

The Academic Regulations 2018/19
Appendices
Appendix 16 - Fitness to Study Procedures

1 Introduction

1.1 Edge Hill University ('the University') endeavours to be both welcoming and inclusive, successfully admitting and supporting students with a broad range of needs.

1.2 We take the health, safety and well-being of all students seriously and our aim at all times is to support and respond to students' needs, promote well-being and provide an environment that is safe and conducive to study and communal living. In turn, we expect all students¹ to be able to engage with their studies and manage, their health, safety and well-being.

1.3 In this context the University recognises that, exceptionally, there may be instances where a student's health, well-being or behaviour raises concerns regarding their continued fitness to study on a course, or a placement and / or as a member of the University living and learning community. In circumstances when serious concerns are raised about an individual whose condition, conduct or behaviour presents a risk to themselves or others or where there are unreasonable demands being placed on staff, students or other members of our community², the University has a duty of care to respond. In such exceptional cases, Edge Hill's duty of care may require us to remove a student from the University.

1.4 These Fitness to Study Procedures are therefore intended to provide an open, transparent and supportive framework for dealing with situations where a student's health, well-being and/or behaviour is having or could have an objectively detrimental impact on their own or others' abilities to progress and function.

1.5 These procedures apply to students pre and post-entry to a programme, on course, on field trips, on placements and any University related activities, both in and out of term times.

2 Guiding principles

- These procedures are intended to be supportive and the health and well-being of the individual and others who are part of the Edge Hill community is paramount in any decisions to be made.
- The student will be encouraged to engage positively with Edge Hill's extensive range of support services and this procedure at the earliest stage and will be treated fairly, sensitively and offered support and guidance throughout. The primary objective being to support the individual to continue with their studies, whilst protecting the health and wellbeing of themselves and others.
- All dealings will remain confidential within this procedure and only staff directly involved, or who otherwise need to be aware, will be given access to confidential information.
- The health and well-being of the wider Edge Hill University community will be considered in all decisions.

¹ With support as necessary

² The term 'fitness to study' as used in these procedures relates to the whole student experience and not just a student's ability to engage with their studies. Any decisions made under this procedures are made on 'fitness to *study*' rather than medical fitness.

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- The University is mindful of its obligations under the Equality Act 2010 and all decisions will be proportionate and carefully considered.
- The student will be kept fully informed of progress and provided with a written explanation regarding any decisions and / or actions to be taken. Where possible, decisions will be made in agreement with the individual student.
- Where a student presents raising serious concerns and / or risks to the well-being of themselves or others, the University reserves the right to escalate matters to Stage 3 of these procedures, without passing through the intermediate stages.

3 Indicators for use of the Fitness for Study procedures

Concerns about a student's fitness to study may occur for many reasons. These could include, but are not restricted to the following examples:

- i. Significant deterioration in health and/or appearance.
- ii. Significant deterioration in attitude and/or attendance.
- iii. Disregard for their own and/or others' health and safety.
- iv. Inability and/or refusal to appreciate risks of physical danger to themselves or others.
- v. Inability and/or refusal to communicate effectively with fellow students, staff and professionals.
- vi. Inability and/or refusal to engage effectively and independently in lectures, tutorials, support sessions and private study (with appropriate support mechanisms, physical and reasonable study support adjustments as necessary).
- vii. Inability to undertake assessment and engage with the assessment process (with appropriate adjustments as necessary).
- viii. Manifestation of inappropriate emotional or psychological symptoms and/or behaviours
- ix. Social isolation and/or withdrawal.
- x. An individual's own declaration and disclosure to staff.
- xi. Where concerns are raised via a third party, e.g. a housemate, friend, placement provider, professional, which indicate there is a need to address the student's fitness to study.
- xii. Behaviour, which would otherwise be dealt with as a disciplinary matter, where it is considered the behaviour may be the result of an underlying physical or mental health condition.
- xiii. Instances where an individual's condition, conduct or behaviour presents a risk to themselves or others or where there are unreasonable demands being placed on staff, students or other members of our community.

4 Fitness for Study Procedures

Early intervention in student health and/or behaviour and recommendations for support can avoid a crisis situation. These procedures have 3 stages depending on the perceived level of risk, the severity of the problem and the student's engagement with efforts to provide support and respond to issues raised. In all cases, in the event that these procedures are invoked, the student's Head of Department must be notified.

