

The University of Manchester

Draft Procedure for Fitness to Study

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1 Purpose and Scope

- 1.1 The University owes a duty of care to its staff and its students and it must comply with health and safety legislation. The University is, obliged to take action if a student, on balance, presents a risk to themselves or to others. The level of risk posed by a student will be assessed by a two stage process, which will include an assessment of the impact of the student's behaviour on both his/herself and others.
- 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.
- 1.3 This Procedure is intended for use in cases in which:
 - (i) the behaviour, disruption or risk presented by the student whilst the student is studying at the University, including, for the avoidance of doubt, whilst s/he is resident in University or private accommodation; and/or
 - (ii) his/her behaviour and its impact on the wider community (be that a University community or external community),is perceived to be of a serious or potentially serious nature. However it may be more appropriate in some circumstances for student misconduct to be dealt with under Regulation XVII (Conduct and Discipline of Students). There will also be circumstances where the two are running concurrently.
- 1.4 This Procedure is not designed to be used to address academic performance or mitigating circumstances; the latter are dealt with under the Policy on Mitigating Circumstances (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=4272>).
- 1.5 This Procedure has two stages and, depending upon the perceived severity of the situation and resulting risks, action may be initiated at any of the two stages without the need to follow the stages sequentially.

¹ Will be added in due course.

2 Key roles and Responsibilities

- 2.1 When a student's fitness to study is called into question under this Procedure, the School² affected must identify a member of academic staff who will be responsible for taking the Fitness to Study case forward ("**Fitness to Study Officer**")³, who should be the Head of School, or one of their senior members of staff within the School. The Fitness to Study Officer will be closely involved throughout the implementation of this Procedure and will be a key point of contact for the student.
- 2.2 The Division of Student Life oversees the operation of this Procedure, seeking advice and support from the Counselling Service, Disability Advisory and Support Service, Occupational Health Service, the Office of the General Counsel and, where appropriate, other representatives from the student's School, Residential Services, Security Services and/ or any other individual who may be deemed appropriate.
- 2.3 The Director of Student Life is the owner of the Procedure and is responsible for decisions under stage 1 of this Procedure.

3 Circumstances under which a student's fitness to study may be called into question

- 3.1 A student's fitness to study may be brought into question through a wide range of circumstances, which include, but are not restricted to, the following:
- (i) serious concerns are raised by a third party (e.g., housemate, colleague, placement provider, medical professional) which indicate a need to address a student's fitness to study;
 - (ii) the student has informed the University of problems and/or has provided information which indicates that there is a need to address his/her fitness to study;
 - (iii) the student's behaviour and/or disposition indicates that there may be a need to address and/or diagnose underlying mental or physical health problems;
 - (iv) the student has demonstrated behaviour which would normally be dealt with as a disciplinary issue, but is considered to be as a result of an underlying mental and/or physical health condition;
 - (v) the student's academic performance or his/her behaviour is a cause for concern and is thought to be as a result of an underlying mental and/or physical health condition; and/or
 - (vi) the student's behaviour is having a significant impact on others.

a. Referral to Stage 1

- 3.2 It is expected that Stage 1 of this Procedure will be implemented once support has been explored within the School, overseen by the School Fitness to Study Officer. The

² Additional wording may be required to cover incoming Study Abroad students who are overseen by the International Programmes Office rather than a specific School.

³ This terminology is not fixed at this time. The expectation is that such cases would normally be handled by an academic with an existing role within the School (e.g. Director of UG Studies or PGR Director) who would already have had some involvement in the case.

Procedure for Supporting Study can be found at: XXXXX. The Director of Student Life can enable a case to be considered directly under the Procedure for Fitness to Study, though, if the circumstances warrant it and urgent action is required.

- 3.3 During the referral process, the Fitness to Study Officer should explain to the student that concerns about their fitness to study have arisen. It should be explained that referral to stage 1 has been recommended because the student is or has been unwilling to co-operate with support provided by the School, or if the case is considered too serious to be dealt with at School level.
- 3.4 The conversation should be approached in a supportive and understanding fashion. The student should be made aware of the precise nature of the behaviour and/ or concerns that have resulted in the referral to Stage 1 of this Procedure. The student should be:
 - (i) encouraged to co-operate fully with the Procedure;
 - (ii) explain his/her own view of the matter; and
 - (iii) referred to the Division of Student Life through the Director of Student Life.

The discussion should culminate with the student having a clear understanding of why they have been referred to Student Life under this Procedure and the School should carefully document the reasons for referral and support offered to date on the student's personal file.

4 Stage 1 – Action

- 4.1 The decision to invoke Stage 1 will be taken by the Director of Student Life, under advice from colleagues in the Division of Student Life, in liaison with the School Fitness to Study Officer.
- 4.2 Once the decision has been made to invoke Stage 1 of this Procedure, a meeting will be convened, chaired by the Director of Student Life and attended by colleagues from within the Division of Student Life and the School Fitness to Study Officer.
- 4.3 The student will normally be given at least 10 working days' notice of the meeting and will be informed of its purpose along with any documents to be considered at the meeting. The student will be asked to provide, at least 5 working days before the meeting, any documents s/he wishes to be considered.
- 4.4 The student may be accompanied at the meeting by a Students' Union representative, a fellow student or a member of staff of his/her choosing.
- 4.5 Should a student decide not to participate, the meeting will normally proceed in his/her absence.
- 4.6 The meeting is convened in order for Student Life to assess the health of the student and suggest arrangements to further support the student, to address his/her behaviour appropriately and set up formal review mechanisms. During the meeting, Student Life will consider:
 - (i) the nature and extent of any medical condition from which the student may be suffering;

- (ii) the prognosis of such a condition and its implications for the student;
 - (iii) the extent to which any condition may affect his/her fitness to study and manage the demands of student life;
 - (iv) any impact that the condition may have on, or risk it may pose to, others;
 - (v) whether any additional steps should be taken by the University to enable the student to study effectively; and
 - (vi) whether the student will require any ongoing medical treatment or support.
- 4.7 Where necessary, additional specialist advice and/or an opinion from the student's own GP or specialist may be sought by the Director of Student Life and the student will be asked to sign a consent form to authorise disclosure of the results of the assessment to relevant individuals involved in the process.
- 4.8 Should the student refuse to participate in a medical assessment, the University may continue the process under this Procedure based on the information already in its possession or use another appropriate means to address the issue. The student should be informed of this and of any potential consequences, for example, that a decision may be made under this Procedure without full medical information, or that the matter may be escalated to Stage 2 of this Procedure due to a lack of engagement by the student. The student's refusal to participate in the medical assessment, and any potential consequences, will be recorded on the student's personal file.
- 4.9 Those present at the meeting will have the discretion to consider the issues as they see fit. This may include calling witnesses and making further enquiries to assist their deliberations.
- 4.10 The final decision shall be that of the Director of Student Life, having taken advice from colleagues within Student Life and taking account of the views of any other individual he/ she deems appropriate.
- 4.11 A record of the discussions, and any actions agreed with the student, should be made by the Director of Student Life and sent to the student within 10 working days of the date of the meeting by way of an outcome letter. The student will be asked to agree to the record of the discussions and any actions attributed and to respond to this effect within 10 working days of receipt. A copy will be sent to the School Fitness to Study Officer and kept on the student's personal file.

5 Stage 1 – Outcomes

- 5.1 It is intended that the outcome of the meeting will be that:
- (i) the student is fully aware of the nature of the concerns which have been raised;
 - (ii) the student's views are heard and taken account of;
 - (iii) a way forward is discussed and agreed; and
 - (iv) the student is fully aware of possible outcomes if the concerns persist.

5.2 Following consideration of all the evidence, the Director of Student Life may recommend:

- (i) no further action is required;
- (ii) that the Director of Student Life, in liaison with the School Fitness to Study Officer, should monitor the student's health for a specified period of time. To enable such monitoring, an action plan shall be agreed with the student to outline any steps that the student will need to take and/or any support to be provided to the student to address the concerns identified. Any action plan will be reviewed on a regular basis by the Fitness to Study Officer in consultation with the student. The student will be informed that any breach of the action plan will normally result in his/her fitness to study being considered further under stage 2 of this Procedure;
- (iii) where a student is in University accommodation, the student may be moved to another hall (if appropriate) or may be asked to leave University accommodation;
- (iv) the student's studies should be interrupted for an agreed period of time; and/or
- (v) the case should be referred for consideration under Stage 2 of this Procedure. This will only be appropriate in the most serious of cases, for example, where the student may pose a serious risk to the health and safety of him/herself and/or others, and it is thought that suspension, or exclusion, of the student may be necessary, or where the student has not agreed to a recommended course of action proposed as a result of a Stage 1 meeting.

6 Stage 1 – Review

6.1 A review period should be agreed at the meeting, to allow the student to consider his/her behaviour and seek further advice and support as necessary. At the end of the review period, a follow up meeting should be arranged between the student and the Director of Student Life, or nominee.

6.2 If the concerns have been addressed appropriately, this will be noted and no further action taken. If the concerns have not been fully addressed, then:

6.2.1 meetings with the School Fitness to Study Officer may be scheduled to ensure that appropriate support to study continues to be provided at School level; and/or

6.2.2 the Director of Student Life may:

- (i) set a further review period; and/or
- (ii) recommend that the case be progressed to Stage 2 of this Procedure as appropriate.

6.3 If a student is unable or unwilling to co-operate with this stage, s/he should be informed by the Director of Student Life that action under Stage 2 of the Procedure will be taken.

6.4 The outcome of the review should be sent to the student within 5 working days of the date of the end of the review period in the form of a letter. The student will be asked to agree the record and any actions attributed and respond to that effect within 5 working days of receipt. A copy will be kept on the student's personal file.

7 Stage 2 – University Fitness to Study Review Panel

- 7.1 Stage 2 of this Procedure will only be implemented following a referral from Stage 1, by the Director of Student Life if:
- (i) if the initial concerns raised about a student are sufficiently serious to warrant suspension or exclusion - for example, if the student poses a potential threat to the health and safety of him/herself or others, or disruption to the University;
 - (ii) the student is unwilling to co-operate with Stage 1;
 - (iii) the action taken under Stage 1 has not remedied the identified behaviours; or
 - (iv) the student's condition deteriorates to such an extent during the earlier stage of this Procedure that, in the best interests of the student or others, it is felt appropriate to escalate the case.
- 7.2 The Chair, who should normally be a member of the University's Senior Leadership Team, should initially consider whether interim suspension of the student, pending further action, is appropriate, including from University accommodation. If it is felt necessary, the Chair should refer the matter to the President and Vice Chancellor (refer to procedure here XXXX).
- 7.3 The Chair will then convene a Review Panel ("FtS Review Panel"). The FtS Review Panel will normally comprise the Chair, the Director for the Student Experience and the Head of School. If judged appropriate, the President and Vice Chancellor, the University's solicitor or any other relevant individual may also be in attendance.
- 7.4 The student will normally be given at least 14 days' notice of the meeting of the FtS Review Panel ("Review Meeting"). The student will be informed of the purpose of the Review Meeting and will be provided with any documents to be considered by the FtS Review Panel. The student will also be asked to provide 7 days in advance of the meeting any documents s/he wishes the FtS Review Panel to consider.
- 7.5 The student may be accompanied at the meeting by a Students' Union representative, a fellow student, a member of staff of his/her choosing or a legal representative.
- 7.6 The purpose of the Review Meeting will be to consider the evidence available, including the student's perceptions of the concerns, and reach a decision with regards to the student's fitness to study and/or agree an appropriate action plan.
- 7.7 The FtS Review Panel will have the discretion to consider the issues as it sees fit. This may include calling witnesses, making further enquiries to assist its deliberations and requesting (further) medical assessments of the student's fitness to study.
- 7.8 The final decision shall be that of the Chair, having taken advice from the other members of the FtS Review Panel.
- 7.9 The student will be notified of the outcome of the FtS Review Panel within 7 days of the Review Meeting in the form of a letter.
- 7.10 The Chair, upon the advice of the FtS Review Panel, may make one or more of the following recommendations:

- (i) that the University should monitor the student's progress for a specified period of time. To enable such monitoring, an action plan shall be agreed with the student to outline any steps that the student will need to take and/or any support to be provided to the student to address the concerns identified. Any action plan will be reviewed on a regular basis by the Fitness to Study Officer and the Director of Student Life in consultation with the student. The student will be informed of the consequences of any breach of the action plan, which may include escalation to another outcome of Stage 2 or referral back to the FtS Review Panel for re-consideration in light of the student's unwillingness or inability to co-operate;
- (ii) that, following consultation with the student's School: (a) special academic arrangements are put in place, where appropriate or (b) the student interrupts his/her studies. The FtS Review Panel will also seek guidance from Student Funding Team and the Visa Team, where applicable, on the implications of such measures. The student will be informed of the consequences should such arrangements fail to remedy the concerns raised to the University's satisfaction;
- (iii) that the [President and Vice-Chancellor] suspends or excludes the student; and/or
- (iv) that the University should take any other action considered to be appropriate and proportionate.

7.11 The outcome of any FtS Review Panel shall be reported to Senate.

8 Approval of Return to Study

8.1 A student will only be permitted to return to study if, on the basis of the medical assessment and other relevant evidence, the University is satisfied that the student is fit to study and understands and can comply with any conditions imposed on his/her return.

8.2 The Procedure for Supporting Return to Study can be found at: XXXX.

9 Right of appeal

9.1 A student who wishes to appeal against a decision to suspend or exclude him/her under this Procedure may do so under section 7 of the Policy on Supporting Health, Fitness and Return to Study available here: XX.

10 General matters

10.1 Any functions of the [President and Vice-Chancellor] and the [FtS Review Panel Chair] [Director for the Student Experience] [Director of Student Life] under this Procedure may be delegated.

10.2 The University will take account of relevant legislation and the general rights and expectations of a student of confidentiality. In cases where Stages 1 or 2 have been invoked, the [Director of Student Life] will make a decision about whether the student's emergency contact should be informed and whether any external services should be contacted.