

## Supporting Students: Fitness to Study Procedure - Effective from 2017/18

### Introduction

This procedure reflects our commitment to providing the highest quality of academic study opportunities whilst making sure that we are mindful of the impact of our actions. We hope that all our students are well enough to engage with their programme of study (are 'fit to study'). However, we understand that adjusting to University life can be such a major change for some people that it impacts on their physical, psychological or emotional wellbeing. For some students, the effects of this impact can result in damaging or risky behaviour towards themselves or others. We also understand that people can become physically or psychologically unwell at any point and for some students this may be related to their studies.

This procedure supports the University in identifying anyone who is struggling to cope with their studies, with a view to helping them manage the situation. Where possible, the University will use this procedure to support you if you are struggling to help you to remain on your programme of study. We recognise that you may be too unwell to continue your studies or struggling to cope with your personal circumstances, and may want to request taking a break from your studies until you are able to return. Such student-led requests are made using the Interruption of Studies process. In extreme cases, the University may use this Fitness to Study procedure to take a decision that you are unfit to study and either halt your studies or withdraw you because your behaviour is causing harm or distress to yourself or others. We would always want to work with you ensure you are well enough to continue your studies. However, if you do not engage with a reasonable request for information or instruction, we may continue our consideration of your fitness to study without your involvement.

This procedure applies to all enrolled students of the University, and meets the 'General principles applying to Birmingham City University student procedures'. This procedure should not be confused with being 'fit to sit' an assessment. The Extenuating Circumstance Procedure states we: *'...assume that you are fit and well enough to take your assessments ('fit to sit') unless you tell us otherwise by making a claim for extenuating circumstances'*.

### What is fitness to study?

Being 'fit to study' means being able to engage with a programme of study offered by the University in a safe way. It also takes into account your ability to be part of the University community. This could include your interactions on campus with staff and students, as well as your behaviour in University facilities (such as the Library, and social spaces) and accommodation. It could also include your online communication (for example emails and social media) and interactions with the Students' Union. Being fit to study means it is safe for you to continue studying and that anyone you come into contact with will also be safe. This is usually a clinical decision made by a qualified professional such as a doctor or psychologist. However, if you are felt to be a danger to yourself, other members of the University, or the public, then the decision that you are unfit to study may be taken for reasons of health and safety.

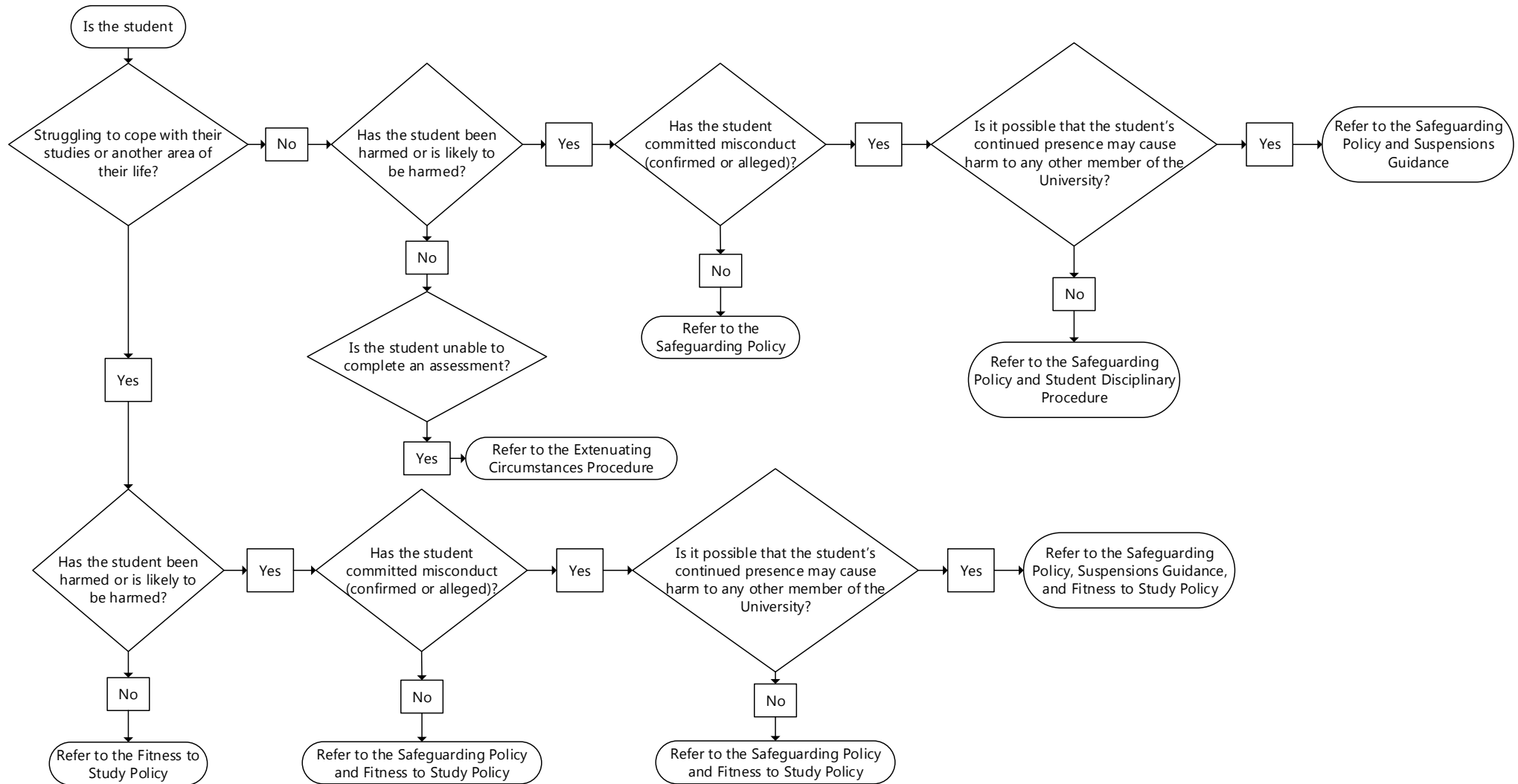
### What is covered by this procedure?