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4.1 Stage 1 Emerging concern - informal action

4.1.1 Staff anywhere in the University may become aware of presenting issues affecting a student's health, safety, well-being or behaviour. In all cases, staff should notify Student Services to agree who³ should approach the student privately and sensitively to outline the concerns and to offer support and assistance; this may also include confirming the University's position and, as appropriate, the limits of any support it can provide and to agree on any follow up action necessary. As appropriate, the student may be asked to moderate their behaviour and/or to seek help with presenting issues.

4.1.2 If the student engages positively at this stage and the situation improves, there may be no need for any further action.

4.1.3 Detailed guidance on the recommended approach to be taken at this stage are outlined in Appendix A.

4.1.4 If the student does not attend or respond positively or refuses to co-operate, the member of staff should contact the Counselling and Wellbeing Manager to discuss progression to Stage 2 of the procedure.

4.2 Stage 2 Continuing concern – referral to the Counselling and Wellbeing Manager

4.2.1 If the informal action taken at Stage 1 has not been successful, or if it is felt that the case is too serious to be dealt with informally, Stage 2 (or exceptionally Stage 3) of the procedure may be initiated.

4.2.2 To invoke Stage 2, the member of staff will complete a summary referral report to the Counselling and Wellbeing Manager⁴, outlining the reason/s why the concern/s for the health and well-being of the student have arisen, what action has been taken and what progress has been made. The student will be provided with a copy of this report, together with notification that the matter has been referred to the Counselling and Wellbeing Manager⁴ for his/her consideration. A template Student Referral Report is included in Appendix B.

4.2.3 Following referral, the student will be invited to attend a review meeting with the Counselling and Wellbeing Manager and other members of staff as appropriate, to discuss and review the concerns raised.

4.2.4 If, following discussion and consideration of all relevant information, the Counselling and Wellbeing Manager determines that the student is currently fit to study, then no further actions will be necessary at this point.

4.2.5 If, following discussion and consideration of all relevant information, the Counselling and Wellbeing Manager determines that the student's fitness to study is or is likely to become impaired or that the risks to others cannot be managed, he/she may determine one or more of the following:

³ This would normally be a member of staff within the academic department with primary responsibility and/or knowledge of the individual student concerned. However if concerns arise within the student residences, then the Student Accommodation Team should take the lead, in consultation with the relevant academic department.

⁴ Or his/her nominee

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- i. The student is fit to study, subject to an agreed plan of action and regular review
- ii. A referral should be made to the University's Occupational Health Consultant for a medical assessment of the student's fitness to study
- iii. The student is not currently fit to study and should be suspended from the course and the University for a specified period, pending the outcome of a formal risk assessment and/or other investigations to identify the level of risk to the individual and to others, in line with Stage 3 of these procedures.

4.3 Stage 3 Persistent, serious / or critical concerns

4.3.1 In exceptional circumstances if concerns about a student's condition or behaviour have not been resolved by the actions at Stage 2 or if there are urgent, critical concerns raised about a student's well-being, actions or behaviour which is putting the health, safety, well-being or academic progress of him/herself or other members of the University community at risk, the Director of Student Services⁵ will determine whether or not to suspend a student with immediate effect at the point of referral, pending the outcome of a formal risk assessment and/or other investigations to identify the level of risk to the individual and to others. This risk assessment may include a focus on the student's course-related activities, their level of engagement with their studies, their social interactions and their residential arrangements as appropriate.

4.3.2 The risk assessment will result in one of two possible outcomes:

- i. The level of risk to the student and/or others is currently manageable within acceptable levels. In this case, Stage 2 of these procedures should continue to be followed.
- ii. The level of risk to the student and/or others is currently unacceptable. In this case, Stage 3 of these procedures will continue to be followed.

4.3.3 If the risk assessment highlights an unacceptable level of risk, the Director of Student Services⁵ will convene an urgent review meeting.

4.3.4 The student will normally be invited to attend the review meeting and may be accompanied by a friend or representative.

4.3.5 The review meeting may consider various options in relation to the student, including any additional support strategies, continued suspension from study, or a recommendation to the Vice-Chancellor that the student be withdrawn from the University.

4.3.6 The decision of the review meeting will be communicated to the student in writing, normally within 5 working days of the case review meeting.

⁵ Or his/her nominee

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4.3.7 If it is determined that the student is required to suspend their studies, then the student will also be informed in writing of the general procedures for their return to study and any arrangements specific to their case.

5 Return to study

5.1 Following any period of suspension or agreed intercalation, it may be appropriate for the student to return to studies. The student should notify the Director of Student Services in writing of any request to return to study. The particular process to be followed for a return to study under this Procedure will be at the discretion of the Director of Student Services⁵ and will depend on the individual circumstances of the case. However the Director of Student Services⁵ will normally invite the student to meet with him/her to discuss the matter in person.

