

FITNESS TO STUDY POLICY AND PROCEDURE			
Department	Strategic Planning and Student Administration		
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Authorised By:	Director of Strategic Planning and Student Administration		
Implementation By:	Strategic Planning and Student Administration		
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I have carried out an equality impact assessment screening to help safeguard against discrimination and promote equality.			✓
I have considered the impact of the Policy/ Procedure on the Welsh language and Welsh language provision within the University.			✓

1. CONTEXT AND POLICY STATEMENT

1.1 In accordance with the University's widening participation agenda, the University is committed to supporting students with physical or mental conditions, in order to enable them to achieve their intellectual potential through progression in their course of study. This policy is intended to articulate a positive and supportive response to health issues presented by students.

1.2 Nevertheless, the University also expects an acceptable standard of behaviour from its students and the existence of health issues does not negate that responsibility on behalf of students.

1.3 The University has a duty of care to all members of the University community (students and staff) and where an individual student's behaviour threatens the welfare of any member of that community, the University will take action in accordance with this procedure to mitigate that threat. This action may involve the removal of a student if their behaviour presents a personal risk or a risk to any member of the University community.

1.4 It is intended that this procedure will provide a positive mechanism for dealing with inappropriate student behaviour resulting from ill health or disability and offer an alternative to the pursuance of the Disciplinary Procedure for Students.

1.5 Throughout the operation of this procedure, the balance of probabilities test¹ will be employed when decision making and the principles of natural justice will be maintained throughout the process.

1.6 It may become necessary as a result of further investigation and evidence to transfer the matter for consideration under an alternative procedure e.g. Disciplinary Procedure for Students, Suitability for Practice. If this becomes necessary, the student will be kept fully informed of the procedure being implemented.

2. PURPOSE

- To provide a suitable response to inappropriate student behaviour, where a physical or mental condition exists and the Student Disciplinary Procedure would not be appropriate;
- To encourage early intervention and a co-ordinated approach by relevant staff where concerns in respect of fitness to study arise;
- To provide guidance for staff where a student is either failing to benefit from learning and teaching opportunities or affecting the learning of others, as a result of their health condition;
- To identify the limits of support individual staff can provide and signpost to sources of additional support.

3. SCOPE

3.1 This policy and procedure will apply to students studying for Wrexham University awards (including those of partner institutions) where there is a serious concern about a student's fitness to study.

3.2 It is intended that this procedure should be used where:

- a) a student's behaviour is giving serious cause for concern in respect of fitness to continue to study on the programme;
- b) it is believed that the student has ongoing physical or mental health problems;
- c) the use of the Disciplinary Procedure for Students would be inappropriate given the student's circumstances.

3.3 **It should be noted that where a student's behaviour poses an immediate risk to her/himself or others, the emergency procedure detailed in paragraph 4.3 of this procedure should be used immediately.**

3.4 Various scenarios may give cause for concern in respect of an individual student; the following are examples of some situations which may result in the implementation of this procedure. The list is not exhaustive but for illustrative purposes only.

- The student may express concerns personally to a member of staff about their ability to continue on the programme because of health problems;
- A fellow student may share concerns about a student's health or behaviour with a member of staff;
- A student may exhibit unacceptable behaviour which would normally be dealt with under the Disciplinary Procedure for Students but information in respect of an ongoing physical or mental health issue is known;

¹ i.e. one party's case is more probable than the other on the evidence available

- A student's health problems are negatively impacting on the health, safety or welfare of others, either students or staff.

4. PROCEDURAL STEPS

4.1 Stage 1 – Informal Stage

- i. Following the identification of concerns in respect of a student, a member of staff from the relevant Faculty should meet with the student to discuss these concerns in a supportive manner. This member of staff will normally be a personal tutor or programme leader.
- ii. The member of staff may request advice and guidance from the department of Student and Campus Life in advance of the meeting with the student and if appropriate, a representative from the department of Student and Campus Life could also attend the meeting in a supportive capacity.
- iii. Details of the incident/inappropriate behaviour should be discussed with the student and they should be given an opportunity to respond and reflect on their behaviour. The student should be signposted to relevant support services and if necessary, a learning agreement should be drawn up with the student to assist them to study more effectively.
- iv. A record of the meeting should be kept on the student's file and a date for a review meeting agreed with the student. It is anticipated that the student will take personal responsibility for engaging with the support available and this should be discussed at the review meeting.
- v. If the student has not engaged with the support available by the time of the review meeting, consideration should be given to progressing the matter to Stage 2 of the procedure. The student should be notified in writing if this course of action is to be taken.

