

The University of Manchester

DRAFT Policy on Supporting Health, Fitness and Return to Study

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1. Context

- 1.1 The University is committed to supporting students and recognises the importance of a student's health in relation to his/her academic progression and wider university experience. The University wants to support students to have a positive experience at Manchester and to succeed in their studies.
- 1.2 The University has in place Fitness to Practise processes for students on certain programmes leading to a professional qualification. Programmes subject to Fitness to Practise procedures are listed in appendix 1¹.

2. Scope

- 2.1 This Policy covers all undergraduate and postgraduate taught students registered at the University.
- 2.2 The policy can be used when concerns about a student's academic progress and/or behaviour or ability to function appropriately at the University, including in halls of residence, could be the result of mental or physical ill health and/or disability.

3. Purpose

- 3.1 The Policy must be used by staff when a student's health and/or behaviour is significantly impacting on their ability to progress academically, on other students and/or function at the University.
- 3.2 The Policy should be used sensitively, focussing on the best interests of the student and considered as an alternative to other means of managing concern (for example disciplinary procedures²) where there is sufficient belief that a student's behaviour, attendance and/or academic progress could be the result of mental or physical ill health or disability although there will be circumstances where the disciplinary procedure is running concurrently. The Policy may also be used when the University has concerns about the impact of a student's behaviour on their own safety or the safety of others.

¹ Will be added in due course.

² Guidance will probably be required on how colleagues evidence their consideration of invoking different policies. For example, within disciplinary appeals some appellants have challenged the reason as to why their case was heard at one level rather than another. Such guidance could also help staff to judge which procedure takes precedence over another.

4. Confidentiality³

- 4.1 At all stages of this Policy and the accompanying procedures, there is an expectation that all those involved will, where possible and appropriate, respect the confidentiality of the matters concerned; however, there may be some circumstances in which confidentiality cannot be maintained.
- 4.2 A student's informed and express consent should be obtained in any circumstances (other than as set out at section 5.3 below) in which sensitive information about the student is to be shared. Where a student decides not to provide his/her consent, this decision should, subject to section 5.3 below, be respected and any consequences of such non-disclosure, for example, in terms of providing additional support, should be explained to the student and recorded on the student's case file.
- 4.3 Confidentiality may be broken where the student has withheld his/her consent to disclosure, or it is impractical to try and obtain it, in the following circumstances:
- (i) where a student's health has deteriorated to the extent of threatening his/her health and personal safety;
 - (ii) where the student is at risk of serious abuse or exploitation;
 - (iii) where the student's behaviour is adversely affecting the rights or safety of others; and/or
 - (iv) where a member of staff might be subject to criminal or civil proceedings if the information is not disclosed, for example, if a crime has been committed.
- 4.4 The Division of Student Life, through the Director of Student Life, will make the student aware of the circumstances under which confidentiality may be broken. In deciding whether or not to break confidentiality, staff will consider the risk to the student's health and seek advice as appropriate. More than one member of staff should be involved in making a decision to break confidentiality.

5. Policy

- 5.1 The Policy aims to ensure that:
- a. The best interests of the student are considered in relation to their personal situation, their health and/or wellbeing they may experience.
 - b. Students are supported to study and manage their behaviour to the best of their ability, and wherever possible to meet the required learning outcomes and complete their programme.
 - c. Students who are experiencing difficulties in relation to their health, wellbeing and/or disability are supported to address their difficulties at the earliest appropriate point and have access to appropriate support services.
 - d. Students are able to make informed decisions regarding options available.
 - e. Staff from Schools and support services work together where appropriate so that students experience a consistent and fair process.
- 5.2 The Policy is supported by three procedures:
- 5.3 Procedure on Support to Study: the Procedure can be found at: XXXXXX. This Procedure must be used to refer students with health or wellbeing issues to support services, including the Occupational Health Service, the Counselling Service or DASS.
- 5.4 Procedure for Fitness to Study: the Procedure can be found at: XXXXXX. This Procedure enables the Division of Student Life to focus expertise, advice and support on health

³ This section (in particular) will need to be reviewed by the Records Management Office.

challenges faced by students, which require additional support and monitoring, as a result of behaviours indicated under section 4 of this Policy.