5.2 In all cases, return to study will require satisfactory medical evidence of the student's fitness to study. Medical evidence will only be accepted from a GP or relevant health professional who has enough knowledge of the student's circumstances to make an informed assessment of the student's fitness to study. Specific reference should be made to the student's renewed ability to study and (where appropriate) to live independently at Edge Hill University.

5.3 The decision to permit a student to return to study will be made by the Director of Student Services⁵, who will consider the student's individual support needs, including the requirement for any reasonable adjustments and may impose such conditions which they deem appropriate to the relevant case, such as a return to study plan or a requirement for regular progress checks.

5.4 Following any decision that a student may return to study, the University will invite the student to a 'return to study' meeting to ensure appropriate actions and support mechanisms are put in place.

6 Appeals/Complaints

6.1 Students have the right to appeal against any decision taken under Stage 3 of these procedures⁶.

6.2 Appeals will only be accepted if based on one of the following grounds:

- i. there is evidence of procedural irregularity or unfairness / bias
- ii. the student submits further material circumstances / information, which for good reason, was not submitted for consideration at Stage 3
- iii. there is reasonable cause to consider that the decision to suspend was unreasonable

⁶ Students also have the right to appeal against any decision taken under Stage Two, by following the procedure outlined in the Student Code of Conduct Regulations.

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6.3 Appeals against suspension

6.3.1 Appeals against the decision to suspend must be made in writing to the Pro-Vice Chancellor and University Secretary, within 10 working days of the decision, clearly stating the grounds for appeal.

6.3.2 The Pro-Vice Chancellor and University Secretary or nominated representative will review the appeal and after consulting with the relevant Head of Department, the student's Dean of Faculty and the Students' Union, may overturn the decision to suspend a student if they believe it appropriate. The Pro-Vice Chancellor and University Secretary's decision will be final.

6.4 Appeals against withdrawal

6.4.1 Appeals against the decision to withdraw must be made in writing to the Vice-Chancellor, within 10 working days of the decision, clearly stating the grounds for appeal.

6.4.2 The Vice Chancellor or nominated representative will review the appeal and after consulting with the relevant Head of Department, the student's Dean of Faculty and the Students' Union, may overturn the decision to withdraw a student if they believe it appropriate. The Vice Chancellor's decision will be final.

7 Office of the Independent Adjudicator

7.1 If, after exhausting the Appeals Stage, a student feels there has been an error of judgement or that due process has not been followed, she/he has the right to contact the Office of the Independent Adjudicator for Higher Education, www.oiahe.org.uk.

7.2 Students may also wish to seek advice from the Students' Union on 01695 657301.

Appendix A

General Information

Data Protection & Confidentiality

Edge Hill will treat all personal information, including sensitive, personal information relating to a student's mental and physical health, as confidential.

Personal information about a student obtained through these procedures will only be shared within Edge Hill amongst those members of staff who need to know that information in order to offer support or to enable the effective operation of these procedures.

Edge Hill may ask a student for their permission to share their personal information obtained under these procedures with relevant professionals outside Edge Hill University in order to offer support or to enable the effective operation of these procedures.

Edge Hill will not normally share any personal information about a student without their agreement, but may do so if it is considered that disclosure may be necessary in the public interest, where failure to disclose information may expose the student or others, to risk of death or serious harm. In such circumstances, information will be disclosed only to an appropriate person or authority.

A Conduct and handling of Stage 1 Informal Procedures

A.1 Where an initial concern is raised about a student's fitness to study, an appropriate member of staff, for example a personal tutor, supervisor or a member of Student Services staff will arrange to speak in private and in person to the student to indicate clearly the nature of the concern being raised, explaining that the matter is being dealt with under Stage 1 of this procedure.

A.2 In line with all EHU procedures, the student should be advised that they have the right to be accompanied at any stage and that the meeting can be rearranged if they wish to be accompanied.⁷

A.3 This stage of the process is crucial in gaining the trust and the confidence of the student concerned and any communications with the student should stress that this is a supportive process, that the University's main concern is their well-being and that the University will use its best endeavours to work with the student so that they can complete their chosen academic course.

A.4 The member of staff should sensitively explain why they have been asked to attend the meeting, point out the issue(s) which are causing concern and invite the student to respond to the concerns being raised. As necessary, the member of staff should clarify with the

⁷ The student should be advised that the Students' Union can provide support and independent advice as appropriate.

