

# UNIVERSITY OF ESSEX

## Student Support

### FITNESS TO STUDY POLICY AND PROCEDURE

#### 1. Introduction

The University of Essex is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his/her academic progression and wider university experience. This commitment is articulated in the University's Strategic Plan:

*'We will provide students with appropriate induction, academic guidance, pastoral support and employability advice/support and opportunities that allow students to take full advantage of the educational opportunities provided by the University, and which supports students in fulfilling their potential while studying at the University.'*

On occasions, students experience health, or mental health, difficulties which have an impact on their studies and life at University and result in behaviour which is problematic, and/or has a significant adverse impact on the wellbeing of others. The Fitness to Study policy and procedure will be considered following serious concerns reported over a student's health, wellbeing or behaviour, which have led to:

- doubts from staff over the student's fitness to study at the University and/or within a placement and where reasonable adjustments have been put in place but doubts persist and/or
- the disruption of the teaching, learning or support of other students.

1.1 The University of Essex wishes to ensure that all students who experience health, or mental health, difficulties are treated fairly, sensitively and with respect and are offered support and guidance in order for them to engage and continue with their studies. Furthermore, the University has a responsibility under the Equality Act (2010) not to discriminate against disabled students, including those with mental health problems, and to make reasonable adjustments to ensure disabled students are not placed at a significant disadvantage. However, the University has a duty of care to all members of its community and there is a need for an appropriate, timely response when the visible signs of illness, mental health difficulties or psychological disorders are having a disturbing and negative impact on the functioning of the individual and on the wellbeing of those around them.

1.2 It is important to acknowledge that the vast majority of students with health, or mental health, problems will not present any disruption to others. However, this policy gives guidance as to how the University should respond on the rare occasion where a student's health problems and behaviour impacts on others around them, or where they present a risk to themselves or others.

1.3 The term 'fitness to study' as used in this policy relates to the entire student experience and not just a student's ability to engage with their studies. For

instance, if a student's behaviour within accommodation is causing difficulties for other students or staff this policy may also be considered.

- 1.4 The University has a separate 'Fitness to Practise' procedure for students on specified courses who have to carry out professional placements, and this policy is not intended to replace that policy, but used alongside it where appropriate. Where actions being considered under the 'Fitness to Study' policy interact with actions being considered under 'Fitness to Practise' the Senior Wellbeing Manager, or their nominee, will liaise with the Student Progress Team and/or professional suitability group to ensure effective communication and to discuss how the two processes should work together based on the individual case. [http://www.essex.ac.uk/hhs/current\\_students/fitness-to-practise.aspx](http://www.essex.ac.uk/hhs/current_students/fitness-to-practise.aspx)

## **2. Purpose of the Policy**

2.1 The purpose of this policy is to:

- provide a co-ordinated and managed response to situations where a student's health, mental health or behaviour is causing concern, because it is disruptive, aggressive and/or they appear to be at serious risk to themselves or others and where it is not considered appropriate to apply University disciplinary procedures because the root of the problem appears to be health or mental health related.
- to enable staff to identify the limits to the support they can provide and the appropriateness of referring the student on to other agencies, either internal or external. Any support provided by University staff cannot be expected to replace the professional care and support which are the responsibility of the student's GP and other statutory agencies.

2.2 This policy is underpinned by the following:

- Awareness of the importance of effective communication in delivering this policy
- Using all available resources to inform decision making
- Training and development of staff that is ongoing
- Good quality record-keeping to ensure accurate information is available currently and subsequently.

## **3. Confidentiality**

3.1 Data Protection guidelines and the importance of maintaining confidentiality should be considered in every situation, in accordance with the Student Services Hub Confidentiality Policy.

## **4. Emerging Concerns**

4.1 Where a student's behaviour or wellbeing is causing on-going concern, but not presenting any immediate crisis, the student themselves should be approached and any concerns discussed with them directly. Guidance can

be sought, on a confidential basis, from Student Wellbeing and Inclusion Service, as to who should approach the student, how best to do this and to get information regarding sources of further help.

This approach, where possible, should be made by a member of staff who knows the student. For instance, this could be the student's disability/mental health caseworker (if they have one), personal tutor or other member of departmental staff. If this is not possible, then a member of staff from Student Wellbeing and Inclusion Service should be nominated to contact the student. The nature of the concerns should be clearly and honestly identified to the student and s/he should be encouraged to discuss the issues (it is possible that s/he will not have realised the impact of his/her actions). If appropriate, information should be provided about sources of support within, and external to, the University that the student can access (e.g. Student Wellbeing and Inclusion Service, Student Union Advice Centre, Nightline, Health Centre etc..)

- 4.2 It should be agreed with the student and recorded, by way of a written plan, what behaviours need to change and what actions are expected of the student, e.g. make an appointment with their GP. This plan should be sent to the student and to the Senior Wellbeing Manager.

