



## Fitness to Study Policy

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## **1. Introduction**

The University is committed to supporting and responding to student needs and to seeking to ensure a positive experience which assists students to engage with their studies and within the Glasgow Caledonian University community.

The University seeks to maintain an environment which is safe and conducive to teaching, learning and research and the wellbeing of all. There may be instances where a student's health or wellbeing causes the University concern regarding the student's fitness to study on a course, including within a placement. The University has a duty of care to respond appropriately to situations where there are concerns relating to visible signs of illness, mental health difficulties, psychological, personality or emotional disorders and the detrimental impact on the functioning of the individual student and/or other members of the University community. Certain professional programmes have Fitness to Practise procedures which operate outside the scope of this policy.

This may arise where, for example, the University is concerned that:

- A student's ability to study is neither manageable nor achievable in relation to specific tasks and/or activities and is out with what would be considered a reasonable adjustment under the Equality Act 2010;
- A student poses a risk to their own health, safety and/or wellbeing and/or that of other persons;
- The student's behaviour is, or is at risk of, negatively affecting the teaching, learning and/or experience of other students;
- The student's behaviour is or is at risk of negatively affecting the day-to-day activities of the University and/or a placement provider.

## **2. Equality and Diversity Statement**

GCU is committed to providing a culture and environment which is inclusive of all sections of society and responsive to the needs of individuals. We do this by promoting equality, valuing diversity and ensuring that our University community adheres to our [Dignity at Work and Study Policy](#).

In implementing this policy, the University will at all times remain mindful of its duty of care and its obligations to students under the Equality Act 2010, including in appropriate cases its obligation to make reasonable adjustments. It will also remain mindful of the confidential and sensitive nature of fitness to study matters and of its obligations under General Data Protection Regulation (GDPR).

## **3. Purpose and Scope**

This policy is not disciplinary in nature and is concerned with the wellbeing of the student and the University community. The purpose of this policy is to provide suitable and co-ordinated support to GCU students if they fall into all of the below categories:

- the situation is deemed to be urgent; and
- other internal procedures such as the Code of Student Conduct are not appropriate; and
- all other avenues within schools have been exhausted. This policy differs from Fitness to Practice – certain professional programmes have fitness to practise procedures which may operate alongside this policy.
- the student is not engaging with support services or acknowledging suggestions and advice made by their school

This policy links closely to other policies/processes of the University such as, [Fitness to Practice](#), [Dignity at Work and Study](#), [Fit to Sit](#), [Code of Student Conduct](#), [Guidelines for Supporting Students in Distress](#), and [Recommended Adjustment Pages](#) for Disabled Students.

When a student is subject to disciplinary investigation under the Code of Student Conduct but is considered unfit to engage with the process, the investigation should be suspended. The Fitness to Study procedure should be applied until the student is able to engage with the disciplinary process. It may also be appropriate, depending on the circumstances, to suspend any complaint investigation initiated by a student. The student should be notified of this suspension of complaint or disciplinary procedure by the Department of Governance and Legal Services or academic department as appropriate.

A student's fitness to study may be a cause for concern as a result of a wide range of circumstances, including (but not restricted to) the following:

- Behaviour which would usually be dealt with as a disciplinary matter, which is known to be or suspected to be the result of an underlying physical or mental health difficulty.
- A student's health difficulties are adversely affecting the health, safety or wellbeing of themselves or others.
- The student's academic performance or personal conduct is not acceptable and is known to be or suspected to be the result of an underlying physical or mental health condition.

#### **4. Initiating Fitness to Study Procedure**

This policy and procedure should only be referred to if there is a significant concern for a student's wellbeing and their capacity to study (see Appendix 2). All other avenues of support should be explored before initiating action under this policy. Generally, the student will not be engaging with any support offered when this policy and procedure is initiated. However, there may be specific circumstances, such as when the student has lost the capacity<sup>1</sup> to make decision required to study, where the policy is used, regardless of a student's engagement with services. The student can access advice, guidance, and independent representation from the [Students' Association Advice Centre](#) at all stages of the procedure.

A staff member with concerns should contact their Programme Leader to arrange a meeting with the student. If the student does not attend or serious concern is raised, the Programme Leader should alert the Head of Department. The Head of Department should contact the Head of Student Wellbeing who will convene a Fitness to Study Panel meeting.

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<sup>1</sup> Capacity in the terms of this policy is defined as whether the student is able to make decisions about issues that affect them in relation to their University experience and daily life more generally. Someone lacking capacity would have difficulty doing one or more of the following things: Understanding information given to them about a particular decision; Retaining that information long enough to be able to make the decision; Weighing up the information available to make the decision; communicating their decision. (*Adapted from the Mental Health Foundation, [Mental Health Capacity](#)*)

## 5. Fitness to Study Process Stages

The Fitness to Study is organised in the following stages:

- **Stage 1- Informal Actions within Schools**
- **Stage 2- Fitness to Study Panel**
- **Stage 3- Fitness to Study Review Meeting**
- **Stage 4- Return to Study Following Suspension**

A flowchart outlining the stages of the Fitness to Study Procedure can be found in Appendix 2 of this document.

### **Stage 1: Informal Actions within Schools**

It is vital that all other options are investigated before the formal Fitness to Study panel is convened. It is expected that Schools will approach students once concerns regarding fitness to study have been raised and attempt to resolve the matter by informal discussions with the student. The aim of the meeting is to discuss the concern, any support needs the student may have, and seek to identify the student's perception of the concern. The student is given the opportunity to respond to the concern. A member of the Wellbeing Service or Disability Service may be present at the meeting. The staff member may also invite other relevant staff to attend (for example an accommodation manager or a representative from Student Association). The School may also consult with other relevant staff members in order to deal with the matter and to provide appropriate support to the student.

The staff member determines whether the student's ability to study is compromised, or may become compromised, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- a. support arrangements and/or reasonable adjustments to be put in place for the student;
- b. an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of their conduct and/or the support they should seek), and including regular reviews. The majority of cases can be resolved this way;
- c. the matter to be referred to the next stage of this procedure

### **Stage 2-Fitness to Study Panel**

A Fitness to Study Panel would usually be held when lower-level or informal interventions have not resolved the concern, where the concern raised is too serious to be dealt with informally, or where the student has refused to engage with the informal stage. This may include the use of Emergency Contact details, see section 7.1 of our [Student Privacy Notice](#). The Director of Student Life or reasonable substitute is responsible for convening a Fitness to Study Panel and communicating with the student about it.

Having been initiated, a Fitness to Study Panel will be convened to assess the case and consider the need for further actions to support the student's ongoing engagement with their studies and wider University experience. A Fitness to Study Panel meeting should be convened including all staff involved in the student case (see Appendix 1).

The Fitness to Study Panel meeting should be a supportive and open discussion with the student to reach a collaborative agreement as to any follow-up actions. The student should be informed in writing that the panel meeting is being convened, informed of the purpose of the meeting, and asked to confirm their attendance. At least five working days' notice of the Fitness to Study Panel should normally be given, but in exceptional circumstances this notice period may be shorter. It should be made clear that the intention is to provide support to the student so that they can be successful whilst at University. The student may bring a representative to the meeting e.g. family member, friend or Student's Association Student Advisor. The student can also access advice and guidance on the Fitness to Study Policy from the Student Advisers in the [Students' Association Advice Centre](#).

If the student is unable to attend, they can submit a written statement to the Director of Student Life or reasonable substitute which will be considered at the Fitness to Study Panel meeting. Where a student is unable to attend, and does not submit a written statement, the meeting may still proceed in the student's absence.

There may be situations where it is not in the best interests of the student to attend the Fitness to Study Panel meeting, for example where they would feel overwhelmed by a panel meeting. In these circumstances, the student should be met separately outside of the panel meeting by the Director of Student Life or reasonable substitute to ensure that their views are fully expressed as part of the process. As with the Panel meeting, the student would be entitled to a supporter being present.

During the Panel meeting, the purpose of the meeting and concerns will be discussed and the student or their representative can make a statement, offering any additional information and evidence. Members of the Fitness to Study Panel will be invited to discuss the situation with the student, seeking clarification on the matter of concern. Once the questioning has been completed, the student and their representative (if attending) will withdraw. The Fitness to Study Panel will discuss the case and decide on the outcome.

Possible outcomes of a Fitness to Study Panel meeting are continuation of studies (with or without adherence to an Action Plan), suspension or withdrawal. The Panel may also agree to defer its final decision pending obtaining further information.

The Director of Student Life or reasonable substitute and a representative of the student's Programme Team (usually the Head of Department) will be responsible for communicating in person the outcome of a Fitness to Study Panel meeting to the student as soon as is practical and normally no later than 5 working days after the panel. The outcome will also be confirmed in writing.

### **Continuation of Studies**

If the Panel agrees that the student is able to continue their studies, then consideration should be given to whether an Action Plan is required. If an Action Plan is required, this will be recorded by the Student Wellbeing Representative. The Action Plan will set out terms for continuation of studies, including attendance requirements, required standards of behaviour, requirement to engage with support services, the University's Occupational Health provider and/or medical professionals/community support etc. Copies of the Action Plan will be distributed to those involved in the meeting by the Student Wellbeing Representative. The Action Plan will also include a date for the Stage 3 - Fitness to Study Review Meeting, see paragraph below.

This Action Plan will be communicated to the student in person by the Director of Student Life or reasonable substitute and a representative of their Programme Team (usually the Head of Department) as soon as is practical and normally no later than 5 working days after the panel. This will be confirmed in writing.

## **Suspension of Studies**

If the Panel agrees to suspend a student, this will be communicated to them in person by the Director of Student Life or reasonable substitute and a representative of their Programme Team (usually the Head of Department), with any conditions associated with eligibility to return, as soon as is practical and normally no later than 5 working days after the panel. They will also be informed of the support and plan in place to assist with their return to study. Requirements of return

- May include request to submit medical evidence
- May include referral to the University's Occupational Health provider
- May require engagement with relevant support services in advance of return to study
- May make explicit reference to [Code of Student Conduct](#) or [Dignity at Work and Study Policy](#) as required standards of behaviour on return.

It should also be considered that certain programmes/courses must be completed within a restricted time frame; however, in the instance that there is a concern around a student's Fitness to Study, the department should aim to be as flexible as is possible. Please see the [Assessment Regulations regarding maximum period of registration](#).

The student will be invited to the Stage 3 - Fitness to Study Review Meeting, see paragraph below, once the requirements of return are met.

## **Withdrawal**

In the event the Fitness to Study Panel agrees to withdraw the student, they will be invited to meet with the Director of Student Life or reasonable substitute and a representative of their Programme Team (usually the Head of Department) as soon as is practical and normally no later than 5 working days after the panel. This will be followed up in writing.

With regards to Suspension of Studies or Withdrawal for International Students, advice will be sought from the VISA team and will be supported on a case by case basis.

## **Stage 3 - Fitness to Study Review Meeting**

A Fitness to Study Review meeting will be convened by the Director of Student Life or reasonable substitute and attended by the original members of the Fitness to Study Panel if possible. The student will also be invited to the meeting and will normally be given at least five working days' notice of the meeting. The student may bring a representative to the meeting e.g. family member or friend. The student can also access advice, guidance, and independent representation from the Students' Association Advice Centre.

During the meeting, there will be a review of student's fitness to study. The members of the Panel will be invited to discuss the situation with the student, seeking clarification on the matter of concern. Once the questioning has been completed, the student and their representative (if attending) will withdraw. The Fitness to Study Panel will discuss the case and decide on the outcome.

If issues are fully resolved the procedure may be concluded.

If there has been no improvement in the situation, further discussions will take place regarding appropriate action. This could include the extension of the period of suspension, or the continuation or revision of the Action Plan.

In extreme circumstances, or where the student has not adhered to an Action Plan or there is no change in circumstances following a period of suspension, then the Panel may agree to withdraw a student.

If issues are partially resolved, a further Panel review meeting may be scheduled or an amended Action Plan agreed.

The student will be invited to meet with the Director of Student Life or reasonable substitute and a representative of their Programme Team (usually the Head of Department) to convey the outcome of the Panel as soon as is practical and normally no later than 5 working days after the panel. This will be followed up in writing.

#### **Stage 4: Return to study following a suspension**

The University will work collaboratively with the student in respect of any support arrangements put in place for a return to study. The Programme Leader will ensure that before or on their return, the student will be invited to attend a meeting with appropriate members of academic staff and the Wellbeing Service. At the meeting, actions will be agreed to support the student's successful transition back to study. Within five working days, the student will be sent a summary of the meeting and any actions agreed.

## **5. Appeals Process**

### **Grounds for Appeal**

A student appeal may be made against the outcomes of a Fitness to Study Panel or Review meeting procedure on the following grounds:

- evidence becomes available which was not available, or could not reasonably have been made available, at the time of the original decision;
- there was a procedural irregularity which was prejudicial to the student; and
- the decision was unreasonable and/or the sanction was unduly harsh.

### **Appeals against decision**

A student may lodge an appeal in respect of any decision made. An appeal must be lodged with the Vice Principal People & Student Wellbeing and must detail the grounds for appeal and include any relevant evidence. This must be lodged within 20 working days of the receipt of the written outcome following the Fitness to Study Panel or Review meeting.

The Vice Principal People & Student Wellbeing, in consultation with the Director of Governance and Legal Services, will determine if there are valid grounds for appeal. If it is decided there are no grounds for appeal, the Vice Principal People & Student Wellbeing will notify the student of this, normally no later than 10 working days from the receipt of the appeal, and confirm that the original outcome remains unchanged.

Where it is decided there are prima facie grounds for an appeal, the Vice Principle People & Student Wellbeing will convene a Fitness to Study Appeal Panel as soon as is practical. At least five working days' notice of the Fitness to Study Appeal Panel should normally be given, but in exceptional



circumstances this notice period may be shorter. The student may bring a representative to the meeting e.g. family member, friend or Student's Association Student Adviser. The student can also access advice and guidance on the Fitness to Study Appeal Panel from the Student Advisors in the [Students' Association Advice Centre](#). The outcome of the Appeal panel will be communicated in writing to the student as soon as is practical and normally no later than 5 working days after the panel. The Fitness to Study Appeal Panel should consist of the Vice Principal People & Student Wellbeing, the Dean of the School that the student is studying in, a Head of Department from a department in a different School, the Director of Governance and Legal Services and the President of the Students' Association or nominee, who did not participate in the Fitness to Study panel. The panel will be coordinated by the Director of Student Life or reasonable substitute.

The decision of the Fitness to Study Appeal Panel is final.

## Appendix 1 - Fitness to Study Panel

The following is a suggested list of staff for the Fitness to Study Panel and each Panel membership will be determined by the circumstances of each individual case. There should be a minimum of three staff in attendance.

Role	Responsibility
Director of Student Life or reasonable substitute	Chair of the panel
Student Wellbeing Representative (s)	Co-ordinate the Fitness to Study Meeting.
Mental Health and Wellbeing Manager or other clinically qualified member of the team	Provide professional advice and support as required.
Academic Department Representative(s) (HoD, PL, PT)	Provide professional advice and support on academic matters as required.
Governance and Legal Services Representative	Provide professional advice and support as required.
Campus Services Representative	Provide professional advice on security issues as required.
Visa & Immigration Support and Advice Representative	Provide professional advice on UKVI requirements as required.
Students' Association Full Time Officer Representative	Ensure student's perspective is maintained

## Meeting Record

<b>Name of Student</b>		<b>Student ID</b>	
<b>Organiser</b>		<b>Department</b>	
<b>Date</b>		<b>Time</b>	
<b>Attendees</b>			
<b>Reason for Formal Meeting</b> (detail any incidents/evidence) Concerns Why policy initiated? Other avenues explored?			
<b>Implications for student/others?</b>			
<b>Notes of Discussion</b>			
<b>Recommendation/ Action taken</b>			

<ul style="list-style-type: none"><li>-terms for continuation of studies</li><li>-attendance requirements</li><li>-required standards of behaviour</li><li>-requirement to engage with support services and/or medical services</li><li>-Timescales for review</li></ul>	
<b>Review date</b>	

## Appendix 2 - Stages of the Fitness to Study Procedure