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student the acceptable boundaries and expectations for the student to continue their studies and any specific rules the student should be aware of.

A.5 The member of staff should offer the student the opportunity to disclose any underlying conditions or factors not previously disclosed and seek information from the student with regard to any support or intervention they believe would help improve their health, well-being and/or behaviour. The student should be advised of all the services available at the University to help them, e.g. help from Student Services Health, Well-being and Counselling team or Occupational Health, the Inclusion Team, Learning Services or Money Advice team. As necessary the member of staff should also check whether or not the student is getting any specialist medical support from their own GP / consultant or other specialist agency.

A.6 If, following discussion and consideration of all relevant information, the member of staff determines that the student's fitness to study is or is likely to become impaired or that the risks to others cannot be managed, he/she may take such decisions/action as appropriate under the circumstances, including but not limited to, one or more of the following:

- I. Put in place support arrangements and/or make reasonable adjustments for the student
- II. Draw up an action plan for the student, where possible with their agreement, setting out how the matter is going to be dealt with and any conditions to be placed on the student (for example in relation to his/her behaviour or in relation to engaging with any support provided)
- III. Recommend referral to the University's Occupational Health Consultant for a medical assessment of the individual's fitness to study
- IV. Consult as appropriate with any of the University's specialist support services within Student Services

A.7 The member of staff will notify the student in writing of the outcome of the meeting together with any agreed action plan and/or conditions for continued attendance.

A.8 As appropriate, the member of staff will put in place further meetings with the student to monitor progress against their action plan.

A.9 As necessary, the member of staff will consult with relevant managers within Student Services to discuss available support options, reasonable adjustments and alternative actions that may be taken in individual circumstances.

A.10 In rare instances where the student refuses to co-operate or cannot engage with the process, the student should be informed both verbally and in writing that the matter is being referred to the Director of Student Services to discuss progression to Stage 2 of the procedure.

B Conduct and handling of Stage 2 Procedures

B.1 Following referral, the student will be invited to attend a review meeting with the Counselling and Wellbeing Manager⁸ and other members of staff as appropriate, to discuss the concern.

⁸ Or his/her nominee.

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B.2 The Counselling and Wellbeing Manager will normally inform the student in writing at least 48 hours prior to the meeting of the date, time and place of the meeting; the purpose of the meeting, who will be present, the nature of the concern and that the matter is being dealt with under Stage 2 of the fitness to study procedures.

B.3 Any communications with the student should stress that this is a supportive process, that the University's main concern is the student's well-being and their duty of care to others and that the University will use its best endeavours to work with the student so that they can complete their chosen academic course.

B.4 In line with all EHU procedures, the student should be advised that they have the right to be accompanied at any stage and that the meeting can be rearranged if they wish to be accompanied.⁹

B.5 At the review meeting, the Counselling and Wellbeing Manager^{Error! Bookmark not defined.} will remind everyone of Edge Hill's duty of care to every member of EHU community and inform the student that EHU may take action in accordance with the fitness to study procedures, if it believes that the student may be putting themselves or others at risk.

B. 6 The Counselling and Wellbeing Manager will examine all relevant information, including as necessary, medical reports and/or risk assessments and ascertain the student's perceptions of the issues/concerns that have been raised, including the impact which the student's health and/or behaviour are having upon him/her or on other members of the University community. The student will have the right either to represent themselves or to submit a written representation to the meeting.

B.7 The Counselling and Wellbeing Manager should offer the student a further opportunity to disclose any underlying conditions or factors not previously disclosed and seek information from the student with regard to any support or intervention they believe would help improve their health, well-being and/or behaviour. The student should be reminded of all the services available at the University to help them, e.g. help from Student Services Health and Well-being team or Occupational Health, the Inclusion Team, Learning Services or Student Financial Support. As necessary the member of staff should also check whether or not the student is getting any specialist medical support from their own GP / consultant or other specialist agency.

B.8 Failure to attend will not necessarily negate the proceedings, which, if deemed necessary, will go ahead in the student's absence.

B.9 If, following discussion and consideration of all relevant information, Counselling and Wellbeing Manager determines that the student's fitness to study is or is likely to become impaired or that the risks to others cannot be managed, he/she may take such decisions as appropriate under the circumstances, including but not limited to, one or more of the following:

- I. The student is fit to study, subject to an agreed plan of action and regular review

⁹ The student should be advised that the Students' Union can provide support and independent advice as appropriate.

