FITNESS TO STUDY POLICY AND PROCEDURES

FITNESS TO STUDY PANEL: TERMS OF REFERENCE

MEMBERSHIP: ¹

- Director or Deputy Director for the Student Experience (chair)
- School Director of Student Experience and/or nominee
- Student Support Unit representative
- Mental health and/or Counselling representative
- Student Life Centre Representative
- SSRO or RSAO representative

Where relevant:

- Further academic representative from School (Module or Course convenor, DLT/RSM)
- Campus and Residence Support representative
- International Student Support representative
- External medical, social work, mental health etc personnel
- Chaplain/associate chaplain

Attendance of student to be decided on a case by case basis.

TERMS OF REFERENCE:

1. To meet to consider individual student/applicant cases where there is concern that a student/applicant may not be fit to study (as defined in the regulations, procedures and guidance) at the University of Sussex, to return to study after illness or to take part in external activities such as study abroad.

2. To make recommendations to the Pro Vice Chancellor Education and Students or PVC Research relating to the outcome of those considerations.

3. To ensure compliance with the Equality Act and University of Sussex regulations, policies and procedures.

4. To carefully consider all possibilities for continuation/enrolment (within 3 above).

5. To be mindful of the University’s responsibilities and duty of care to the student/applicant within the boundaries of the contractual relationship.

6. To seek the consent and engagement of the student/applicant as far as is appropriate, taking into account risk and capacity.

7. To inform the student/applicant of outcomes, implications and appeals process as quickly as possible.

8. To report to the University Teaching and Learning Committee/Doctoral School Board on (anonymised) cases and related recommendations.

¹ Student Experience structures and nomenclature may change before end 2018/19
1) Introduction and Definitions
   a) We should provide:
      i) focussed, appropriate and boundaried support to all students including reasonable
         adjustments where required
      ii) resources and opportunities for as many students as possible to achieve their
         potential in an environment conducive to a range of needs
      iii) clear assurance that academic integrity will be maintained
   b) We understand fitness to study to mean:
      i) Fitness to participate and to function largely independently in university life
      ii) The ability to benefit from a programme of study [or research] and pursue for the
         required period (in most cases) with a reasonable chance of progression
      iii) The ability to attend, engage with, and participate in university life and processes
         as an independent adult
      iv) The capacity to avoid impeding other students or staff from doing the same
      v) The ability to commit to, and engage appropriately with academic work
      vi) The capacity to engage with processes, procedures and services as appropriate
      vii) A ability to function independently in the University environment, including in
         academic, social, residential and community activities
   c) Disabled students and those experiencing mental ill health:
      i) We do not limit the range of behaviours within the definitions in b) above.
      ii) We will support students with disabling conditions or long-term mental or physical
         health issues to participate and function by offering focussed, appropriate and
         boundaried support (including reasonable adjustments).
   d) Some students may not be fit to study at a particular time because:
      i) it is not possible or appropriate to offer sufficient or satisfactory services or
         adjustments
      ii) a student does not engage with ,or does not accept those services or
         adjustments
      iii) continuing would be detrimental to their health at that time or in the longer term
         (based on clinical advice and/or evidence)
      iv) a student’s actions significantly and repeatedly disrupt the work, study,
         engagement in university life of others
      v) allowing a student to continue/applicant to join we risk acquiring excessive duty
         of care and/or unacceptable risk to student, other students and staff.
      vi) continuing would be detrimental to their immediate or longer term health

2) Fitness to Study Procedures and Panel

In very rare cases, where it appears likely that a student is not fit to study, a Fitness to Study
panel would be convened, chaired by the Director for the Student Experience in Professional
Services or their deputy to decide whether or not a recommendation should be made to the PVC
Education and Students or PVC Research that a student be required to temporarily or
permanently withdraw.
   a) Procedures exist to co-ordinate support for students
      See Appendix 2.
   b) The decision to convene a Panel

References

2 University of East Anglia 2015
2 Students’ conduct and behaviour (whether or not related to mental or physical health) should not
unduly disrupt the learning, research, work of others in the university community. This relates to
This will usually be made at a cause for concern meeting. However, where there appears to be urgency, the Director for the Student Experience, their Deputy or nominee can convene a Panel.

c) Panel membership

The panel will include student support (including counselling and disability) services staff, school representatives, residence and any other relevant specialists from the University or external agencies.

d) Student engagement

i) The student will be notified in advance.

ii) Before the Panel meets, two members of staff will invite the student to meet to discuss options, including deferring their place or voluntary temporary (on health grounds) or permanent withdrawal.

iii) The student will be invited to submit a written statement to the panel and asked to give consent for members to share information. (If the student declines consent to share sensitive information, services will make decisions about what can be shared appropriately.)

iv) The student can submit written evidence in advance.

e) The Panel will consider the follow:

i. The extent of support already offered

ii. What reasonable adjustments might enable a student to study (as defined in 1b above) without exceeding reasonable duty of care

iii. Disability legislation

iv. University Equality and Diversity policy

v. Medical and other evidence. Medical or clinical evidence and/or opinion are key but not the only relevant evidence considered at this meeting.

vi. A student’s current health and their behaviours/presentation plus any clinical/medical advice about prognosis should they remain in the University

vii. The impact of behaviours and/or presentation on other students and on staff

viii. Any submission made by the student, including any new medical or other evidence

ix. The likelihood of academic progress in the current situation and in the future.

x) Any potential alternative next steps, such as progress review or disciplinary route.

f) Not fit to study:

If the meeting is generally agreed that student is not fit to study at the current time:

i) The Panel will decide if the deferral/withdrawal should be permanent or temporary. In most cases it should be temporary but there may be some rare cases where circumstances indicate that permanent is more appropriate. (There will always be the option for a new application from that student at a later date.)

ii) Chair recommends this to the PVC Education and Students/Research within one working day.

iii) If the PVC approves the recommendation, the Director or Deputy Director for the Student Experience will write to the student within 2 working days of the Panel to tell them of that decision.

iv) The University will then defer or withdraw the place, withdraw the student or place on TWD.

v) The student still has the option to request deferral, withdrawal or TWD at this point.

vi) In case of TWD, Panel will stipulate requirement for return from TWD to be conditional on clinical evidence and a satisfactory Support Agreement Meeting. See Appendix 3.

vii) The student can submit an appeal to the Deputy Vice Chancellor within 7 working days if they consider that the decision to defer, WD or TWD is not in line with regulation or that the Panel did not follow procedures correctly.

viii) The DVC will review the evidence of the Panel and consider the appeal.
ix) The student will be informed of the outcome of the appeal within 5 working days.

x) The student shall not be in attendance pending the outcome of the appeal.

3) Financial matters:
   a) Tuition fees:
      i) The student will be entitled to a refund of any tuition fees paid for a period after the Panel date (WD) or for those fees to be held on student’s account (TWD).
      ii) Any tuition fee debts will be due for payment.
   b) University-managed property tenancy:
      i. Student will be released from tenancy
      ii. Rent after Panel date to be refunded (allowing reasonable time to clear room, etc)

4) Fit to study

Where the procedures do not lead to a decision that a student is not fit to study, the Panel can recommend alternative actions including, but not limited to:

   a. Support plan:
      i. Campus Intervention Team to work with student to review or establish a detailed support agreement. (This will already exist in most cases.)
      ii. See Appendix 3
   b. Discipline procedures

Discipline procedures may be followed where a students' behaviour is disruptive or anti-social. https://www.sussex.ac.uk/webteam/gateway/file.php?name=regulation-2---2016-08-01.pdf&site=76

1) Progress procedures

Schools’ or Doctoral School’s progress and awards procedures may be followed where a student is not making satisfactory progress.