- 5.5 Procedure on Supporting Return to Study: the Procedure can be found at: XXXXXXX. This Procedure ensures students returning to study, after a period of suspension, receive the support they need to meet the required learning outcomes and complete their programme of study whilst taking account of their health and wellbeing going forward.
- 5.6 Decisions may be made by the University as a result of the Policy and Procedures notably around the student's fitness to study and/or return to study.

6. Appeals

- 6.1 A student may appeal against a final decision that has been reached through the Procedure for Fitness to Study or the Procedure on Supporting Return to Study. An appeal will only be accepted for consideration on the following grounds:
- There has been a procedural irregularity in the decision making process.
 - The decision is manifestly unreasonable.
 - The student is able to present new evidence for consideration which they were unable (for credible and compelling reasons) to submit at an earlier stage and which may have a material effect on the decision.
- 6.2 Students should submit an appeal within 10 working days of the decision for the attention of the Director of Teaching and Learning Support either in hard copy to the Teaching and Learning Support Office, John Owens Building, The University of Manchester, Oxford Road, Manchester, M13 9PL, or electronically to appealsandcomplaints@manchester.ac.uk. The appeal should take the form of a written statement explaining the reasons why the student believes they meet the grounds of appeal.
- 6.3 The Director of Teaching and Learning Support (or nominee) will usually conduct a documentary based review of the appeal and the earlier decision. During the review, further information may be sought from the student and/or from others concerned.
- 6.4 Appeals which are considered by the Director of Teaching and Learning Support to raise serious or complex matters which require further investigation and enquiry will be referred to an Appeal Panel. The composition of the Appeal Panel will be as follows, the members being drawn from Faculties other than those in which the appellant is or has been registered:

A Dean of a Faculty or an Associate Dean (in the Chair);
A Chair of a Faculty or School Graduate Committee, a Research Degrees Committee, or an Undergraduate Committee, or equivalent as appropriate;
A student member (nominated by the Students' Union)

The student will be given ten working days' notice of the date and time of the Appeal Panel meeting and will be invited to attend the meeting of the Appeal Panel to present his or her case. Where the student decides not to attend, the Panel may proceed in his or her absence. The student may be accompanied at the meeting by a fellow student, a member of staff or an Officer or member of staff of the Students' Union. The student will be sent copies of all documents to be made available to the Appeal Panel. The Appeal Panel is empowered to call members of staff with knowledge of the case to attend the meeting to give evidence and to correspond with medical professionals or others as appropriate. The student and the accompanying person will be permitted to speak and to question any persons giving oral evidence to the Panel.

- 6.5 The Director of Teaching and Learning Support (or nominee) will write to the student to inform them of the outcome to the appeal within 30 working days from submission of the

appeal or the appeal panel hearing. The outcome will usually take the form of a Completion of Procedures letter and will contain the reasons for the outcome.

6.6 Possible outcomes from an appeal may include:

6.6.1 Specific action to resolve the issues raised.

6.6.2 For the case to be referred back for reconsideration under the Procedure for Fitness to Study or the Procedure on Supporting Return to Study.

6.6.3 Dismissal of the appeal as being without foundation.

If the appeal is dismissed as without foundation, there will be no further opportunity for the student to pursue the matter within the University. They may however use the Completion of Procedures letter to pursue a complaint externally with the Office of the Independent Adjudicator for Higher Education (OIA) (see www.oiahe.org.uk).

6.7 The student may wish to seek advice and support through the appeals process, or in taking a complaint to the OIA, from the Students' Union Advice Service (<http://manchesterstudentsunion.com/advice-service>).

7. Supporting documents and sources of support

[To be added]

Document control box	
Policy/procedure title:	Policy on XX
Date approved:	TBC
Implementation date:	TBC
Version:	0.1
Supersedes:	N/A
Previous review dates:	N/A
Next review date:	TBC
Related Statutes, Ordinances, General Regulations	N/A
Related Policies:	<ul style="list-style-type: none"> • Wellbeing • Mental Health
Related Procedures and Guidance:	<ul style="list-style-type: none"> • Procedure for Supporting Study • Procedure for Fitness to Study • Procedure for Supporting Return to Study
Policy owner:	
Lead contact:	