It is likely that the student will respond positively and where appropriate, access the available support or modify behaviour.

## **5. Continuing Concerns**

- 5.1 Should the student be unable to respond positively and behaviour continues to cause concern, the Senior Wellbeing Manager, or their nominee, should be informed and will coordinate and monitor a response to the situation. This response might involve arranging to see a student or calling a 'case conference' involving concerned parties where a cohesive response can be developed. The aim, wherever possible, being to ensure that a student is able to continue with their studies.
- 5.2 It may be deemed necessary to seek the intervention of the student's GP or community health services in order that responsibility can be shared.
- 5.3 If appropriate, support will also be offered by Student Wellbeing and Inclusion Service to those students and colleagues who may be affected by the situation. If necessary, support can be provided to staff by Occupational Health.
- 5.4 A central file will be kept in Student Wellbeing and Inclusion Service of all referrals, action and developments in the case and relevant colleagues will be updated on a 'need to know' basis and in keeping with Data Protection guidelines and the Student Services Hub Confidentiality Policy.

## **6. Emergencies**

- 6.1 Where a student presents an immediate risk to themselves or others, emergency services should be called according to the protocol for the appropriate campus (see appendix C).

- 6.2 Following an emergency incident, the Senior Wellbeing Manager should be informed as soon as possible. Senior Wellbeing Manager or their nominee – will be responsible for following up the incident, making contact with the student if appropriate and informing concerned others, as appropriate, in accordance with the Student Services Hub Confidentiality Policy.

## 7. Suspension or Exclusion of Student

- 7.1 Where a student's behaviour continues to cause serious concerns because of a health or mental health problem and the University's duty of care to others needs to be considered, it may be necessary to suspend a student from their studies while appropriate means of addressing the situation are considered. Furthermore, a student may need to be excluded from the campus, including from their accommodation, if appropriate. The decision to suspend or exclude a student would be made by the Vice-Chancellor following a recommendation from the Head of Student Support. If such a decision is taken, the procedures set out in the Appendix A to this document would be followed.
- 7.2 A recommendation would be considered if a student's behaviour is impacting adversely on others around them and that either support in dealing with this has been offered and declined, or that support has been put in place but behaviour which is unacceptable has continued and/or is beyond the professional competence of the University to manage. This includes suicidal or self-harming behaviour.
- 7.3 Where a student is living in University accommodation and their behaviour is affecting other student's living and studying or learning conditions, the student's accommodation contract may be terminated according to the University 'Standard Terms and Conditions of Residence' section 6.2.(e) :

*We may terminate your contract for the Accommodation at any time by serving notice on you if: In our reasonable opinion your health or behaviour is a serious risk to you or other people, or to the University's or other people's property.*

During the notice period, the University would endeavour to provide alternative short-term accommodation if necessary and to assist with identifying alternative accommodation for the longer term and with moving out possessions if necessary.

- 7.4 Consideration would be taken as to whether to inform the student's next of kin, or emergency contact, of the student's difficulties. As per Data Protection guidelines, next of kin would not normally be contacted by the University (unless prior consent had been given). However, each case would be considered on an individual basis and may be considered where it was felt necessary because of exceptional circumstances or to protect the vital interests of the student or others. If a decision to breach a student's confidentiality is taken then the reasons for this should be fully documented.
- 7.5 Where next of kin are not informed or where a student has no-one who is able to be involved in any practical arrangements (e.g. to assist the student in

making arrangements to return home) Student Wellbeing and Inclusion Service will endeavour to provide a reasonable level of support in carrying out these tasks.

## **8. Return to Study**

- 8.1 Following a period of suspension or intermission under the Fitness to Study Policy and Procedure, confirmation by a doctor, or other appropriate professional, of the student's fitness to study must be provided. The University may require the student to see a doctor of the University's choosing. Where this is required any costs arising will be met by the University.
- 8.2 For undergraduate students, return to study would normally be at the beginning of the next academic year, although return at another point in the year may be considered if possible and appropriate. For post-graduates and students taking non-standard courses return to study would be at the next appropriate opportunity in the academic year.
- 8.3 Return to study earlier may be possible if a student can provide satisfactory evidence of fitness to study, willingness to engage with a return to study plan and the student has not missed more than six weeks of teaching or post-graduate study.
- 8.4 Staff in Student Wellbeing and Inclusion Services are available to provide assistance and will liaise with the student and his/her department in order to ensure that support is in place to try to prevent a reoccurrence of the events which led the student to intermit or be excluded. This will address the specific study-related support needs of the student in returning to education, the support which is reasonably required in the short term, involvement and liaison with external agencies and any longer term support or adjustments that are reasonably required.

## **9. Further Information**

- 9.1 Further information on this procedure including appeals procedures and the support available for students with health or mental health difficulties is available from the Head of Student Services Hub.