5) Fitness to return from temporary withdrawal

Previously, a student who TWDs for health reasons was “entitled to return” without any reference to their health and wellbeing. We neither encouraged nor required them to seek to address their health concerns during TWD nor did we ask them to seek advice and evidence from clinical staff about their fitness to return. This allowed very unwell students whose presentation and behaviours were distressed and distressing, and possible deeply disruptive, returning in a similar or worse condition.

   a) Evidence of fitness to return:
      i) Student to provide to DOSE evidence that they have engaged with clinical services and are now fit to return to university life
      ii) It may be advisable to provide the student with an additional document listing relevant issues (e.g. living independently, managing the stress of full-time study, transition issues such as managing funding, residence, possibly new cohort of students etc.)
      iii) If a student was previously considered by Fitness to Study Panel or if DOSE has concerns about student’s support needs, return will be conditional on a satisfactory Support Agreement Meeting.
   b) Support while on TWD:
      i) 4 months prior to return, Student Life Centre to send a reminder about fitness to return evidence, about , re-establishing funding, module choice etc
      ii) 3 months prior to return, Student Life Centre/Student Support Unit to invite student to meeting to plan support unless TWD very brief or less complex
   c) Support on return from TWD:

A student who has been on TWD is at higher risk of non-engagement than one who has not.
   i) Flag on record to indicate that there should be a lower threshold for concerns relating to attendance and other forms of engagement
   ii) Invite to contact SSU/SLC if not covered in b) ii) above

6) Fitness to Study abroad or on placement
Currently we have no protocols for identifying students who are unlikely to manage placements abroad or in employment at the present time other than self-declaration. A procedure to reduce risk to the student, Sussex or our partners is being developed. Such cases to be considered by Fitness to Study Panel.

7) Regulation
   a. Current Regulation:
      i. Fitness to Study procedures also apply to students wishing to study abroad and to those going on placements.
      ii. Right of Appeal - A student who is required to withdraw/temporarily withdraw (or an applicant whose place is withdrawn/deferred) on fitness to study grounds shall have the right to appeal to the Deputy Vice Chancellor in writing within 7 working days of the decision being communicated to the student's address, including their email address, as recorded on their student record. The grounds for appeal must be that there has been procedural irregularity or other inadequacy in the process by which the withdrawal/temporary withdrawal has been required.
      iii. Where a student or applicant lodges an appeal, they must not attend between the date of the notice in writing that they must withdraw, or temporarily withdraw, and the outcome of the appeal.
   b. Return from temporary withdrawal or deferral of admission on health grounds:
      A student preparing to return from temporary withdrawal (on health grounds) must satisfy the Fitness to Study Panel that their health has improved sufficiently to [re]commence studies or research.
**University of Sussex**  
**REQUEST FOR MEDICAL EVIDENCE OF FITNESS TO RETURN TO STUDY**

<table>
<thead>
<tr>
<th>STUDENT NAME</th>
<th>Date of Birth</th>
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<tr>
<td><strong>STUDying</strong></td>
<td><strong>LEVEL</strong></td>
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**STUDENT CONSENT:**  
I give consent for my doctor to complete this document and return to the Deputy Director for the Student Experience, University of Sussex Brighton, BN1 9RH where it will be considered by the Fitness to Study Panel.

**STUDENT SIGNATURE**

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**For completion by doctor:**

- **In your opinion is this student well enough to return to full time study at the University of Sussex?**
  - Yes/Not at this time

- **If yes, what reasonable adjustments/support might they need to facilitate their transition back into University, in your opinion?** (optional)

- **If yes, what reasonable adjustments/support might they need to engage with their academic work, in your opinion?** (optional)

- **If yes, are there any particular issues or challenges with which the student might have difficulty, in your opinion?** (optional)

- If the student is not ready to return to the University of Sussex at this time, in your opinion, it would be helpful if you could comment on what criteria would need to be met for them to be ready/fit to return.