4.2 Stage 2 – Case Review

- i. If the action taken at Stage 1 fails to resolve the situation or in the opinion of the member of staff the student's inappropriate behaviour is of a serious nature, the matter may be referred to Stage 2 of the procedure with the approval of the Director of Strategic Planning and Student Administration².
- ii. Initially, the referral will be made to the Director of Strategic Planning and Student Administration who will discuss the matter with the Student Advice and Guidance Manager before making a decision either to:
 - a) Refer the case for consideration by a Case Review under Stage 2 of the procedure
OR
 - b) Recommend alternative action including a referral to the department of Student and Campus Life for support and/or counselling and ongoing monitoring. If the student subsequently fails to take up this support or the behaviour fails to improve, the Director

² Throughout this procedure all references to the Director of Strategic Planning and Student Administration will be deemed to include their representative

of Strategic Planning and Student Administration may reconsider progressing to Stage 2.

- iii. If the case is referred for Case Review the following action will be taken:
- A review meeting will be convened to which the following staff will be invited: representatives from Strategic Planning and Student Administration, the department of Student and Campus Life and the student's programme of study (usually the personal tutor or programme leader) and, where appropriate, a member of staff from Accommodation Services. The review meeting will be chaired by the Director of Strategic Planning and Student Administration or the Student Advice and Guidance Manager;
 - The student will be provided with copies of all documentation to be considered by the Review Panel and will be permitted to submit further documentation for consideration by the Panel. Any such documentation must be submitted no later than 5 working days before the review meeting;
 - The student may be invited to the Review meeting at the discretion of the Chair of the Review Panel but this is not mandatory. If the student is invited to attend, they may be accompanied by a friend/relative, fellow student or member of the Students' Union for support.
 - Other persons may be invited to the Review meeting to provide evidence, as the Panel deems appropriate. These persons will not be in attendance when the Review Panel is considering its decision. Written evidence may also be provided for consideration by the Panel but will also be made available to the student.
 - All information made available to the Review Panel will be dealt with confidentially and will not be shared outside the Panel without the student's permission.
- iv. The Panel may make one or more of the following decisions based on their consideration of the evidence provided:
- a) Adjourn the meeting for the collation of further evidence;
 - b) Request that the student undergo a medical assessment, normally by the student's GP and provide the Panel with documentation in respect of that assessment by a specified date;
 - c) Require the student to attend an appointment with the department of Student and Campus Life or to seek external support from organisations outside of the university by a specified date;
 - d) Impose a temporary suspension from studies, and/or the campus, and/or student accommodation to allow requirements a) to c) above to take place³;
 - e) Require the student to suspend studies for a period of up to twelve months. The specific conditions of the suspension should be advised to the student in writing and reviewed on a regular basis by the department of Student and Campus Life in conjunction with the Director of Strategic Planning and Student Administration;
 - f) To permanently withdraw the student from the programme, where the Panel reach the conclusion that continuation of studies would pose a risk of harm to the student or other members of the University community;
 - g) Reach any alternative outcome at its discretion including that no further action is required;
 - h) Determine if any document should be made available to a specific person after the meeting in order to support the student. The requirements at paragraph 6 below in respect of Data Protection will be taken into account in this determination.

³ In addition, see separate guidance on emergency temporary suspension at para 4.3.

- v. The student will be advised in writing of the outcome of the Panel's deliberations within 5 working days of the Panel meeting. It will be made clear in that letter that the procedure followed is not part of the University's disciplinary procedure and the decision has been made taking into account the best interests of the student and others.

4.3 Emergency Temporary Suspension

If it is determined that the behaviour of a student poses an immediate risk of harm to either the student or members of the University community, either the Director of Strategic Planning and Student Administration or the Student Advice and Guidance Manager may make a recommendation to a member of the Vice Chancellor's Board that a temporary suspension would be appropriate. The temporary suspension letter should specify the length of the suspension and may include exclusion from University premises and/or accommodation⁴ and/or prevention of participation in University activities. The suspension should be reviewed regularly by the Director of Strategic Planning and Student Administration in conjunction with the Student Advice and Guidance Manager and this review should be undertaken at least monthly. To assist with this review, the Director of Strategic Planning and Student Administration and/or the Student Advice and Guidance Manager may request that a Stage 2 Review Hearing is initiated.