We will tell you what standards we expect of you as a student, including your behaviour and attendance. We expect that informal discussions with you will be appropriate to make sure you are fit to study and understand what is expected of you. However, we may need to take formal action if we are concerned there is a risk of harm. We will normally consider general misconduct allegations under the [Student Disciplinary Procedure](#). Where there is cause for concern raised about wellbeing

and it is considered unhelpful to proceed with the Disciplinary Procedure, the Case Officer may refer the case to this procedure. If you are enrolled on a programme of study covered by the [Fitness to Practise Procedure](#), the fitness to study concern may be referred for a fitness to practise investigation. This is because Professional Statutory and Regulatory Bodies expect certain types of behaviour and characteristics which often include health and wellbeing matters.

## When should this procedure be used?

This procedure can be used alongside other formal or informal processes to ensure that all students are safe in their studies, and do not pose a threat to anyone else. The flowchart below intends to show how a decision can be made about which procedure is the right one to use:



## **Who can raise a concern regarding your fitness to study?**

Anyone who comes into contact with you as a result of you being enrolled as a student of Birmingham City University can raise a concern about your fitness to study, including:

- University staff;
- other students;
- members of the Students' Union; and
- members of the public.

Such concerns should be reported to a member of University staff (usually a Head of School or Associate Dean), who should complete a '**Reporting Wellbeing Concerns about Fitness to Study**' form. We will make the final decision as to whether the matter will be referred for formal case conference. We may need to agree conditions you must keep to before you are able to continue your studies.

Only when there is a strong case will we consider concerns received anonymously.

## **Disability and fitness to study**

It is possible that you may become unfit to study as a result of a physical or mental illness. Where possible and appropriate, if you are experiencing long-term health conditions you may be eligible to receive reasonable adjustments as set out in a Disability Support Summary. However, on rare occasions, it may not be in the best interests for you to remain on a programme of study because to do so would result in a worsening of either your mental or physical health, or cause harm or distress to others.

If your disability develops or is identified during your programme of study, or if you knew about the disability before starting your programme but it becomes worse and needs new or revised adjustments, we will consider the following.

- What could we reasonably do to make it easier for you to continue on the programme with your disability?
- Could you be putting yourself or others at risk of harm or distress by continuing on the programme?
- (if relevant) will placement providers or relevant professional bodies be prepared or able to make the required adjustments to their part of the teaching and learning or assessment process?
- Is it possible for you to transfer to another programme of study?

If it is not possible to make a reasonable adjustment, or to find you a suitable placement opportunity, it may be necessary for you to withdraw from a programme of study.

## **Time limits**

If anyone has any concerns that may relate to your fitness to study, they should raise these with a member of University staff as soon as possible so that we can take action as necessary. We aim to complete the formal case conference within 15 working days of a decision to hold a case conference. To help us achieve this you must meet any deadlines we set for providing further information or documents and attending meetings. There will occasionally be circumstances when we need to extend the timeframe for different stages. (We will only do this if there is a good reason, for example if we need to wait for key medical evidence to be available.) If this is the case, we will tell

you and will explain the reasons for the delay and tell you the new timescales. The case conference Chair will provide regular updates on progress where appropriate.

### Suspension

As a precautionary measure, it may be necessary to temporarily suspend you from the University during the investigation period to allow the University to exercise its duty of care to its members (including you) and its business. Any suspension decision will be taken in accordance with the [University’s Suspension Guidance](#).

### Student companion

You have the right to take someone with you to meetings. This person is not there to act in a legal capacity. They are there to provide advice and support to you, not to act on your behalf. However, if the Chair deems it appropriate, your companion may answer questions on your behalf. The Students’ Union can help with this. If a member of the Students’ Union initially raised the concern about your fitness to study, you may be referred to another Students’ Union for companion support.

### Confidentiality

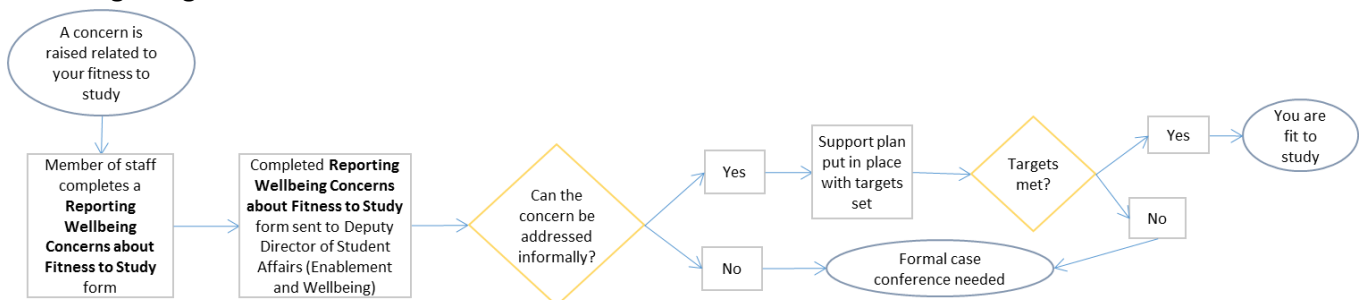
We will not share any information about you or any concerns about your fitness to study unless we need to as part of our procedures or if there is good reason and urgent cause to do so. This could include passing information to external agencies such as a medical professional, social services or the police. If we hold a case conference to consider your fitness to study, the information considered will be handled in confidence.

### Stages of the procedure (please see the flowchart)

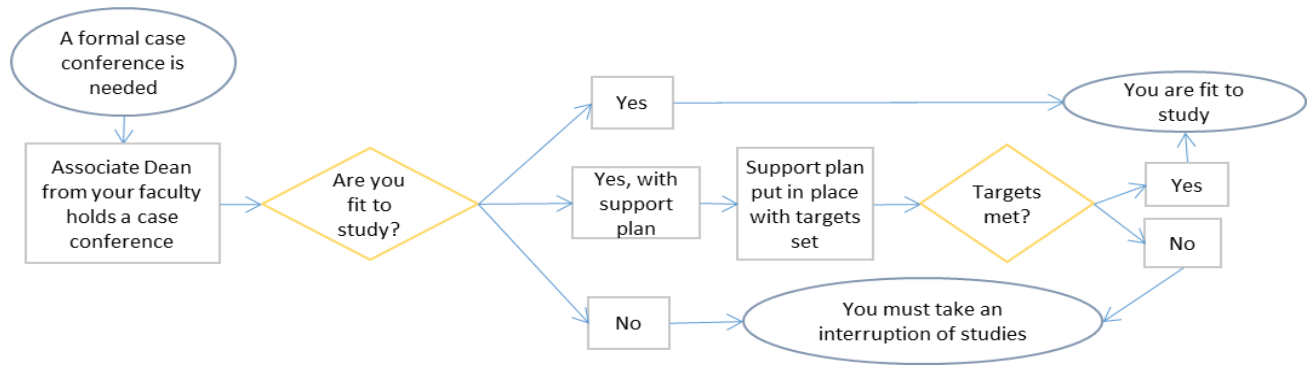
This procedure aims to provide a timely process that is proportionate to the concerns being raised. There is a strong focus on early intervention and support to help you remain on your programme of study. The Supporting Students: Fitness to Study Procedure has a triage stage, a formal stage and a review stage (see the flowchart).

### Flowchart

#### Triage stage



## Formal stage



## Triage stage

All completed 'Reporting Wellbeing Concerns about Fitness to Study' forms are triaged by the Deputy Director of Student Affairs (Enablement and Wellbeing) or nominee who can request further information in order to reach one of the following decisions:

- The concerns are not supported – you are felt to be fit to study;
- You are likely to be fit to study, but a support plan must be successfully implemented before a final decision is made. The support plan may include any of the following:-
  - An Engagement Plan. This is a set of targets usually over a period of weeks aimed at gradually increasing your engagement with your studies to an agreed level.
  - A Wellbeing Plan. This is a set of targets usually over a longer period of time aimed at improving your health and/or wellbeing.
- There are significant concerns about your fitness to study that cannot be addressed through a support plan. A formal case conference will be held to reach a final decision.

## Formal stage – case conference

The aim of the formal stage is to reach an informed decision about your fitness to study. As well as key staff from the University, you will be invited to the case conference as set out below. The formal stage can be reached in the following ways:

- As a result of the triage stage finding that the concerns about your fitness to study are significant and cannot be addressed through a support plan;
- or
- A support plan was put in place but you have not met the requirements of the support plan.

The formal stage is to be completed within 15 working days of a request for a case conference.

Where possible, the number of individuals attending the case conference will be carefully considered to ensure both appropriate representation, whilst keeping the number of people in the meeting to a minimum.

The Deputy Director of Student Affairs (Enablement and Wellbeing) or nominee will contact an associate dean from your faculty to provide information about the fitness to study concerns and to request a case conference. A case conference normally takes place with the following:

- Associate dean from your faculty. The associate dean chairs the meeting and will make the final decision on your fitness to study. The Chair will also have information on your academic studies, including what you have left to study and remaining assessments;

- A representative from the Enablement or Wellness teams who will provide professional opinion on your fitness to study, including any support plan that is needed;
- A note-taker from the Student Affairs Appeals and Resolutions team who can provide details on the concerns that have been raised that led to the request for a case conference;
- You;
- Your companion who may be a friend, relative, or member of the Students' Union;
- Any other individual who may be relevant to your case, such as your support worker or known medical professional. This person may be invited to only part, or the whole, of the case conference.

The case conference will be held during normal working hours on any of the University campuses. We will expect you to attend, and the case conference will only be rescheduled if the associate dean decides there is a good or urgent reason for this.

The case conference will determine (as relevant):

- What is the nature of the concern or concerns?
- Has anyone been harmed?
- Could anyone have been harmed?
- Have anyone else's studies been adversely affected?
- Has anyone else's wellbeing been threatened?
- Has there been a breach of UKVI attendance requirements?
- Has sufficient academic progress been made?
- Is being at University causing or contributing to harm that might otherwise not have happened?
- Would transferring to another programme resolve any concerns?
- Have you been engaging with any therapeutic or treatment plan?
- Are there any safeguarding related concerns?

The associate dean will meet privately with the note-taker privately to gain information about the concerns raised about your fitness to study.

You and your companion will then be invited to join the case conference. The case conference can proceed without you if necessary, but it is unlikely that your companion would be allowed to attend without you there. Case conferences normally take place as follows:

- The Chair introduces everyone present, confirming the reason for their attendance;
- The note-taker will explain the concerns raised about your fitness to study, including any current or future risk of harm;
- You will be invited to respond;
- The Chair will explain where you are in your studies and what assessments you have remaining. Any concerns about your ability to undertake your academic studies will be raised;
- You will be invited to respond;

- The Chair will ask for professional opinions regarding whether you are fit to study, either with or without a support plan. If a support plan is suggested, the requirements of the plan will also be discussed;
- You will be invited to make any final comments, including supplying evidence from your GP or other professional that is able to give an informed opinion about your ability to engage with studies.
- The Chair will invite everyone but the note-taker to leave the meeting.

The Chair will decide on your fitness to study, including what support plan (if any) is required, and the note-taker will record details of the decision made. The Chair can make any of the following decisions:

- You are fit to study, no support plan is needed;
- You are fit to study but a support plan is needed. The support plan may include any of the following:-
  - An Engagement Plan. This is a set of targets usually over a period of weeks aimed at gradually increasing your engagement with your studies to an agreed level.
  - A Wellbeing Plan. This is a set of targets usually over a longer period of time aimed at improving your health and/or wellbeing.
- You are not fit to study on the programme you are enrolled on. We may ask you to transfer to another course which may be after your studies have been halted for a specified period. We will also make clear to you any financial implications relating to your transfer, and any implications relating to UKVI requirements (international students only).
- You are not fit to study and your studies should be halted for a specified period. We will tell you what you need to do to be able to re-enrol after the specific period has ended. We will also make clear to you any financial implications relating to your re-enrolment, and agree how we will keep in contact with you during the specified period. We will also confirm any implications relating to UKVI requirements (international students only).

The Chair will invite all attendees back to the meeting to communicate the decision made. Confirmation of the decision and any support plan will be issued in writing within 10 working days of the case conference. We will also agree a process that you will be required to follow to be able to return to study. This is likely to include providing evidence that you have engaged with the support plan, producing medical evidence demonstrating you are well enough to return to study, attending a return to study meeting, and agreeing an engagement plan or wellbeing plan. If you do not reasonably engage with the University in arranging your return to study, we may take the decision to terminate your enrolment.

### **Extending the time limit**

If there are clear and justifiable reasons for extending the time limit, we will set new time limits. The Student Affairs Appeals and Resolutions office will tell you the new time limits and the reasons for them.



### **Closing fitness to study at the formal stage**

We will give you a clear explanation of the outcome of the formal stage of the fitness to study consideration in writing, setting out the reasons for each decision in simple, straightforward language. We will record the outcome on our student record system.

We will tell you about:

- your right to take the case to the review stage;
- the grounds on which you can do this (see below);
- the time limit for moving to the review stage (20 working days of receiving the outcome of the formal stage);
- the appropriate procedure to follow; and
- where and how to access further assistance, for example seeking advice from the Students' Union or support from Student Affairs.

If you do not take the case to the review stage within the time limit for doing so, we will close the matter.

### **Review stage – to be completed within 20 working days of receiving your request for a review**

If you are not satisfied with the outcome of the formal stage, you have 20 working days to ask for a review. There are limited grounds for asking for a review, which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process, and which would have had a significant effect on the outcome of the formal stage.
- The correct procedure was not followed during the formal stage and this has had a significant effect on the outcome.
- The outcome was unreasonable given all the circumstances and the evidence considered.

The purpose of a review is to consider whether we followed the correct procedure during the formal stage and whether the outcome was reasonable. At the review stage, we will not usually consider the issues again. Your case must have been considered at the formal stage before it can move to the review stage. If your expectations appear to be beyond what can be achieved at the review stage, we will tell you this as soon as possible in writing to manage your expectations about possible outcomes. If you have been withdrawn and have submitted a request for a review, you will remain withdrawn whilst your request for a review is considered.

You must submit a request for a review electronically, by email or through our website, by filling in the appropriate form. We will only accept a form submitted by someone else on your behalf if you have given the other person written permission to act as your representative for the review stage. You must clearly set out your grounds for requesting a review and provide evidence, where possible, to support your request. Only evidence that is clearly referenced in the form will be considered. We will acknowledge your request for a review within five working days.

The Student Affairs Appeals and Resolutions team will assess your request for a review and the Director of Student Affairs, or someone they nominate to act on their behalf, will use this assessment to decide between the following two possible outcomes:

- There are grounds for reconsidering the case;
- or

- There are no grounds for taking the matter further. If this is the case, the Student Affairs Appeals and Resolutions office will tell you in writing and let you know about any right you may have to ask the OIA to review your case.

If there are grounds for reconsidering the case, the Director of Student Affairs, or someone they nominate to act on their behalf, will consider the following.

- Was the outcome reasonable in all the circumstances?
- Was there a mistake in how we used this procedure to assess your case and the outcome has been less favourable to you as a result?
- Have you received clear reasons for the outcome at the formal stage?
- If you have provided new evidence, have you provided valid reasons for not providing it earlier?
- Would any new evidence you have provided have affected the outcome (if there were valid reasons for not providing this earlier)?

The Director of Student Affairs, or someone they nominate to act on their behalf, will decide between the following two options.

- The case will be referred back to the formal stage with a recommendation.
- The issues are complicated and it would be better to deal with them through a review panel.

We will hold a review panel in line with our standard procedures for such panels.