**Signature**

**Date**
Dear Doctor

At the University of Sussex we are committed to supporting our students and fulfilling our duty of care to individuals and the wider university community. We are proud to be inclusive and of the work we do to put in place reasonable adjustments where appropriate. We do require students to be able to function largely independently and to manage significant amounts of self-care and self-management, including the stress associated with academic work.

We know that students who temporarily withdrawn due to ill health often wish to return before they have been well for a significant period. They may believe that a return to routine and to the people who were around them will be beneficial but our experience is that doing this too early can be very problematic. We are also aware that a return to the pressures of academic study, the stress that can arise from reintegrating into work, community, possible changes that have occurred in their absence etc can cause additional challenges that can set a student’s recovery back. We are seeking your opinion as part of the decision making process to ensure that this is the right time for a particular student.

The student named overleaf has had a period of temporary withdrawal due to ill health. We are concerned that they should not return until they are well enough to benefit from doing so and meet the University of Sussex’s requirements for fitness to study. These are:

i) Fitness to participate and to function largely independently in university life

ii) Ability to benefit from a programme of study [or research] and pursue for the required period (in most cases) with a reasonable chance of progression

iii) Ability to attend, engage with, and participate in university life and processes as an independent adult

iv) Capacity to avoid impeding other students or staff from doing the same

v) Ability to commit to, and engage appropriately with academic work

vi) Capacity to engage with processes, procedures and services as appropriate

vii) Ability to function independently in the University environment, including in academic, social, residential and community activities

We would consider a student unfit to study at a time when:

i) it is not possible or appropriate to offer sufficient or satisfactory services or adjustments

ii) a student does not engage with or does not accept those services or adjustments

iii) continuing would be detrimental to their health at that time or in the longer term (based on clinical advice and/or evidence)

iv) a student’s actions significantly and repeatedly disrupt the work, study, engagement in university life of others

Before this student can return, we need evidence from you that, in your opinion, they are fit to do so. It would be very helpful if you could return this document, completed, to:

The Deputy Director for the Student Experience, University of Sussex, Brighton BN1 9RH

Please mark the envelope CONFIDENTIAL. If you wish to discuss the matter, please telephone 01273 872667 or email d.g.green@sussex.ac.uk

Thank you for your support.

Debora Green
Deputy Director for the Student Experience
**Terms of Reference**

To assess:

- Fitness to participate and to function largely independently in university life
- The ability to benefit from a programme of study [or research] and pursue for the required period (in most cases) with a reasonable chance of progression
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- The capacity to engage with processes, procedures and services as appropriate
- Ability to function independently in the University environment, including in academic, social, residential and community activities
- Risk to named student’s health of continuing, commencing

**References**

4 University of East Anglia 2015

2 Students’ conduct and behaviour (whether or not related to mental or physical health) should not unduly disrupt the learning, research, work of others in the university community. This relates to **Health and Safety at Work Act 1974 and Human Rights Act 1998**
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<thead>
<tr>
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<th>High Hazard</th>
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<td>9. Academic progress of other student(s) negatively impacted</td>
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<td>13. Enter additional risks / hazards or extenuating circumstances...(Exam period)</td>
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SEVERITY: 1 = Slight impact, 2 = Serious impact, 3 = Major impact
LIKELIHOOD: 1 = Low, 2 = Medium, 3 = High

2. RISK ASSESSMENT – RATING MATRIX

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<td>High risk (substantial)</td>
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3. EXAMPLE NEXT STEPS FOR CONSIDERATION

(NON EXHAUSTIVE):
- Learning and support agreement
- Temporary withdrawal
- Requiring temporarily or permanently move accommodation.
- Time-limited full or partial suspension of the named student(s) from their studies.
- Rejection of application
- Deferral of application
- Consideration of financial support during leave
- Permanent withdrawal

