

Nottingham Trent University
Fitness to Study Policy and Procedure

Responsible Officer

The Head of Student Support Services is responsible for the development, compliance, monitoring and review of this policy and any related procedures.

Implementation Officer

The Head of Student Support Services and the Student Services Manager (Policies and Developments) are responsible for overseeing the dissemination and implementation of this policy.

Document History	
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POLICY

1. Purpose of this Policy

- 1.1. Nottingham Trent University is committed to providing a supportive environment for its students, takes a positive attitude to the management of students' physical and mental health, and recognises that the wellbeing of students is critical to their learning, academic achievement and wider student experience.
- 1.2. Fitness to study relates to a student's capacity to participate fully and satisfactorily as a student in relation to their academic studies and student life generally at the University.
- 1.3. This Policy and Procedure will apply in situations where a student's health, wellbeing and/or behaviour are having a detrimental impact on their ability to progress academically and function effectively at the University. It is intended to ensure an appropriate and co-ordinated response in situations where:
 - concerns arise over a student's perceived fitness to study, and
 - prompt action/intervention is deemed necessary, and
 - other internal procedures (e.g. those relating to students' academic performance, fitness to practise or the Student Code of Behaviour) are deemed to be less appropriate or have already been exhausted.

2. Scope

- 2.1. This Policy applies to all students enrolled in studies, for all modes of study including undergraduate, postgraduate taught, postgraduate research and professional students, full-time, part-time and distance learning and applies to the following settings:
 - University campuses;
 - University residential accommodation;
 - University related activities away from the University (such as field trips, placements and study abroad/exchange).
- 2.2. This Policy and Procedure is applicable to all students throughout their period of enrolment with the University, including those who are seeking a return to study and whose enrolment has previously been interrupted or suspended under this Policy.
- 2.3. Where it is deemed appropriate or necessary, the University may implement alternative procedures (e.g. the Student Code of Behaviour, Crisis Intervention Policy, or a course-specific fitness to practise procedure) instead of, or in addition to, taking action under this Policy.

3. When this Policy should be used

- 3.1. This Policy should be used in circumstances where a student's fitness to study gives cause for concern and other procedures are not considered appropriate at that time or have already been exhausted. Examples of such situations include (but are not limited to) those in which:
- there is evidence of significant non-engagement by the student with his/her studies, which have not been satisfactorily addressed through other interventions and processes;
 - a student's support needs are beyond the type or level of support which the University can reasonably be expected to provide (including, but not limited to, the student's health, wellbeing and financial needs);
 - a student's behaviour is adversely affecting the activities of the University or a placement provider;
 - a student is perceived to pose a risk to his/her own (or others') health, safety or wellbeing;
 - a student's behaviour is adversely affecting the teaching, learning and/or experience of other students.
- 3.2. In taking action under this Policy, the University will be mindful of the sensitive and confidential nature of fitness to study matters and its obligations under the Data Protection Act 1998 and Equality Act 2010.

4. General principles

- 4.1. Students are encouraged to seek appropriate practical and specialist support to manage and, where possible, mitigate the matters which give rise to concerns actioned under this Policy and Procedure.
- 4.2. All matters considered under this Policy and Procedure will be dealt with according to the individual circumstances. Whilst seeking to ensure consistency of approach and application, the University reserves the right to vary from the prescribed Procedure where it deems it necessary to do so in the interests of fairness and/or health and safety.
- 4.3. When a student is asked to attend a meeting which has been called to discuss or consider his/her fitness to study, he/she is entitled to be accompanied or represented by another person, e.g. a friend, relative, an adviser from the Students' Union's Advice Service, a health professional or personal disability assistant. The University does not permit students to be legally represented at such meetings.
- 4.4. In the event that a student is unwilling or unable to attend a meeting or participate in any other aspect of the Procedure, the University may still follow the Procedure where it is reasonable to do so. The University may also deal with issues on the basis of written reports and/or statements in the absence of the student and/or his/her representative.
- 4.5. References in this Procedure to steps/actions specific University postholders shall be read as including reference to their nominees. In addition, in order to avoid potential conflicts of responsibilities, other staff members of the same or higher seniority may undertake tasks allocated to specific postholders.

PROCEDURE

5. Overview

- 5.1. The Procedure set out below comprises two distinct levels (Level 1 and Level 2). It also includes provisions for temporary suspension in situations that require immediate action (see section 15) and a process for appeal against decisions.
- 5.2. Level 1 will typically be utilised in response to initial (non-critical) concerns about a student's fitness to study, with the intention of seeking a successful resolution of the matter at that Level through largely low-key/informal interaction with the student.
- 5.3. However, depending on the nature/severity of the concerns and the student's own response to the situation, the Procedure may be initiated directly at Level 2 without any requirement for Level 1 to have been commenced or exhausted.
- 5.4. This Procedure will be undertaken in a transparent manner. The student will be advised of the identity of the staff member dealing with the case (the Case Officer) and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom the University consults about the case.
- 5.5. Prior to implementing this Procedure, University staff are expected to consult with Student Support Services to ensure that the student's immediate support needs are adequately considered and to confirm the appropriateness of invoking this Procedure.
- 5.6. The student should be encouraged to engage with the support services offered by the University and (where appropriate) external providers.
- 5.7. When commencing action under this Procedure, the Case Officer should ensure that the student is provided with a copy of this Policy and Procedure for reference.

6. Procedure - Level 1: Initial concerns

- 6.1. When concerns are raised about a student's fitness to study, a member of University staff will act as Case Officer. The Case Officer will be appointed by a more senior member of staff and is likely to be a person who knows the student (e.g. a personal tutor, course leader, or appropriate member of accommodation staff).
- 6.2. The Case Officer may consult with other University staff, external professionals and other persons, as appropriate, to gather relevant information about the matter and confirm that this Fitness to Study Procedure is the most appropriate means of dealing with the matter.
- 6.3. The Case Officer will contact the student to advise him/her of the concern about his/her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 1 under the provisions of this Procedure.

- 6.4. The Case Officer will arrange a meeting with the student, giving at least three working days' notice, in order to:
- explain the concern;
 - discuss its perceived impact/implications and the student's perception of the matter;
 - allow the student opportunity to respond to the concern;
 - identify any related support needs the student may have; and
 - allow the Case Officer to reach an informed decision on the matter.
- 6.5. The Case Officer may, where he/she deems it appropriate, consult relevant staff from the University's Student Support Service to consider whether their attendance at the meeting with the student is appropriate, and must notify the student of any such attendee in advance of the meeting.
- 6.6. The Case Officer should remind the student that he/she is entitled to be accompanied at the meeting, and ask the student to confirm in advance whether or not he/she will be attending and the identity and role of any person who will be accompanying and/or representing him/her at the meeting. For avoidance of doubt, the Case Officer is at liberty to continue with the Procedure in the event that the student is unable or unwilling to participate.
- 6.7. After taking account of the advice and input received from others, including any comments/representations made by the student, the Case Officer will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. Such actions may include one or more of the following:
- a) Implementation of appropriate support arrangements and/or reasonable adjustments for the student;
 - b) A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed including any obligations on the part of the student (e.g. in respect of his/her conduct, engagement with studies, or support that he/she should seek);
 - c) Other action commensurate with the objective of resolving the matter at Level 1;
 - d) Escalation of the matter to Level 2 of this Procedure.
- 6.8. The student will be notified in writing (normally within five working days of the meeting) of the Case Officer's decision, with reasons, and any actions to be taken.
- 6.9. Notes of the meeting with the student will be recorded and retained on the student's record.
- 6.10. The student has the right to appeal against the Case Officer's decision. The Appeal process is set out in section 11 (Right of Appeal).

7. Procedure - Level 2: Serious and/or continuing concerns

Note: Level 2 of the Procedure can be used where, in the opinion of the University, action already taken at Level 1 has not resulted in a satisfactory outcome, or the concern is sufficiently serious or persistent as to require the Procedure to be initiated directly at Level 2.

- 7.1. A member of staff of suitable seniority and experience appropriate to the case, nominated by the Dean of School, will take on the role of Case Officer.
- 7.2. The Case Officer may consult with other University staff, external professionals and other persons (as appropriate) to gather relevant information about the matter at any point in this Procedure. This consultation may, at the Case Officer's discretion, be undertaken by way of a formal case review meeting.
- 7.3. The Case Officer will contact the student to advise him/her of the concern about his/her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 2 under the provisions of this Procedure.
- 7.4. The Case Officer will arrange a meeting with the student, giving at least three working days' notice, in order to:
 - explain the concern;
 - discuss its perceived impact/implications and the student's perception of the matter;
 - allow the student opportunity to respond to the concern;
 - identify any related support needs the student may have; and
 - allow the Case Officer to reach an informed decision on the matter.
- 7.5. The Case Officer may, where he/she deems it appropriate, invite other University staff and/or external professionals to attend the meeting, and must notify the student of any such attendee in advance of the meeting.
- 7.6. The Case Officer should remind the student that he/she is entitled to be accompanied at the meeting, and ask the student to confirm in advance whether or not he/she will be attending and the identity and role of any person who will be accompanying and/or representing him/her at the meeting. For avoidance of doubt, the Case Officer is at liberty to continue with the Procedure in the event that the student is unable or unwilling to participate.
- 7.7. After taking account of the advice/information made available to him/her, including any comments/representations made by the student, the Case Officer will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. In deciding on the actions to be taken the Case Officer will have due regard for the implications they may have for the student's statutory financial support. Such actions may include, but are not limited to, one or more of the following:
 - a) Implementation of appropriate support arrangements and/or reasonable adjustments for the student;
 - b) A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed and any obligations on the part of the student (e.g. in respect of his/her conduct, engagement with studies, or support that he/she should seek);

- c) A recommendation to the student that he/she take a period of voluntary absence from study and/or from the relevant area of activity as appropriate (e.g. student accommodation);
 - d) A decision to withdraw the student from any current placement, overseas study or other University related activity;
 - e) Permitting the student to continue their studies on a part-time basis or to study away from the University if this is practicable;
 - f) Imposing on the student a formal suspension of study for a stated period of time and/or exclusion from specified University facilities/activities, with or without conditions for any subsequent return to study or readmission to those facilities/activities. (See section 8);
 - g) Termination of the student's studies at the University. (See section 9).
- 7.8. The Case Officer may choose to communicate his/her decision orally in person to the student, particularly where circumstances indicate a need for prompt notification. Whether or not such verbal notification is given, the student will be notified in writing (normally within five working days of the Case Officer making the decision, with reasons for the decision and details of any actions to be taken.
- 7.9. Minutes will be taken of the meeting with the student and these minutes and the decision of the Case Officer (including the rationale for that decision) will be recorded and retained by the student's School as part of the student's formal records.
- 7.10. The student has the right to appeal against the Case Officer's decision. The Appeal process is set out in section 10 (Right of Appeal).

8. Formal Suspension (for a specified period)

- 8.1. In the event that the Case Officer considers that the student should be subject to a formal suspension from study (or exclusion from certain University facilities/activities) for a specific period of time, the proposed suspension must be referred to the student's Dean of School for consideration and approval.
- 8.2. When the student is informed of the decision to suspend, he/she will also be provided with details of any conditions associated with eligibility to return to study or for readmission to the facilities/activities from which the student is being excluded.
- 8.3. The Dean of the student's School will liaise with Student Support Services and the relevant academic staff to ensure that a plan to support the student's return to study (where required) is devised and implemented.
- 8.4. The student has the right to appeal against such a Level 2 outcome decision. The Appeal process is set out in section 10 (Right of Appeal).

9. Termination of Studies

- 9.1. In the event that the Case Officer considers that the student's studies should be terminated, the proposed termination must be referred to the student's Dean of School and to the Pro Vice-Chancellor for Student Affairs (PVCSA), for consideration and approval.
- 9.2. In the event that the decision to terminate the student's studies is approved in accordance with section 9.1 above, the student will be informed of the decision in writing together with reasons and any resulting consequences (e.g. entitlement to partial qualification for studies completed).
- 9.3. The student has the right to appeal against such a Level 2 outcome decision. The process is set out in section 10 (Right of Appeal).

10. Right of Appeal

- 10.1. In notifying a student of the outcome decision in a Fitness to Study case at either Level, the Case Officer shall advise the student of his/her right to appeal against the decision and give the contact details for the person to whom any such Appeal should be submitted (the Appeal Officer).
- 10.2. The identity and seniority of the Appeal Officer will be influenced by the Level at which the outcome decision was made and the nature of the decision, as follows:

Decision Level/Type	Appeal Officer	Appeal considered by
Level 1 outcome decision	Case Officer's line manager, or other staff member of equivalent seniority	Appeal Officer
Level 2 outcome decision which does not include either formal suspension or termination of studies	Case Officer's line manager, or other staff member of equivalent seniority	Appeal Officer
Level 2 outcome decision resulting in a formal suspension of studies/exclusion for a specified period	Pro Vice-Chancellor for Student Affairs (PVCSA),	Appeal Officer
Level 2 outcome decision resulting in termination of studies	Vice-Chancellor	Panel chaired by the Appeal Officer

11. Submission and Timing of Appeals

- 11.1. An Appeal must be made in writing, and must be received by the Appeal Officer within the following timescales:
 - a) In respect of a Level 1 decision, within **five** working days of the date of the letter/communication notifying the student of the original outcome decision;

- b) In respect of a Level 2 decision which does not include either formal suspension or termination of studies, within **five** working days of the date of the letter/communication notifying the student of the original outcome decision;
- c) In respect of a Level 2 decision which resulted in either formal suspension or termination of studies, within **ten** working days of the date of the letter/communication notifying the student of the original outcome decision.

12. Grounds for Appeal

12.1. A student is entitled to submit an Appeal on one or both of the following grounds:

- The University failed to correctly follow its own Procedure.
- The student has significant new information or evidence which was not reasonably available at an earlier time.
- The outcome is unreasonable.

12.2. When submitting an Appeal, the student must provide associated evidence/information in support of the ground(s) on which the Appeal is being made.

13. Consideration of an Appeal

13.1. If the Appeal Officer is satisfied that there are valid grounds for Appeal and that the strength of the evidence/arguments presented in the Appeal merits consideration, he/she (or the Appeal Panel, where appropriate) shall consider the Appeal.

13.2. The appeal should be considered within five working days of its receipt or, where the Appeal is to be considered by a Panel, within ten working days of receipt of the appeal.

13.3. The Appeal Officer/Panel has the power to decide whether the original outcome decision should stand, be revoked or be amended.

13.4. In the event that the Appeal Officer (or Panel) decides to amend the original decision, they have the power to vary the nature and extent of any obligations imposed on the student by that original decision.

13.5. The outcome of the Appeal will be notified to the student in writing together with reasons within five working days of determination of the Appeal. The decision of the Appeal Officer/Panel is final. The written notification of the Appeal outcome will also represent a formal "Completion of Procedures" and will provide information on the student's right to seek independent external review via the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk).

14. Return to Study

14.1. A student who wishes to return to study (following an imposed or voluntary suspension resulting from actions taken under this Policy and Procedure) must submit a formal written request to his/her Dean of School.

14.2. The approach to be adopted in determining a return to study request is likely to be influenced by the context and specific circumstances of the case. Accordingly, the actual process to be followed in any given case will be at the discretion of the Dean of School,

with the objective of establishing that the student is fit to resume study and has complied with any conditions placed upon the student's return.

- 14.3. The Dean of School will determine whether to permit the student to return to study. In order to reach an appropriately informed decision, the Dean of School may (among other things):
- consult with relevant University staff and/or external professionals;
 - require the student to meet with staff from the University's Student Support Services and (where deemed appropriate) other staff or external professionals for input/advice to assist the Dean of School to reach a decision on the request. (This may include referral to external agencies for assessment of medical fitness to resume study, where necessary);
 - require the student to produce satisfactory medical and/or other evidence of his/her fitness to study from recognised professionals (e.g. a GP, qualified mental health specialist) who have sufficient knowledge of the student.
- 14.4. The decision of the Dean of School will be notified to the student in writing, normally within ten working days of the student's written request to return to study.
- 14.5. In the event of a decision to permit a return to study, the Dean of School may impose conditions upon the student (for example, relating to the student's conduct, any support he/she should seek or academic progress he/she is expected to make).
- 14.6. In the event that the student's request to return to study is declined, the notification letter will include the reasons, along with information on the process of re-application for a return to study. In the event that the student wishes to appeal against a decision to decline the request to return to study, he/she may do so by writing to the Dean of School setting out the reasons for contesting the decision. The decision of the Dean is final.
- 14.7. At the direction/request of the Dean of School, Student Support Services (in consultation with appropriate staff in the student's School and other University services) will identify any support and/or reasonable adjustments which should be put in place for the student in connection with his/her return to study.
- 14.8. The University will work collaboratively with the student in respect of any support arrangements put in place for a return to study.
- 14.9. On or before his/her return, the student will be invited to attend a Return to Study Meeting with appropriate members of academic staff (e.g. the course leader or personal tutor) and Student Support Services.

At this Return to Study Meeting, an action plan will be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified in respect of the student's return. The student will be provided with a copy of the action plan.

15. Temporary Protective Suspension

- 15.1. Where a fitness to study concern has been raised in regard to a student, and the Dean of School reasonably believes that the student poses a risk to:
- his/her own (or others') health, safety and/or wellbeing, and/or
 - University property, and/or
 - the reputation of the University

such that immediate protective action is deemed necessary, the Dean of School may:

- temporarily suspend the student from studies, and/or
- temporarily exclude the student from certain University premises and/or activities
- and/or invoke the Crisis Intervention Policy for Students at Risk

pending action being taken under this Policy and Procedure.

Such temporary suspension/exclusion is referred to as a "Protective Suspension".

- 15.2. A Protective Suspension is a neutral act and is not in itself a determination of the student's fitness to study.
- 15.3. Where the circumstances of the situation might warrant immediate proactive management of a situation to ensure the wellbeing of the student, the University may also invoke the provisions and procedures outlined in its "Crisis Intervention Policy - Students at Risk or Causing Concern".
- 15.4. Where a Protective Suspension is imposed, the Dean of School will ensure that it is reviewed at regular intervals to determine whether it is necessary for the Protective Suspension to continue or whether it can and should be revoked or amended in some way.
- 15.5. Where the circumstances require prompt action, the imposition of the Protective Suspension may be communicated orally to the student. Whether or not communicated orally, the student will be notified in writing, normally within two working days of the date on which the decision to impose the Protective Suspension was taken.
- 15.6. The student may, within five working days of the date of notification of the imposition or continuation of a Protective Suspension, appeal against that decision, on the grounds that the Protective Suspension is unreasonable in the circumstances.

Such an Appeal will be considered by the Pro Vice-Chancellor for Student Affairs (PVCSA), whose decision on the matter shall be final.