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- II. A referral should be made to the University's Occupational Health Consultant for a medical assessment of the individual's fitness to study
- III. The student is not currently fit to study and should be required to suspend their studies on the course and at the University for a specified period. The student's return to study will be subject to confirmation by the Director of Student Services, which may require a report from appropriately qualified experts, approved by the University.

B.10 The Counselling and Wellbeing Manager will notify the student in writing of the outcome of the meeting together with any agreed action plan and/or conditions for continued attendance.

B.11 As appropriate, the Counselling and Wellbeing Manager will put in place further meetings with the student to monitor progress against their action plan.

B.12 As necessary, staff will consult with relevant managers within Student Services to discuss available support options, reasonable adjustments and alternative actions that may be taken in individual circumstances.

B.13 In rare instances where the student refuses to co-operate or cannot engage with the process, the student should be informed both verbally and in writing that the matter is being progressed to Stage 3 of the procedure.

C Conduct and handling of Stage 3 Procedures

C.1 In so far as possible, the conduct and handling of Stage 3 procedures will broadly follow the sensitive and supportive processes outlined for Stages 1 and 2. The student will be invited to attend a review meeting with the Director of Student Services¹⁰ and other members of staff as appropriate, to discuss the concern.

C.2 The Director of Student Services will normally inform the student in writing at least 48 hours prior to the meeting of the date, time and place of the meeting; the purpose of the meeting, who will be present, the nature of the concern and that the matter is being dealt with under Stage 3 of the fitness to study procedures.

C.3 In line with all EHU procedures, the student should be advised that they have the right to be accompanied at any stage and that the meeting can be rearranged if they wish to be accompanied.¹¹

C.4 At the review meeting, the Director of Student Services will remind everyone of Edge Hill's duty of care to every member of EHU community and inform the student that EHU may take action in accordance with the fitness to study procedures, if it believes that the student may be putting themselves or others at risk.

¹⁰ Or his/her nominee.

¹¹ The student should be advised that the Students' Union can provide support and independent advice as appropriate.

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C.5 At the review meeting, the Director of Student Services will examine all relevant information, including as necessary, medical reports and/or risk assessments and ascertain the student's perceptions of the issues/concerns that have been raised, including the impact which the student's health and/or behaviour are having upon him/her or on other members of the University community.

C.6 The Director of Student Services should offer the student a further opportunity to disclose any underlying conditions or factors not previously disclosed and seek information from the student with regard to any support or intervention they believe would help improve their health, well-being and/or behaviour. The student should be reminded of all the services available at the University to help them, e.g. help from Student Services Health and Well-being team or Occupational Health, the Inclusion Team, Learning Services or Student Financial Support. As necessary the Director of Student Services will also check whether or not the student is getting any specialist medical support from their own GP / consultant or other specialist agency.

C.7 The student will have the right either to represent themselves or to submit a written representation to the meeting.

C.8 Failure to attend will not necessarily negate the proceedings, which, if deemed necessary, will go ahead in the student's absence.

C.9 If, following discussion and consideration of all relevant information, the Director of Student Services determines that the student's fitness to study is or is likely to become impaired or that the risks to others cannot be managed, he/she may take such decisions as appropriate under the circumstances, including but not limited to, one or more of the following:

- a) The student is fit to study, subject to an agreed plan of action and regular review
- b) A referral should be made to the University's Occupational Health Consultant for a medical assessment of the individual's fitness to study
- c) The student is not currently fit to study and should be required to suspend their studies on the course and at the University for a specified period. The student's return to study will be subject to confirmation by the Director of Student Services, which may require a report from appropriately qualified experts, approved by the University.
- d) The student is not fit to study and a recommendation should be made to the Vice-Chancellor that the student be withdrawn with relevant consideration given as to whether or not the student could be granted an appropriate exit award.¹²

C.10 The Director of Student Services will notify the student in writing of the outcome of the meeting together with any agreed action plan and/or conditions for continued attendance.

¹² Consideration of an alternative exit award can only be made where such awards have been validated within the programme regulations and provided students meet, or have the potential to meet, the minimum requirements and learning outcomes for the alternative award.

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Appendix B

Student Referral Report

To: The Counselling and Wellbeing Manager, Student Services

Record of Concern for a Student's Health and Well-being

Student's Name:

ID Number

Term time address

Home address

Date of birth

Telephone / contact details

Mobile phone

Home phone

Email

Concern raised by:

Brief Outline of Concern

Agreed Action Points (if any)

Signature of member of staff:

Date:

Signature of student:

Date: