behaviours may have been demonstrated and to create a draft action plan to enable the student to desist from continuing with these behaviours.

5.7 The staff member instigating the fitness to study Level 1 stage is responsible for writing the draft action plan. The staff member instigating the fitness to study Level 1 stage is responsible for arranging the fitness to study Level 1 meeting with the student. The student should be given five days' notice prior to any meeting and informed that they are able to be supported in that meeting by a friend, family member or an advisor from the Students' Union Advice Team. The student should be informed that the meeting is about concerns as to their behaviour, but it is a supportive meeting whose intention is to create an action plan to help the student engage with appropriate support so that they can modify the behaviour of concern.

5.8 The meeting should be held in a confidential, private space and will include a representative(s) from the School (likely the Academic Advisor), the relevant student support professional (likely to be from the Wellbeing Service for mental health concerns, from the Disability and Dyslexia Team for disability issues), the student and their representative (if applicable)

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.
- that a follow up date is agreed to review progress against the Action plan.

5.9 The Academic Advisor (or other School staff) 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, Residential Life 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.

5.10 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 within five working days of the meeting.

5.11 If following the meeting the agreed course of action is that the student will interrupt their studies then the Academic Advisor (or other School staff) will contact Academic Registry in writing as soon as possible after the meeting took place and no later than ten working days.

5.12 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 agreed that they are Fit to Study by opting to continue with their studies.

5.13 Where a student meets all 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.

5.14 The fitness to study process can proceed even if the student chooses not to attend the initial or subsequent review meeting. Students not attending the initial meeting should have the draft action plan sent to them for comment and encouraged to engage in this supportive process. Should a student not engage with the process this is likely to strengthen concerns about their fitness to study and the case should be escalated to Level 2.

5.15 If a student does not meet any of the agreed criteria in the Action plan the case should be escalated to Level 2 of the fitness to study policy.

6. Level 2 – Welfare Panel

6.1 Level 2 of the policy is the creation of a Welfare Panel to consider whether the student is fit to continue in their studies. Ideally Level 2 of fitness to study is only invoked after informal action and Level 1 have not resulted in a demonstrable change in the student's behaviour. However, for some behaviours which are significantly concerning due to immediate impact upon the student's health or wellbeing or on the safety of others Level 2 can be invoked without recourse to the earlier levels.

This stage may be invoked where:

- precautionary measures have been applied because of a student's behaviour due to health / disability issues
- the student's behaviour due to health /disability issues is of serious immediate concern for their wellbeing and /or there is significant concern as to the safety of others. The Dean of School or Director of Service are responsible for deciding whether the student's behaviour should be dealt with at Level 2
- the student has not met the agreed criteria outlined in the Level 1 action plan.
- there are significant immediate issues that have not previously been addressed, but raise serious concerns for the health, safety or wellbeing of the individual or others
- 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.

The Dean of School / Director of Service (or their nominee) is responsible for convening a Welfare Panel to consider the case. The Dean of School / Director of Service (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 suggested membership of a Welfare Panel is outlined in appendix 2

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

- work with the student, student support, the School and relevant external agencies to obtain updates to medical/disability evidence and support options and to consider the likelihood of the student engaging with available support and whether said support is likely to be sufficient to help the student progress academically and engage appropriately in university life ;
- ensure that the student's views are heard and taken account of;
- ensure that the views of other students/ staff members impacted by the student's behaviour are taken account of;
- 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 whether the student is currently fit to study
- 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);

6.3 The student will be given at least five 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 they 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.

6.4 The student may be accompanied at the meeting by an advisor from the Students Union Advice Team 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

6.5 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 student's wellbeing.

6.6 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 (within five working days of the meeting).

6.7 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 Section 8 of this Policy.

6.8 In ongoing cases, the Welfare Panel may delegate authority to a senior staff to monitor progress and report back on any students being supported by teams within that area.

7. Appeals

7.1 Students can appeal the decision within ten working days of the date of the letter detailing the Welfare Panels decision.

7.2 Students can appeal by contacting the Complaints and Appeals Team appeals@uel.ac.uk detailing the reasons for their appeal. An appeal can only be made because of one or more of the following grounds:

- the University has failed to follow the procedure set out in this Procedure
- the decision was unreasonable and/or a disproportionate outcome has been imposed
- the student has material new information/evidence which was not reasonably available before.

7.3 Pending the outcome of any appeal the decision and sanction of the Welfare Panel will remain in force.

7.4 The Complaints and Appeals Team will consider the appeal submission and determine whether there are valid grounds to proceed. The student will be notified by the Complaints and Appeals Team within seven working days of their appeal being received whether there are valid grounds to proceed, or not.

7.5 Where valid grounds have been determined for an appeal, a nominated Head of School/ Director of Professional Service not previously involved in the case will determine the appeal solely by review of the documentary evidence available and will either:

• dismiss the appeal (in whole or part), and/or • uphold the appeal (in whole or part) and: • refer the matter back to an earlier Stage of this Procedure for reconsideration, e.g. if procedure had not been followed • refer the matter back to an earlier Stage of this Procedure for fresh consideration, e.g. if material new information or evidence was made available, or • impose an alternative sanction.

7.6 The student will be notified of the appeal outcome by the Complaints and Appeals Team within ten working days of the date of the letter informing the student that the appeal was being considered.

7.7 The decision of the Head of School/Director of Professional Service will be final and will conclude this Procedure. A completion of procedures letter will be issued to the student within 28 calendar days.

8. Return to study

8.1 Students requesting a return to study after a leave of absence under the Fitness to Study policy should write to the Dean of their School at least two months before they wish to return.

8.2 Students requesting a return to study will be required to provide acceptable medical evidence dated within two 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.

8.3 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 action plan will be drawn up. This will set out the responsibilities of the student and the University in supporting the return.

8.4 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.

8.5 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 relevant Dean of School /Director of Service. They 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 Dean / Director has the right to request a second 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/ Dean of School / Director of Service may refer the student to an appropriate medical professional and the University will meet the cost of any assessment undertaken.

8.6 If the Welfare Panel /Dean of School / Director of Service is not satisfied that the evidence proves that the student is fit to study, or there are other mitigating factors, the Dean of School will write to the student to inform them that they will not be permitted to re-enrol at this stage.

Appendix 1 – Action Plan example

Level 1 - Action Plan

This Action Plan details the work the work [insert student name] is required to do, the behavioural expectations for [insert student name] the details of the support available to [insert student name] to help them achieve their actions and provides clear indicators and a timeline of how we know progress has been achieved.

| Action | Evaluation Indicators | Support Required |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Complete Semester one modules</p> <p>1. Semester One Modules XX3011 submitted XX3010 submitted XX3015 submitted</p> | <p>Work submitted on time to expected standard</p> | <ul style="list-style-type: none"> • Student to meet with Academic Advisers • Student to contact module leaders through booked tutorials if academic support required. |
| <p>You will need to complete the following assessments for semester 2:</p> <p>2. MODULE NAME (NUMBER) To be advised</p> <p>3. MODULE NAME (NUMBER) To be advised</p> | <p>Please find out assessment deadlines for Semester 2 from your tutor</p> | <ul style="list-style-type: none"> • Access the Centre for Student Success. Student can book individual sessions • Access the Student Wellbeing Service Student can book individual session for support • Access Disability and Dyslexia Team who can help provide additional support • Use Togetherall for 24/7 support |

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| To continue studies, you are required to pass all the assignments noted above. | | |
| Adhere to the attendance rules expected on your course | Resume full attendance for all lectures and seminars. If Student is unable to attend an academic session, he will need to inform her tutor and report his absence Full attendance required | Your academic tutor is xxx who you can speak to |
| To meaningfully engage with the support offered by your Academic Tutor | The expectation is that you will meet regularly with xxx to discuss how best to prioritise your workload. | Your academic tutor is xxx |
| To engage with the support offered by the Wellbeing Team | Meet with the Wellbeing Service by xxx | wellbeing@uel.ac.uk |
| To engage with the support offered by the Disability and Dyslexia Team | Meet with the DDT by xxx | DisabilityAndDyslexiaUnit@uel.ac.uk |
| Refrain from wearing headphones during academic sessions | | |
| Provide external mental health support details to UEL Wellbeing Team and continue (or start) to engage in the specialist treatment | | |

This action plan will be reviewed week beginning xxx

Appendix 2 – 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 / Director of Service (or their nominee). The Chair 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 / Director of Service (or nominee)

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

Representative from Governance and Legal

Head of Student Support / Wellbeing Manager / Disability Manager / Head of Student Life

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. Wellbeing Team/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

Appendix 3 - Precautionary Measures risk assessment template

Precautionary Measures risk assessment

Date this assessment is carried out:

Incident reference number:

Student being considered:

Incident details:

Considerations:

Decision:

Precautionary measures (if any):

These measures will be reviewed by myself every x months

Person completing this report: