

UCP- FIT002 Higher Education Fitness to Study Policy

1. INTRODUCTION

1.1 University Centre Peterborough (UCP) is committed to helping its students achieve their study goals. The Fitness to Study Policy covers circumstances where, despite extensive support from UCP, a student displays unacceptable behaviour caused by a mental, emotional or physical disability or difficulty (declared or otherwise) that is impacting on their ability to study, on other's ability to study, or on teaching and administrative processes at UCP. It also relates to instances, where there are concerns raised about a student's ability (or suitability) to continue, or return to, a course of academic study; and the student's responsibility to meet the reasonable academic requirements of the course. UCP has a responsibility for the health, safety and wellbeing of all its students and as such it will take steps to provide a supportive learning environment and facilities to promote this. This will include awareness raising events for mental health, debt management and wellbeing. Fitness to Study, as a term, encompasses the ability to engage with studying, to live independently and harmoniously with others and not to have an adverse impact on others.

2. PURPOSE

1.2 The purpose of this policy is to work with students to help them participate in academic study during and after a period of physical or mental ill-health that has had an impact on the student's behaviour. This policy sets out how we will respond when a student is either in significant distress or is causing significant concern to those around them as a result of possible mental health difficulties. In such circumstances a student might be in breach of our Student Code of Conduct and this policy enables us to take a supportive rather than disciplinary approach wherever possible.

1.3 The procedure under this policy is intended to help us address the issues giving serious cause for concern and aim to find agreed ways for the student to continue their study, with appropriate support, or to take a break from their studies until they are fit to return and engage with student life and study.

1.4 This policy and procedure should be used in reference to our Student Charter, and our Regulations and Procedures for Students. Other procedures may also be relevant including Fitness to Practice and disciplinary procedures. UCP reserves the right to decide the appropriate procedure to use in any given student case and at any point in the consideration.

3. SCOPE

3.1 This policy applies exclusively to all Higher Education provision offered by University Centre Peterborough. This also applies to sub contractual provision

3.2 This policy and procedure are only intended for use where the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature. Concern's about a student's wellbeing or suitability to study may present themselves in a number of different ways. Any concerns about a students' wellbeing may prompt UCP to consider the use of this policy. Concerns about wellbeing can include physical and mental health, behavioural, attitudinal, social

elements, or anything else which may have a bearing on student's studies and participation; particularly their engagement with the course, or their interactions with those around them.

- 3.3 The policy covers unacceptable, disrupting, concerning or distressing behaviour with UCP staff or students, such as in taught sessions, tutorials, and when in contact with staff in person, by phone, email or UCP monitored social media sites and UCP hosted online forums.
- 3.4 This will include situations where a student appears unaware of the consequences of their behaviour on others e.g., causing disruption or distress, and/or where concerns exist about the safety of the student or of others.
- 3.5 Our response will aim to protect the interests of the student and balance these with the needs of other students and staff, ensuring that we continue to provide an appropriate environment for the purposes of higher education.
- 3.6 Wherever possible the usual support services available to students will be used before any response is made in line with this policy.
- 3.7 Where it is believed that a student's behaviour presents an immediate risk to themselves or others the Emergency Services should be contacted by dialling 999 and UCP Reception should also be contacted on 01733 214466. A log of this action should be taken and reported immediately to Safeguarding and Student Support. UCP will also inform the student's next of kin. Where there is no immediate risk but there is a concern, Safeguarding Team should be contacted:
 - Safeguarding at Peterborough: 07740-456720 safeguarding@peterborough.ac.uk
 - Safeguarding at Stamford: 07810-161010 safeguarding@stamford.ac.uk

4. RELATED DOCUMENTS

- 4.1 UCP-FIT001 Higher Education Fitness to Practice Policy
UCP-CRI001 Higher Education Declaration of Criminal Convictions Policy
UCP-REC001 Higher Education Recruitment and Admissions Policy
UCP Terms and Conditions of Admissions and Enrolment
UCP-ASS005 Higher Education Academic Appeal Policy
UCP- COM001 HE Student Complaints Policy

5. RESPONSIBILITIES

- 5.1 The Academic Director has overall responsibility for the policy but has delegated day-to-day responsibility for overseeing its implementation to the staff identified. All relevant members of staff have been made aware of the procedure and have received appropriate training.

6. RISK ANALYSIS

- 6.1 This policy is required to ensure that any impact on a student's fitness to study is fairly evaluated and supported by the institution as bound by UK legislation.

Analyse risks of non-adherence to this policy

- 6.2 Failure to adhere to this policy could lead to academic failure of students, complaints and in extreme cases, harm to students or staff or even legal action with regard to the Equality Act 2010.

Staff training needed

6.3 All staff involved in teaching, enrolling, supporting students and offering Information Advice and Guidance (IAG) are required to undertake annual training delivered by the HE Student Support Team to outline the support that is available and the process by which students can be referred for support. This training will be enhanced by annual updates provided on procedural requirements which will be delivered by the Academic Office.

7. DATA PROTECTION

7.1 UCP complies with the provisions of the Data Protection Act, 2018. As such, applicant and student data are treated as confidential by all staff involved in this process and not divulged unnecessarily or inappropriately. However, the aforementioned Act requires UCP to release certain information to UK authorities upon request in order to assist those authorities with the prevention and detection of fraud or other crimes. UCP will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the Police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions. We may use anonymised data collected for the purpose of fulfilling statistical and reporting requirements.

8. PROCEDURE

8.1 Although this is not intended as an exhaustive list the Fitness to Study procedures will typically be invoked:

- i. When behaviours or disruption are sufficiently serious and/or there is a potentially serious risk of harm to self or others.
- ii. If previous reports of concern have resulted in offers of support and encouragement to engage with support but the student does not respond and concerning behaviours continue or escalate.
- iii. If disciplinary procedures have previously been invoked for related concerns or a student has been suspended and there is reason to believe that behaviours are due to a mental health condition.
- iv. A student's support needs fall outside the scope of the support and other services which UCP can reasonably be expected to provide as, primarily, a higher education institution.
- v. If the Fitness to Study Policy and Procedure has previously been used but concerning behaviours have returned or escalated.
- vi. If a student has engaged with Student Support and has indicated a risk of harm to self or others that cannot be adequately supported and managed through internal support frameworks and the student does not willingly engage with external support or is unable to accept that there is a concern. At this point and/or at the point of emergency referral, UCP will contact the student's next of kin as UCP believe this is in the best interest of the student.

Suspension

8.2 At any point in the procedure, we may need to consider suspending a student where there are serious concerns about the safety and wellbeing of the student or those around them, or serious disruption to our university business. If a student is suspended, we will implement this procedure at either the Fitness to Study Meeting or the Review stage as appropriate. Suspension may be up to 6 months in this instance but can be shortened if the student is able to provide appropriate medical evidence.

Decision to call a Fitness to Study meeting.

8.3 The HE Student Support Officer will consult as appropriate with the HE Manager to establish the full extent and context of the concerns and a decision will be taken on whether to proceed with these formal procedures.

Fitness to Study Meeting

8.4 Purpose:

- a) To ensure the student is aware of the concerns
- b) To enable the student's view to be heard and considered
- c) To consider any relevant medical evidence
- d) To agree an action plan to manage risks or bring about changes in unacceptable behaviour.
- e) To explore possible intermission to allow for a student to recuperate.
- f) To explain possible outcomes if serious concerns remain.
- g) To ensure that the student is aware of crisis phone numbers and contacts

8.5 The HE Student Support Officer or HE Manager, as appropriate, will write to the student to require them to attend a Fitness to Study meeting.

8.6 The student will generally be given at least 7 days' notice. However, shorter notice may be given if risk is considered high. The student will be informed of the nature of the concerns and the purpose of the meeting. The supportive nature of the meeting will be explained and the student will be invited to bring a friend or the Student Officer. This will not include a lawyer or legal adviser.

8.7 The student may request an alternative date for the meeting and this will be agreed wherever possible. If a student fails to attend or requests a date in the future that may mean an excessive delay, the meeting may take place in the absence of the student. In these circumstances UCP will always seek to protect the interests of the student and balance these with the needs of other students and staff.

8.8 The Fitness to Study Meeting will be chaired by an Independent HE Manager (one not in the Faculty where the student is studying) or designated other.

8.9 The panel will usually consist of no more than three members of university staff drawn from the following:

- i. HE Student Support Officer;
- ii. HE Manager;
- iii. Chair
- iv. Student;
- v. Student Representative;

8.10 In certain circumstances additional staff from the Student Support Team, Safeguarding Team, or wider referral services may attend the meeting if their specific professional expertise is required.

8.11 Possible outcomes from the Fitness to Study meeting will be:

- a) No issues or concerns to answer/no actions
- b) Action Plan- this may include:
 - i. Conditions/undertakings of appropriate behaviour or conduct
 - ii. Requirement for the student to engage with appropriate internal and/or external support services, including external medical services.

- iii. Requirement for the student to seek medical assessment to enable our University Centre to address the student's difficulties in the most effective manner possible. The student will be asked to authorise full disclosure to UCP of the results of any assessment. UCP recognises that any such information disclosed will constitute "sensitive data" for the purposes of the Data Protection Act 2018 and will be handled, processed and stored accordingly.
 - iv. Should the student decline to undertake a medical assessment, UCP may either continue this policy based on the information already in its possession, or as previously stated, reserve the right to address the current issues under its Disciplinary Procedures.
 - v. Intermission is advised and the student agrees to action this. If intermission is discussed at the meeting, the student will be given formal guidance on any financial or Academic Regulatory implications of this option.
- c) Recommendation to suspend. Where warranted by the level of concern or risk, an outcome of the meeting may be a recommendation that the student is suspended, either by withdrawing the student or processing a temporary suspension. This outcome would need to consider the options in regards to course continuation and may seek medical evidence of fitness to study.
- d) Recommendation for the case to be dealt with under disciplinary procedures.
- e) If a student fails to agree to an action plan then the case must move to the Appeal Stage.
- 8.12 A review date for the Action Plan will be agreed at the Fitness to Study Meeting. This will not be longer than 6 weeks and may be shorter. All parties may agree to an appropriate 'check-in' arrangement in the interim, as appropriate to the circumstances.
- 8.13 Following the Fitness to Study Meeting, a record of the decisions, the action plan and, if relevant, a record of any guidance given regarding intermission will be sent to the student within 7 working days by the Chair of the meeting.
- 8.14 Action Plan Review
- i. After the agreed review period, the staff involved in the original Fitness to Study Meeting, or their nominated deputies, will consider achievement of the Action Plan.
 - ii. The Review may be held sooner than the agreed period if concerns or disruption escalate.
- 8.15 The Outcomes of the Review will be:
- i. The action plan is complete. No further actions.
 - ii. The Action Plan is extended for a further 6 weeks. This will apply where there is partial achievement of the original Action Plan, sufficient to reduce any risk to the student or others, and/or remove disruption to the learning of others.
 - iii. Action Plan not met. Further or additional actions/recommendations required.
- 8.16 In this situation the student will be invited to a Review Meeting. This meeting will be held in the absence of the student if they decline or fail to attend. At this stage the likely outcomes of the review are:
- a. The student is advised to intermit and agrees to action.
 - b. A recommendation is made to Academic Director to suspend the student.
 - c. The student may be asked to seek a medical assessment of their wellbeing and their fitness to study. Before a return to study date and plan can be agreed.

- 8.17 Support and guidance for students who intermit or who are suspended
- i. Students who intermit or who are suspended will be given the opportunity to talk to staff within the Student Support Centre to discuss financial, support and study implications and other issues that may arise.
 - ii. The student will also be informed of the 'Return to Study' procedure and process and an agreement made about how we will keep in contact with the student during their absence.
- 8.18 Return to Study
- i. It is hoped that after the required time, a student covered by this policy will feel ready to return and engage with study at UCP.
 - ii. Each case will depend upon the specific circumstances but in all cases return to study will be dependent upon both of the following:
 - iii. a) satisfactory medical evidence of fitness to study and
 - iv. b) an assessment of need to determine what support would be necessary or of benefit, and whether this can be reasonably provided.
 - v. In cases where we have any continuing concerns about the student's fitness to study, we may require a second medical opinion. In this case a student may be asked to submit themselves for medical examinations by doctors/specialists nominated by UCP (at our expense). Students will only be permitted to return if, after receiving medical advice UCP is satisfied that the individual is fit to study and able to comply with any conditions or expectations stated by our university and in keeping with our Rules, Regulations and Procedures for students.
 - vi. The decision to permit return to study will be made by the HE Student Support Officer and the Independent HE Manager, in consultation with the HE Course Leader, considering medical evidence provided and a statement from the student. Depending on the circumstances that led to study being interrupted, we may also require agreement from the Academic Director.
 - vii. If the student is not deemed to be medically fit and well to continue with, or return to, their studies and does not withdraw, UCP will decide to discontinue their studies.
 - viii. In any case where a student returns to study following the implementation of the Fitness to Study Policy, UCP may decide that there should be regular review meetings with the student that can be used to support and monitor a return to study plan and on-going support. If so, the student must provide their continued co-operation in this respect and such review meetings may continue for part or all of their remaining time at UCP. This is likely to be with a member of the Student Support Team, or the Inspire Education Group Wellbeing Team.

7 Appeal

- 7.1 The student has the right of appeal to the UCP Council as shown in the Appeals Committee Procedure (appendix A) for appeals by students. UCP will only consider appeals if the student claims alleged maladministration or if new information is presented. Maladministration in broad terms might include failure to adhere to or consider properly policies in decision making or poor administration such as bias, inattention, delay or perversity.

8 Fitness to Study Committee Constitution

- a) The committee is made up of:
 - i. An independent Academic;
 - ii. two members of UCP's staff; and

- iii. an independent member who is not a current member of staff or a current student of UCP.
- b) The independent academic will normally be an individual with experience of teaching on a relevant course in a UK university.
- c) The two members of staff and the independent member will be members of the profession which accredits your course of study or will be suitably qualified in the reasonable opinion of the Academic Director.

13.1 Quorum

The quorum is the minimum number of committee members needed to make decisions. For this committee the quorum is three.

If fewer than three committee members are present and notice has been properly given, the secretary will call another meeting, normally within 20 days.

13.2 Chair

The Chair will be elected by the Committee.

13.3 Secretary

The Secretary and Clerk (or their nominee) is the secretary to the committee.



Appendix A

Procedure for appeals by students to the UCP Council

Procedure

- 1 If you want to appeal against a decision of the Student Discipline Committee or those of the Fitness to Practise Committee or Fitness to Study Committee for reasons of maladministration (other than in cases where you have failed to make a payment where the appeal will be to the Academic Director), you must make your appeal in writing within 10 working days of the decision and send it to the clerk / secretary to the UCP Council.
- 2 Your request should clearly give the reasons for the appeal.
- 3 When they receive your request, the clerk / secretary to the UCP Council will:
 - a. call a meeting of the committee as soon as possible.
 - b. make available to the members of the committee copies of all papers to do with the case.
 - c. ask you if you object to an elected Student Representative being at the committee hearing.
 - d. at least five working days before the meeting give notice to the Member of the Student Council of the date, time, and place of the meeting.
 - e. invite you and our representative, at least seven working days before the hearing, to give a statement of your and our case and reveal any relevant documents you want to rely on at the hearing (if you or we miss the deadline or do not limit the size of documents you provide, it may lead to an adjournment or other delays); and
 - f. at least 15 working days before the meeting, give you notice in writing and by hand or if this is not possible by recorded or special delivery to your last known address. The notice will give details of:
 - i. the date, time and place of the committee hearing.
 - ii. the names of the witnesses to be called by our representative.
 - iii. your right to be accompanied by a friend or elected Student Representative (but they may not also be a witness).
 - iv. your right to decide whether or not to attend the hearing.
 - v. your responsibility to give witnesses, that you plan to call, details of the hearing, and to make sure they attend.
 - vi. your responsibility to let the committee secretary know, as soon as possible and in any case not less than two working days before the hearing, the names of the witnesses you plan to call: and
 - vii. your responsibility if you want to be accompanied by a friend, to give the name of the friend or elected Student Representative to the committee secretary.
- 4 The sides may agree to change the time limits to suit the circumstances of the case.

The Hearing

- 5 The committee will choose a Chair from among its members.
- 6 The committee secretary will keep a record of the proceedings and may appoint a record clerk for this purpose.
- 7 The committee will consider any written evidence.
- 8 Your and our witnesses will receive equal treatment throughout the proceedings.
- 9 The committee will hear representations and evidence in the following order.
 - i From you or your friend or elected Student Representative
 - ii From your witnesses

- iii From our representative
 - iv From our witnesses
- 10 You or your friend or your elected Student Representative can give a final statement. We will give a final statement.
 - 11 Members of the committee will have the right to put questions to any person at the hearing.
 - 12 You and our representative will have the right to be present when taking evidence. You and our representative will have the right to put questions to the other and to witnesses. However, you and our representative cannot ask questions relating to final statements.
 - 13 A member of the Student Council or their representative will have the right to be present, as an observer, when evidence is taken but not during the committee's decision.
 - 14 The committee may call for other documents, explanations, or evidence they decide they need. The committee may seek any other advice in the hearing and in any subsequent consideration from UCP's solicitors and/or any such other source as the committee may determine.
 - 15 If you or our representative do not appear at the hearing, the committee may go ahead, as long as they are satisfied that the committee secretary has given you notice properly.
 - 16 In considering its decision, the committee will sit in private. The committee secretary will be present.
 - 17 The committee secretary will tell you the committee's decision at the end of the hearing. Normally within five working days of the end of the hearing, the committee secretary will confirm in writing the committee's decision and send you a letter of 'completion of procedures.
 - 18 Following this notice, normally within 10 working days, the committee secretary will send you a formal set of minutes taken at the hearing.

Powers

- 19 The committee will, by majority, have the power to:
 - a confirm the decision of the Academic Director;
 - b withdraw the decision of the Academic Director; or
 - c change the decision of the Academic Director.

The Decision

- 20 The decision of the appeals committee of the UCP Council will be final. However, you may have a right of complaint to the Office of the Independent Adjudicator (OIA) and your rights as an individual in law.

Appendix B Appeals Committee

The Appeals Committee will be made up of the following.

- A member of the UCP Council.
- Two other members who are either members of the UCP Council or members of the IEG Board of Governors.
- Staff Governors, student Governors and the IEG CEO cannot serve as members of this committee.

1 The aims of the committee are to:

- a consider, hear, and decide on appeals in line with procedures approved by the UCP Council.
- b confirm, cancel, or amend decisions which are referred to the committee in line with appeals procedures approved by the UCP Council.
- c consider, hear, and decide on appeals to do with maladministration when applying university rules, regulations, or procedures; and
- d use all powers shown above, for complaints or appeals made to the committee by students at university member institutions in line with the rules of those institutions.

2 The committee will not deal with appeals which dispute the academic or professional judgement of a member of our staff or an External Examiner. It will also not deal with judgements pertaining to the Fitness to Study Committee.

Quorum

The quorum will be three members of the committee.

Rules for the committee

The committee will be governed by the rules for the committees of the UCP Council.

Chair

The Chair will be elected from among the members of the committee.