Fitness to Study (Senate Regulation 10) – Supporting Guidance (2016/17)

Student & Academic Services

General

The Fitness to Study Policy is available here: www.city.ac.uk/about/education/quality-manual/4-student-support-and-information

The Fitness to Study Regulation (Regulation 10) is available here: http://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations

The Fitness to Study Policy will be applied in accordance with City’s duties under the Equalities Act 2010. It should be noted that the provision of reasonable adjustments do not extend to the application of a competency standard. However, City does have a duty to ensure that reasonable adjustments are provided in supporting students to achieve a competency standard, and to ensure that the assessment methods used to test the competency standard do not disadvantage a student in demonstrating their competency.

The Fitness to Study procedure will be used in accordance with the Data Protection Act 1998. More detailed information about City and the Data Protection Act can be found on City’s website: http://www.city.ac.uk/about/city-information/legal/data-protection.

It is important that students are given sufficient information about how the information they provide will be used.

All information that students provide during the course of consideration of their case under the Fitness to Study process will be managed in a confidential way. For instance, any information that a student shares with City staff will be shared only with those individuals that need to have this information in order to support the student or the process. Where City’s obligations to confidentiality do not apply, this is outlined in the Regulation.

Other relevant City, University of London Policy and Regulation that may interact with this Policy

Other City Policies and procedures that this Policy and Regulation may interact with include:
- Exeuntuating Circumstances Policy – details are included in Assessment Regulation 19*
- Interruption of Studies procedure – details are included in Assessment Regulation 19*
- Fitness to Practice (programmes within School of Health Science and Counselling Psychology) – staff unsure about the usage of this process as opposed to the Fitness to Practise process should take specialist advice from the Student Health Service
- Student Discipline Policy & Regulation – details are included in Regulation 13*
- Reasonable Adjustments

Where a student may be subject to Professional Bodies requirements, it should be noted that actions taken in accordance with the Fitness to Study Policy is not considered disciplinary action.

*https://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations

Definitions of Fitness to Study

More detailed advice on whether a concern may warrant consideration under the Fitness to Study Policy, can be obtained from student support services – see the section “Information & Support” below for contact details of staff who can provide advice.

City’s Student Charter outlines rights and responsibilities of both staff and students. Definitions of misconduct which may be considered under City’s disciplinary procedures are outlined in Regulation 13.

Circumstances under which fitness to study may be considered

1. The following lists what would be considered reasonable expectations of any student:
   a. Awareness of their own health and safety and that of others.
b. A full awareness of the risk of physical danger to themselves and others.
c. The ability to communicate effectively with fellow students, staff and other professionals.
d. The ability to undertake periods in private study without supervision.
e. The ability to attend and engage effectively in lectures and tutorials, with reasonable adjustments if necessary.
f. The ability to submit coursework within standard academic timescales.
g. The ability to attend examinations and engage effectively with the examination process, with adjustments if necessary.

2. Examples of situations which may give rise to concerns about fitness to study include. The list below should be seen as indicative only.
   • the student concerned declares difficulties related to ill health, disability, substance abuse or life circumstances (dependent on the nature of the difficulties, and/or the reasonable adjustments already in place)
   • a third party such as a fellow student, tutor or a healthcare professional reports concerns about fitness to study; or multiple complaints or causes for concern are received about a student from students/staff
   • the student’s behaviour is indicative of ill health or substance abuse e.g. mood swings, withdrawal, bizarre behaviour, unusual unkempt appearance
   • the student’s academic performance shows significant sudden/unexpected deterioration
   • the student’s attendance or engagement deteriorates significantly (where no other explanation is apparent)
   • the student submits repeated extenuating circumstances forms (see Extenuating Circumstances Policy for further information about how this should be dealt with)
   • the student displays conduct which would normally be considered under the student disciplinary regulation, but there is a reason to believe this may be due to an underlying health issue which could provide mitigating factors.

It is not always possible to ascertain whether the misconduct or unacceptable behaviour is occurring in the context of a possible health condition. The investigatory meeting (Level 1) will allow an opportunity to determine the context of the concern, and confirm that this should be managed in accordance with the Fitness to Study Regulation or referred to another service or procedure within City if appropriate.

Information and Support; and Contact list

Support for Staff
The following is a list of Support Services which can provide advice and support for staff who have concerns regarding the well-being of a student, or provide advice about the use of the Fitness to Study Policy and Regulation.

Student & Academic Services: (Student Voice team) 020 7040 0234; ace@city.ac.uk
Student Health Service: 020 7040 5999; healthservice@city.ac.uk
Student Counselling and Mental Health Service: 020 7040 8094; coun@city.ac.uk
Disability Support: 020 7040 0246; disability@city.ac.uk

Support for students
Students are encouraged to seek advice and support from Students’ Union about the use of the Policy and application of the Fitness to Study Regulation – contact details for the Students’ Union are available on their website: www.culsu.co.uk.

Crisis or emergency situation
The Regulation outlines the process for emergency or crisis situations.

Where there is a serious situation that needs immediate attention of Emergency Services, and the situation is occurring on City campus, staff should contact City Security so that they can co-ordinate Emergency Services. Where a concern is raised away from City campus, staff should contact Emergency Services directly. Staff are asked that they then notify staff in Student Services as soon as possible following this.
Suspension of student is intended for consideration in situations where there is valid concern of immediate, significant risk to the student’s safety (were they to continue to engage with their studies) or to other members of City’s community in relation to an individual’s engagement with their studies. Suspension of student’s registration may also be considered necessary where there is evidence of potential criminal activity – again where this potential criminal activity represents significant risk to the student’s safety (were they to continue to engage with their studies) or to other members of City’s community in relation to an individual’s engagement with their studies.

Record keeping

The Regulation outlines what information should be collated to assist with the consideration of any concern raised. The Regulation also outlines what information should be provided to the student at specific times.

The Head of Academic Services in the student’s School should ensure the appointment of a member of staff to co-ordinate the collation and retention of the record of the process, at any Level. All documents relied on in the consideration of any concern should be retained on the student’s record within the School. Material should be retained in accordance with the Information Retention Guidance (refer to City’s Information Compliance for further information).

The Regulation outlines what steps should be taken in the instance that a student does not agree with the record of a meeting, or similar.

Further guidance on the structure and content of a Student Learning Plan can be obtained from the member of Student Services who support the Case Conference and/or the Fitness to Study Panel.

Correspondence

Guidance is available from the Student Experience Team, Student & Academic Services. See contacts list for further details.

Risk assessment

A Risk Assessment should be conducted at the instigation of the use of the Fitness to Study process, and any level, and may be conducted again should a concern move from one level to another.

Risk Assessment should be done by an appropriate student service – this will be determined on a case-by-case basis. The Programme Director should contact the Student Health Centre in the first instance to discuss the concern and the possible need for a Risk Assessment.

Level 1

The Regulation outlines the process which should be followed if using Level 1.

This Level is intended to be Investigatory in nature. This assumes that all the details, background information and the student’s perspective on the concern may not be entirely known at the point the investigatory meeting takes place. The potential outcomes of the initial meeting are outlined in the Regulation. The outcome may be that it is decided the concern does need further action, but is not be suitable for consideration under the Fitness to Study Policy and would prompt a referral to another of City’s procedures (see above) – advice can be sought from any support service (see contact list) in relation to the decision to take further action, whether to refer and if so, which procedure would be of most use.

The Regulation outlines what information the student should be provided with when initiating Level 1, during the use of Level 1, and after any meeting and by way of any follow up action.
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Student may be accompanied, staff member may invite another staff member to be present (eg. Student services). The Regulations provide a suggestion that a Students' Union representative would be ideal. It is suggested students be encouraged to be accompanied by someone other than a member of City staff to avoid potential conflict of interests. Aside from this, the student may decide for themselves who (if anyone) will accompany them.

How much notice should the student be given before meeting will depend on what is considered reasonable on the basis of the nature of the concern being raised, and the volume of material provided to the student in advance of the meeting. Any issues increasing the student's difficulty in seeking advice in advance of meeting should also be taken into account.

Level 2 - Case Conference

The Student Learning Plan (SLP) is drawn up and agreed between all members of the Case Conference, including the student. In terms of the format of a SLP, those members of student support services participating in the conference will advise.

Level 3

It would normally be expected that only the most serious, urgent or chronic concerns be directed immediately to Stage 3. Normally, a concern should be directed to either Level 1 or 2 in the first instance.

The template report Form is available from Student & Academic Services and should be completed by the relevant Programme Director (or nominee). The Form will comment on the following:

- Evidence of the existence of a health condition or disability including supporting medical evidence
- What support has already been put in place
- What reasonable adjustments have been made
- Reference to obligations under legislation that should be noted when considering the concern e.g. Equalities Act, Misuse of Substances Act, Health and Safety at Work Act.
- Any evidence of impact on the individual student and other students and staff
- The level of risk to self, others or the learning/research environment thought to be present

The FSP is encouraged to note, where the outcome means the student will be withdrawn, suspended or excluded, any impacts on the student's fee situation. This will enable the Panel to refer the student appropriately to be given correct guidance about their tuition fees and any other financial matter. It should be noted that tuition fees are managed by a student's School and decisions about tuition fees are for the School to determine.

Return to study

This applies only to those students whose registration is suspended (that is, excluded, suspended - either by their own decision or as a result of a decision made at any Level of the Fitness to Study procedure).

Even in the case where a student believes their health and well-being has improved significantly since the last occasion their situation was considered under the Fitness to Study Policy and they wish to return to their studies before the agreed review date, the agreed review date should be retained with no option to bring the review day forward. This policy in in place to ensure appropriate management of the student’s studies within the normal academic year, and maintaining the agreed review and return dates support best management of the student’s studies.

Staff should refer to the Interruption of Studies policy and related documentation for guidance on the practical aspect of managing a student’s return to studies.

Student Complaints raised during the course of the Fitness to Study process, or about the Fitness to Study process

The Regulation outlines how complaints raised by the student whilst their case is under consideration should be managed. The detail can be found under Level 1, paragraph 27. Whilst this is mentioned under Level 1 only, this approach should be applied at any Level.
This section of the Regulation refers to where a student raises a complaint or concern about any aspect of City's services which is unrelated to the concern which is the focus of the action under the Fitness to Study procedure - for example, the student could have concerns about the delivery of a service unrelated to the concern being discussed, or City facilities which have no relevance to the concern. In this instance, the Student should be asked to raise their complaint under City's complaint process (Regulation 26).

Where a student raises complaints about the Fitness to Study process itself (the process as it is set out in the Regulation, or how this being applied to the concern about them) these complaints should, where possible, be managed and responded to within the process. Where a student raises a complaint about the process after the consideration of the concern is considered closed under the Fitness to Practice process, the relevant Programme Director should consult with Student & Academic Services.

A student subject to a decision by a Fitness to Practice Panel does have the right to appeal and can raise concerns about the application of the Regulation within an appeal. The appeal procedure is outlined within the Fitness to Study Regulation.
An incident or concern involving a student is reported to the Programme Director; advice sought from Student Support Services.

Preliminary investigation conducted by staff member to ascertain the facts.

Meeting is arranged between member(s) of staff where concern has been raised, staff in Student’s School and the student.

Outcome is confirmed; written record is created, circulated to all appropriate parties and retained on file.

Level 1

An incident or concern involving a student is reported to the Programme Director.

Level 2

Level 3

A student may have no known disability or illness. Concerns raised may relate to health or disability issue.

A student may have known disability or illness and have agreed reasonable adjustments in place. The student may have met previously with staff at Stage 1; however, same issues recur.

Cause of concerns continues or exacerbates. Interventions have not resulted in changed behaviour, or require more consideration.

Group of staff and student meet to discuss options for student.

Student is referred for additional support and/or Learning Plan is agreed and/or Interruption of studies and/or matter is referred to Level 3.

Outcome is confirmed; written record is created, circulated to all appropriate parties and retained on file.

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Student is referred for additional support and/or Learning Plan is agreed and/or Interruption of studies and/or matter is referred to Level 3.

The FSP considers the case and determines appropriate outcome.

Fitness to Study Panel (FSP) is convened when a student fails to comply with previously agreed outcomes, or serious risks to the student concerned or others.

Fitness to Study – Guidance: Flowchart

Regardless of the outcome at the time the student’s case was last considered under this procedure, their case may be escalated to any Stage for further attention.