### **Extending the time limit**

If there are clear and justifiable reasons for extending the time limits, the Deputy Director of Student Affairs (Queries and Resolutions), or someone they nominate to act on their behalf, will set new time limits. The maximum extension will be 10 working days (that is, not more than 30 working days in total from the date we receive your request for a review).

### **Closing the case at the review stage**

We will give you a clear explanation of the outcome of the review in writing. This explanation will set out the reasons for each decision in simple, straightforward language and clearly state any action to be taken (if appropriate). We will record the outcome on our fitness to practise system. We will also let you know about any right you may have to ask the OIA to review your case.

Steph Talliss-Foster  
 Director of Student Affairs  
 October 2017

## Examples

### Example 1

Alex is a student and his behaviour over the last month has been causing concern. Alex has only attended 2 lectures in the last three weeks. He sleeps most of the day, doesn't eat very often, and has stopped washing himself and his clothes. Alex was found in his kitchen last night waving a pair of scissors around, threatening himself and anyone who came near him.

Alex may not be fit to study without further support in place. It is clear that there is a pattern of behaviour leading up to last night that we need to be made aware of. We may find that once Alex is given an Engagement Plan and appropriate support that he is able to continue with his studies.

### Example 2

Manohar is a student living with 5 other students in University accommodation. Manohar went out last night celebrating her friend's birthday. The rest of her flatmates were asleep when Manohar got back at 3.00am this morning and wanted to make toast for everyone. The flatmates asked Manohar to keep the noise down but Manohar turned the radio on to continue the party. Manohar eventually went to bed leaving a mess in the kitchen. Manohar missed her lectures this morning.

Manohar's behaviour (although annoying to her flatmates) would not mean she is unfit to study. It seems as though Manohar had a good night celebrating her friend's birthday and was being rude when she got home. Unless there is a pattern of similar behaviour, Manohar is likely to be fit to study.

### Example 3

Agata is a student with a history of depression, feelings of isolation and self-harm. Agata has a Disability Support Summary in place allowing her reasonable adjustments for her assessments. Agata lives at home and travels to University every day, meeting up with her friends before lectures. Last week her friends found Agata crying in the library but she asked them not to tell anyone. She said she had been crying because she feared she was being watched all the time and had stopped eating vegetables as she fears they are draining her magic powers. Her friends offer to get her personal tutor but Agata reacts violently saying that her personal tutor is trying to kill her too.

Agata is clearly unwell and may not be fit to study. We will need to explore with Agata if there is any support we can give her to get her well again, but she may have to interrupt her studies until her psychiatrist agrees she is fit to study.

A member of University staff must fill in this form.

<b>Name</b>	Miss/Ms/Mrs/Dr/Prof
<b>Job title</b>	
<b>Faculty/Professional Service</b>	

<b>Student name</b>	Miss/Ms/Mrs/Dr/Prof
<b>Student ID number</b>	
<b>Course of study</b>	

The following concerns have been raised with me about the above student's fitness to study:

[List events in date order. Please refer to any relevant documents which support the account, and attach the documents to this form with reference numbers. Please make sure the form could be read and understood by someone with no knowledge of the case so that they would be left understanding what the concern is and how any evidence you have provided is relevant.]

I am attaching the following supporting evidence.

Example

<b>Document reference</b>	<b>Brief description of document</b>	<b>Attached or to follow</b>
1	Statement from Security staff	Attached

I have read the Supporting Students: Fitness to Study Procedure and understand that:

- I must provide all evidence referred to in this statement;
- you may provide this statement to the student named above in the course of any University action taken into the concerns being raised; and
- due to confidentiality restrictions, I may not be allowed to know the outcome of any fitness to study consideration.

Your signature:

Date:

Send filled-in form to Kate Waugh, Deputy Director of Student Affairs (Enablement and Wellbeing)

Notes to consider:

1. Try to make sure you have covered all relevant issues
2. Make sure you have not included details that are not relevant or could be unfair

**Triage consideration:**

Received by DDoSA(EW) on:

Is further information required for a decision to be made? Yes/No

If yes, indicate what is required:

Triage decision

- The concerns are not supported – the student is felt to be fit to study;
- The student is likely to be fit to study but a support plan must be successfully implemented before a final decision is made. The support plan should include any of the following:-
  - An Engagement Plan. Specifically:
  
  - A Wellbeing Plan. Specifically:
- A formal case conference will be held to reach a final decision.

Justification of decision:

Signed:

Date: