

## **FITNESS TO STUDY POLICY AND PROCEDURES**

### **FITNESS TO STUDY PANEL: TERMS OF REFERENCE**

#### **MEMBERSHIP:**

- Director or Deputy Director for the Student Experience or nominee (chair)
- School Director of Student Experience or Director of Doctoral Studies
- Disability Advisor
- Student Wellbeing Manager and/or Mental health nurse
- Student Life Centre Advisor
- Student Systems & Records Office or Research Students Administration Office representative

#### **Where relevant:**

- University therapist
- Further academic representative from School (Module or Course convenor, DLT/RSM)
- Residential Life Manager
- UKVI representative
- External medical, social work, mental health etc personnel
- Chaplain/associate chaplain

Attendance of student to be decided on a case-by-case basis.

#### **TERMS OF REFERENCE:**

1. To meet to consider individual student/applicant cases where there is concern that a student/applicant may not be fit to study (as defined in the regulations, procedures and guidance) at the University of Sussex, to return to study after illness or to take part in external activities such as study abroad.
2. To make recommendations to the Pro Vice Chancellor Education and Students or PVC Research relating to the outcome of those considerations.
3. To ensure compliance with the Equality Act and University of Sussex regulations, policies, and procedures.
4. To carefully consider all possibilities for continuation/enrolment (within 3 above).
5. To be mindful of the University's responsibilities and duty of care to the student/ applicant within the boundaries of the contractual relationship.
6. To seek the consent and engagement of the student/applicant as far as is appropriate, taking into account risk and capacity.
7. To inform the student/applicant of outcomes, implications, and appeals process as quickly as possible.
8. To report to the University Education Committee/Doctoral School Board on (anonymised) cases and related recommendations.

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## 1) Introduction and Definitions

### a) We should provide:

- i) focussed, appropriate and bounded support to all students including reasonable adjustments where required
- ii) resources and opportunities for as many students as possible to achieve their potential in an environment conducive to a range of needs
- iii) clear assurance that academic integrity will be maintained

### b) We understand fitness to study to mean:

- i) Fitness to participate and to function largely independently in university life
- ii) The ability to benefit from a programme of study [or research] and pursue for the required period (in most cases) with a reasonable chance of progression<sup>1</sup>
- iii) The ability to attend, engage with, and participate in university life and processes as an independent adult
- iv) The capacity to avoid impeding other students or staff from doing the same<sup>2</sup>
- v) The ability to commit to, and engage appropriately with academic work
- vi) The capacity to engage with processes, procedures and services as appropriate
- vii) A ability to function independently in the University environment, including in academic, social, residential and community activities

### c) Disabled students and those experiencing mental ill health:

- i) We do not limit the range of behaviours within the definitions in b) above.
- ii) We will support students with disabling conditions or long-term mental or physical health issues to participate and function by offering focussed, appropriate and bounded support (including reasonable adjustments).

### d) Some students may not be fit to study at a particular time because:

- i) it is not possible or appropriate to offer sufficient or satisfactory services or adjustments
- ii) a student does not engage with ,or does not accept those services or adjustments
- iii) continuing would be detrimental to their health at that time or in the longer term (based on clinical advice and/or evidence)
- iv) a student's actions significantly and repeatedly disrupt the work, study, engagement in university life of others
- v) allowing a student to continue/applicant to join we risk acquiring excessive duty of care and/or unacceptable risk to student, other students, and staff.
- vi) continuing would be detrimental to their immediate or longer-term health

## 2) Fitness to Study Procedures and Panel

In very rare cases, where it appears likely that a student is not fit to study, a Fitness to Study panel would be convened, chaired by the Director or Deputy Director for the Student Experience in Professional Services or their nominee, to decide whether or not a recommendation should be made to the PVC Education and Students or PVC Research that a student be required to withdraw temporarily or permanently.

### a) Procedures exist to co-ordinate support for students

See Appendix 2.

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### References

<sup>1</sup> *University of East Anglia 2015*

<sup>2</sup> Students' conduct and behaviour (whether or not related to mental or physical health) should not unduly disrupt the learning, research, work of others in the university community. This relates to *Health and Safety at Work Act 1974 and Human Rights Act 1998*

**b) The decision to convene a Panel**

This will usually be made at a *cause for concern* meeting. However, where there appears to be urgency, the Director for the Student Experience, their Deputy or nominee can convene a Panel.

**c) Panel membership**

The panel will include student support (including counselling and disability) services staff, school representatives, residence and any other relevant specialists from the University or external agencies.

**d) Student engagement**

- i) The student will be notified in advance.
- ii) Before the Panel meets, two members of staff will invite the student to meet to discuss options, including deferring their place or voluntary temporary (on health grounds) or permanent withdrawal.
- iii) The student will be invited to submit a written statement to the panel and asked to give consent for members to share information. (If the student declines consent to share sensitive information, services will make decisions about what can be shared appropriately.)
- iv) The student can submit written evidence in advance.

**e) The Panel will consider the follow:**

- i. The extent of support already offered
- ii. What reasonable adjustments might enable a student to study (as defined in 1b above) without exceeding reasonable duty of care
- iii. Disability legislation
- iv. University Equality and Diversity policy
- v. Medical and other evidence. Medical or clinical evidence and/or opinion are key but not the only relevant evidence considered at this meeting.
- vi. A student's current health and their behaviours/presentation plus any clinical/medical advice about prognosis should they remain in the University
- vii. The impact of behaviours and/or presentation on other students and on staff
- viii. Any submission made by the student, including any new medical or other evidence
- ix. The likelihood of academic progress in the current situation and in the future.
- x) Any potential alternative next steps, such as progress review or disciplinary route.

**f) Not fit to study:**

If the meeting is generally agreed that student is not fit to study at the current time:

- i) The Panel will decide if the deferral/withdrawal should be permanent or temporary. In most cases it should be temporary but there may be some rare cases where circumstances indicate that permanent is more appropriate. (There will always be the option for a new application from that student at a later date.)
- ii) Chair recommends this to the PVC Education and Students/Research within one working day.
- iii) If the PVC approves the recommendation, the Director or Deputy Director for the Student Experience will write to the student within 2 working days of the Panel to tell them of that decision.
- iv) The University will then defer or withdraw the place, withdraw the student or place on TWD.
- v) The student still has the option to request deferral, withdrawal or TWD at this point.
- vi) In case of TWD, Panel will stipulate requirement for return from TWD to be conditional on clinical evidence and a satisfactory Support Agreement Meeting. See Appendix 3.

- vii) The student can submit an appeal to the Provost within 7 working days if they consider that the decision to defer, PWD or TWD is not in line with regulation or that the Panel did not follow procedures correctly.
- viii) The Provost will review the evidence of the Panel and consider the appeal.
- ix) The student will be informed of the outcome of the appeal within 5 working days.
- x) The student shall not be in attendance pending the outcome of the appeal.

### 3) Financial matters:

#### a) Tuition fees:

- i) The student will be entitled to a refund of any tuition fees paid for a period after the Panel date (WD) or for those fees to be held on student's account (TWD).
- ii) Any tuition fee debts will be due for payment.

#### b) University-managed property tenancy:

- i. Student will be released from tenancy
- ii. Rent after Panel date to be refunded (allowing reasonable time to clear room, etc)

### 4) Fit to study

Where the procedures do not lead to a decision that a student is not fit to study, the Panel can recommend alternative actions including, but not limited to:

#### a. Support plan:

- i. To work with student to review or establish a detailed support agreement. (This will already exist in most cases.)
- ii. See Appendix 3

#### b. Discipline procedures

Discipline procedures may be followed where a students' behaviour is disruptive or anti-social. <https://www.sussex.ac.uk/ogs/policies/student-discipline>

#### Progress procedures

Schools' or Doctoral School's progress and awards procedures may be followed where a student is not making satisfactory progress.

### 5) Fitness to return from temporary withdrawal

Currently, a student who TWDs for health reasons is "entitled to return" without any reference to their health and wellbeing. We neither encourage nor require them to seek to address their health concerns during TWD nor do we ask them to seek advice and evidence from clinical staff about their fitness to return. This can lead to very unwell students whose presentation and behaviours have been distressed and distressing and possible deeply disruptive returning in a similar or worse condition.

#### a) Evidence of fitness to return:

- i) Student to provide to DOSE evidence that they have engaged with clinical services and are now fit to return to university life
- ii) It may be advisable to provide the student with an additional document listing relevant issues (e.g. living independently, managing the stress of full-time study, transition issues such as managing funding, residence, possibly new cohort of students etc.)
- iii) If a student was previously considered by Fitness to Study Panel or if DOSE has concerns about student's support needs, return will be conditional on a satisfactory Support Agreement Meeting.

#### b) Support while on TWD:

- i) 4 months prior to return, Student Life Centre to send a reminder about fitness to return evidence, about , re-establishing funding, module choice etc
- ii) 3 months prior to return, Student Life Centre/Student Support Unit to invite student to meeting to plan support unless TWD very brief or less complex

#### c) Support on return from TWD:

A student who has been on TWD is at higher risk of non-engagement than one who has not.

- i) Flag on record to indicate that there should be a lower threshold for concerns relating to attendance and other forms of engagement
- ii) Invite to contact SSU/SLC if not covered in b) ii) above

#### **6) Fitness to Study abroad or on placement**

Currently we have no protocols for identifying students who are unlikely to manage placements abroad or in employment at the present time other than self-declaration. A procedure to reduce risk to the student, Sussex or our partners is being developed. Such cases to be considered by Fitness to Study Panel.

#### **7) Regulation**

##### **a. Current Regulation:**

- i. Fitness to Study procedures also apply to students wishing to study abroad and to those going on placements.
- ii. Right of Appeal - A student who is required to withdraw/temporarily withdraw (or an applicant whose place is withdrawn/deferred) on fitness to study grounds shall have the right to appeal to the Deputy Vice Chancellor in writing within 7 working days of the decision being communicated to the student's address, including their email address, as recorded on their student record. The grounds for appeal must be that there has been procedural irregularity or other inadequacy in the process by which the withdrawal/temporary withdrawal has been required.
- iii. Where a student or applicant lodges an appeal, they must not attend between the date of the notice in writing that they must withdraw, or temporarily withdraw, and the outcome of the appeal.

##### **b. Return from temporary withdrawal or deferral of admission on health grounds:**

A student preparing to return from temporary withdrawal (on health grounds) must satisfy the Fitness to Study Panel that their health has improved sufficiently to [re]commence studies or research.

## RISK ASSESSMENT – FITNESS TO STUDY/RETURN/STUDY ABROAD PANEL

<b>DIRECTORATE:</b> Student Experience, University of Sussex	<b>Terms of Reference</b> To assess: <ul style="list-style-type: none"> <li>▪ Fitness to participate and to function largely independently in university life</li> <li>▪ The ability to benefit from a programme of study [or research] and pursue for the required period (in most cases) with a reasonable chance of progression<sup>3</sup></li> <li>▪ The ability to attend, engage with, and participate in university life and processes as an independent adult</li> <li>▪ The capacity to avoid impeding other students or staff from doing the same<sup>4</sup></li> <li>▪ The ability to commit to, and engage appropriately with academic work</li> <li>▪ The capacity to engage with processes, procedures and services as appropriate</li> <li>▪ Ability to function independently in the University environment, including in academic, social, residential and community activities</li> <li>▪ Risk to named student’s health of continuing, commencing</li> </ul>
<b>COMPLETED BY:</b> _____ <b>DATE:</b> _____	
<b>STUDENT(S) DETAILS (including name, ID, course, FTP):</b>	
<b>Name:</b> _____ <b>Reg/admissions #</b> _____	
<b>d.o.b.</b> _____	<b>UG/PGT/PGR/V&amp;E</b> _____ <b>FT/PT</b> _____ <b>School+dept</b> _____
<b>Residence: <u>on campus</u>/other uni-managed/private sector</b>	
<b>Lives with Sussex students/family/other</b>	

HI	CONCERNS IDENTIFIED BY THE UNIVERSITY NON EXHAUSTIVE (add / remove as appropriate)	POTENTIAL SEVERITY (PS):			LIKELIHOOD (LD):			RISK RATING
		1	2	3	1	2	3	PS x LD
1	student/applicant lack of insight/awareness of pressures/complexity of study/student life							
2	Threat to physical safety of the University community or its premises							
3	Threat to physical safety of other student(s)							
4	Threat to physical safety of named student (e.g. is recovery complete?)							
5	Threat to the emotional wellbeing of other student(s)							
6	Threat to the emotional wellbeing of named student							