4.4 Appeals

4.4.1 An appeal against a suspension or withdrawal should normally be made in writing within ten working days of the notification of the suspension/withdrawal providing full reasons for the appeal. The appeal should initially be sent to the Director of Strategic Planning and Student Administration who will forward it for consideration by a member of the Vice Chancellor's Board who has not previously been involved in this matter.

4.4.2 If required, reasonable adjustment will be made with regard to paragraph 4.4.1 above to allow the student to provide oral representations to the Director of Strategic Planning and Student Administration against a decision that they should be withdrawn or suspended from studies, University premises or University accommodation. The student has the right when meeting with the Director of Strategic Planning and Student Administration to be accompanied by a friend, fellow student or member of staff or a representative of the Students' Union for support. Notes will be taken of the discussions and presented for consideration to a member of the Vice Chancellor's Board, not previously involved in the matter.

4.4.3 The member of the Vice Chancellor's Board will review the circumstances of the suspension/withdrawal and make one of the following decisions:

- To uphold the suspension/withdrawal;
- To overturn the suspension/withdrawal;
- In the case of suspensions, to vary the length or circumstances of the suspension.

4.4.4 The decision made by the member of the Vice Chancellor's Board will be final.

4.5 Completion of Procedures

⁴ Paragraphs 34.1 and 34.2 of the Terms and Conditions of Residence apply.

4.5.1 Following completion of the University procedures, a Completion of Procedures letter will be sent promptly to the student.

4.5.2 **Office of the Independent Adjudicator for Higher Education (OIA)**

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review internal processes relating to student procedures. Wrexham University is a member of this scheme. If you are unhappy with the outcome of this procedure you may be able to ask the OIA to review your complaint. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here:

<https://www.oiahe.org.uk/students> .

You normally need to have completed this procedure before you complain to the OIA. The University will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is not upheld, the University will issue you with a Completion of Procedures Letter automatically. You can find more information about Completion of Procedures Letters and when you should expect to receive one here:

<https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

5. IMPLEMENTATION AND COMMUNICATION

5.1 Communication Strategy

This procedure will be implemented from the academic year 2019/20 until further notice. It will be made available electronically to staff and students from the MyUni portal. Further guidance will also be developed for students in conjunction with the Students' Union, who will also be able to provide guidance and support for students in the application of this procedure.

6. DATA PROTECTION

6.1. Normally, all sensitive information provided by a student to a member of staff should be treated as confidential and only disclosed with the student's consent. The definition of sensitive information includes details of a student's ill health or disability which includes mental health issues.

6.2 Students should be encouraged to give informed consent in order for the information to be disclosed to staff who will assist with their support needs. If consent is withheld, students should be advised of the repercussions in respect of the difficulties in providing reasonable adjustment for their additional support needs.

6.3 Exceptionally, where consent is not given or it is not possible to obtain consent, information may be disclosed if one of the following situations occurs:

- The student's mental health has worsened to a level where their own safety is at risk;
- It is considered that the student is at risk of serious abuse from another party;
- Where the safety or rights of staff or students are affected
- A crime has been committed and it is legal requirement to provide the information.

6.4 If disclosure is to be made under one of the scenarios listed in para 6.3. above consideration should also be given to the need for the disclosure to be reasonable, necessary

and proportionate given the circumstances occurring. Advice should be sought from the Director of Strategic Planning and Student Administration before disclosure is made.

6.5 If exceptionally disclosure is made without consent, a full record of the reasons for this decision should be recorded with details of the information disclosed and to whom the disclosure was made. The student should also be advised of the reasons for disclosure, what has been disclosed and to whom.

7. MONITORING AND EVALUATION

An annual, anonymised report will be provided to Academic Board or its committees in respect of action taken under this procedure in the previous academic year. The report will comment on the effectiveness of the procedure and any proposed changes/improvements resulting from its implementation.

8. NOMINEES

References in this procedure to the holders of any office will be interpreted as referring either to the post holder or to their respective nominee(s).