Tel: 01206 87 4000

e-mail: [askthehub@essex.ac.uk](mailto:askthehub@essex.ac.uk)

## **APPENDIX A: The Power to Suspend or Exclude a Student Temporarily**

1. In line with University Ordinance 5.7, following a recommendation by the Head of Student Support, the Vice-Chancellor may suspend or exclude temporarily a student whose behaviour is causing serious concern, because it is disruptive, aggressive or the student appears to be at serious risk of harm to themselves or others. The power shall be used where it is not considered appropriate to apply the University disciplinary procedures because the root of the problem appears to be mental health or health related.
2. Suspension or exclusion is not used as a penalty. The power to suspend or exclude under this provisions is designed to protect a member or members of the University community and will only be used where the Vice-Chancellor is of the opinion that it is in the best interests of either the student or any member of the University community. Written reasons for the decision will be recorded and notified to the student.
3. 'Suspension' includes a total prohibition by the University of attendance at or access to the University and on any participation in University activities.
4. 'Exclusion' involves selective restriction on attendance at or access to the University, which can include University accommodation, or exercising the functions or duties of any office or committee membership in the University or Students Union, the exact details to be specified in writing.
5. Where a student subject to a temporary suspension or exclusion made under this provision lives in University owned or administered accommodation, the University may require the student to move to alternative accommodation with immediate effect. (see section 7.3)

## **APPENDIX B: Appeals Procedure**

1. All students have the right of appeal against a decision to suspend or exclude them under the Fitness to Study Policy and Procedure providing they have grounds as follows:
  - 1.1 That there is evidence now available, which for good reason was not previously available to the Vice-Chancellor, which might have materially affected the outcome.
  - 1.2 There is evidence of procedural irregularity or bias in the conduct of the case.
2. Written notice of appeal by the student must be lodged with the Academic Registrar within five working days of the student being informed of the decision by the Vice-Chancellor.

- 3 In the event of an appeal, the Academic Registrar and the Pro-Vice-Chancellor (Education) shall decide whether the grounds for the appeal are covered by the provisions of paragraph 1 above and warrant further consideration by a Fitness to Study Appeals Committee. If they agree that there are no grounds for further consideration of the appeal, the Academic Registrar shall inform the student in writing giving the reasons for that decision.
- 4 If the Academic Registrar and the Pro-Vice-Chancellor (Education) decide that the appeal does warrant further consideration, the Academic Registrar shall refer the case to a Fitness to Study Appeals Committee which shall be appointed by the Pro-Vice-Chancellor (Education) and shall normally comprise: a Pro-Vice-Chancellor the Director of Student Life and an appropriate manager who has not previously been involved in the case (or their nominees). The Secretary of the Committee shall be the Academic Registrar or his/her representative.
- 5 The Committee shall have before it all documents relating to the original case, together with a written statement submitted by the student setting out the grounds for the appeal. The Committee shall not proceed by way of a re-hearing, but shall have power to require the presentation of such further evidence as it deems necessary.
- 6 The Committee shall have the same powers as the Vice-Chancellor and may confirm the decision of the Vice-Chancellor or substitute such other decision as it considers appropriate.
- 7 When the committee has reached its decision the Secretary shall inform the student, the Vice-Chancellor and the Head of Student Support in writing.
- 8 The decision of the Fitness to Study Appeals Committee shall be final.
- 9 The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent course for the review of student complaints and appeals. When the University's internal procedures for dealing with complaints and appeals have been exhausted, the University will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the Completion of Procedures letter. Full details of the course are available on request and will be enclosed with the Completion of Procedures.

## **APPENDIX C**

### **In an Emergency contact:**

#### **Colchester campus**

Information Centre

T: 01206 872125

(dial 2222 in an emergency and patrol staff will summon police/ambulance if necessary)

#### **Southend Campus**

**Gateway Building / Clifftown Studios:** telephone (01702 32) 8208 and ask for first aid, ambulance, fire service or police. (In the event of sudden illness or collapse call

999, then (01702 32)8208. Security staff will meet the ambulance and direct them to the casualty.

For Clifftown Studios you can also call 8381 for help from on-site first aiders.

**The Forum:** telephone (01702 32) 8508 and ask for first aid, ambulance, fire service or police. (In the event of sudden illness or collapse call 999, then (01702 32)8508. Security staff will meet the ambulance and direct them to the casualty.

**University Square:** Call 999 to request the appropriate emergency service Then call accommodation reception on 07827 988085 or 01702 328408.

### **Loughton Campus**

Emergency: Call 999 to request the appropriate emergency service, then (020 8508) 5983, to inform Reception.

Non urgent first aid: call reception: (020 8508) 5983. Details of trained staff are also displayed next to all first aid kits.

Security [outside office hours]: Call 07920822101 until 12.00 midnight Monday to Saturday.

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