### References

<sup>3</sup> University of East Anglia 2015

<sup>2</sup> Students’ conduct and behaviour (whether or not related to mental or physical health) should not unduly disrupt the learning, research, work of others in the university community. This relates to *Health and Safety at Work Act 1974 and Human Rights Act 1998*

7	Threat to the emotional wellbeing of wider University community or communal living environment..							
8	Academic progress of other student(s) negatively impacted							
9	Academic progress of named student negatively impacted							
10	Risk of reasonable adjustments being inappropriate, insufficient or failing							
11	Risk to the quiet enjoyment of property in shared accommodation.							
12	Inability to live largely independently/ requiring higher/more frequent levels intervention than reasonable							
13	Enter additional risks / hazards or extenuating circumstances...(Exam period)							
14								
SEVERITY: 1 = Slight impact, 2 = Serious impact, 3 = Major impact      LIKELIHOOD: 1 = Low, 2 = Medium, 3 = High								

## 2. RISK ASSESSMENT – RATING MATRIX

RISK RATING ESTIMATOR	Low Hazard (1)	Medium Hazard (2)	High Hazard (3)
Low Risk Potential (1)	1 Low risk (trivial)	2 Low risk (tolerable)	3 Medium risk (moderate)
Medium Risk Potential (2)	2 Low risk (tolerable)	4 Medium risk (moderate)	6 High risk (substantial)
High Risk Potential (3)	3 Medium risk (moderate)	6 High risk (substantial)	9 High risk (intolerable)

## 3. EXAMPLE NEXT STEPS FOR CONSIDERATION

(NON EXHAUSTIVE):	
learning and support agreement	
Temporary withdrawal	
Requiring temporarily or permanently move accommodation.	
Time-limited full or partial suspension of the named student(s) from their studies.	
Rejection of application	
Deferral of application	
Consideration of financial support during leave	
Permanent withdrawal	

**4. SUPPORT / ACTION PLAN**

HI	PRECAUTIONARY MEASURES TO BE IMPLEMENTED (INCLUDING ANTICIPATED EFFECTIVENESS AND IMPACT):	By Whom?	By When?	Progress
				○○○
				○○○
				○○○
				○○○
				○○○
				○○○
				○○○
				○○○

**5. REVIEW AND UPDATE RECORD**

<b>REVIEWED BY:</b>	<b>DATE:</b>
<b>REASON:</b> (regular interval, change in circumstances, failure to comply with support plan, conclusion of criminal/disciplinary process)	<b>RECORD OF UPDATES:</b>
<b>REVIEWED BY:</b>	<b>DATE:</b>
<b>REASON:</b> (regular interval, change in circumstances, failure to comply with support plan, conclusion of criminal/disciplinary process)	<b>RECORD OF UPDATES:</b>



## TIMESCALES FOR FITNESS TO STUDY PROCEDURES

DAY	ACTION/ACTIVITY	NOTES
0	<b>DECISION TO CONVENE PANEL</b>	
+ max 10 working days	DATE OF PANEL MEETING	
+ 2 working days	STUDENT INVITED TO A MEETING WITH 2 MEMBERS OF STAFF PRIOR TO PANEL.	Where a student is too unwell to attend a meeting, staff will seek advice from hospital, medical/clinical personnel caring for them.
Prior to Panel	Student asked for consent to share information at meeting.	If no consent but level of risk warrants it, information might be shared without consent – dependent on professional codes etc.
Prior to Panel	Student may submit written statement.	
Panel	Student may be invited to attend part of the meeting. A UOS friend or staff member may accompany them.  Panel may recommend to PVC that student is not fit to study.	In some cases student may not wish to attend, may not be well enough to engage appropriately.
Panel + 2 working days	PVC responds. Student is notified by email and by letter. If not fit to study, attendance/engagement must cease. <sup>5</sup>	
Letter + 7 working days	Student may appeal to DVC within 5 working days of PVC decision.	
Letter + 12 working days	DVC will make decision on appeal.	

<sup>5</sup> Error in Senate paper 2.f x: should read “The student shall **not** be in attendance pending the outcome of the appeal.”