4. SUPPORT / ACTION PLAN
## PRECAUTIONARY MEASURES TO BE IMPLEMENTED
(Including Anticipated Effectiveness and Impact):

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### 5. REVIEW AND UPDATE RECORD

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<th>DATE:</th>
<th>REASON: (regular interval, change in circumstances, failure to comply with support plan, conclusion of criminal/disciplinary process)</th>
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RISK ASSESSMENT – FITNESS TO STUDY/RETURN/STUDY ABROAD PANEL

DIRECTORATE:
Student Experience, University of Sussex

Terms of Reference
To assess:
- Fitness to participate and to function largely independently in university life
- The ability to benefit from a programme of study [or research] and pursue for the required period (in most cases) with a reasonable chance of progression
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- The ability to commit to, and engage appropriately with academic work
- The capacity to engage with processes, procedures and services as appropriate
- Ability to function independently in the University environment, including in academic, social, residential and community activities
- Risk to named student’s health of continuing, commencing

STUDENT(S) DETAILS (including name, ID, course, FTP):

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<tr>
<th>Name:</th>
<th>Reg/admissions #</th>
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<tr>
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<td>Residence:</td>
<td>on campus</td>
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<td>Lives with Sussex students/family/other</td>
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<tr>
<th>HI</th>
<th>CONCERNS IDENTIFIED BY THE UNIVERSITY NON EXHAUSTIVE (add / remove as appropriate)</th>
<th>POTENTIAL SEVERITY (PS):</th>
<th>LIKELIHOOD (LD):</th>
<th>RISK RATING</th>
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<td>PS x LD</td>
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<td>student/applicant lack of insight/awareness of pressures/complexity of study/student life</td>
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<td>Threat to physical safety of the University community or its premises</td>
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<td>3</td>
<td>Threat to physical safety of other student(s)</td>
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<td>Threat to physical safety of named student (e.g. is recovery complete?)</td>
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6 Threat to the emotional wellbeing of named student
7 Threat to the emotional wellbeing of wider University community or communal living environment..
8 Academic progress of other student(s) negatively impacted
9 Academic progress of named student negatively impacted
10 Risk of reasonable adjustments being inappropriate, insufficient or failing
11 Risk to the quiet enjoyment of property in shared accommodation.
12 Inability to live largely independently/ requiring higher/more frequent levels intervention than reasonable
13 Enter additional risks / hazards or extenuating circumstances…(Exam period)

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4. SUPPORT / ACTION PLAN
### PRECAUTIONARY MEASURES TO BE IMPLEMENTED (INCLUDING ANTICIPATED EFFECTIVENESS AND IMPACT):

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## TIMESCALES FOR FITNESS TO STUDY PROCEDURES

<table>
<thead>
<tr>
<th>DAY</th>
<th>ACTION/ACTIVITY</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>DECISION TO CONVENE PANEL</td>
<td></td>
</tr>
<tr>
<td>+ max 10 working days</td>
<td>DATE OF PANEL MEETING</td>
<td></td>
</tr>
<tr>
<td>+ 2 working days</td>
<td>STUDENT INVITED TO A MEETING WITH 2 MEMBERS OF STAFF (INCLUDING ONE HEALTH/WELLBEING) PRIOR TO PANEL.</td>
<td>Where a student is too unwell to attend a meeting, staff will seek advice from hospital, medical/clinical personnel caring for them.</td>
</tr>
<tr>
<td>Prior to Panel</td>
<td>Student asked for consent to share information at meeting.</td>
<td>If no consent but level of risk warrants it, information might be shared without consent – dependent on professional codes etc.</td>
</tr>
<tr>
<td>Prior to Panel</td>
<td>Student may submit written statement.</td>
<td></td>
</tr>
<tr>
<td>Panel</td>
<td>Student may be invited to attend all or part of the meeting. A UOS friend or staff member may accompany them. Panel may recommend to PVC that student is not fit to study.</td>
<td>In some cases student may not wish to attend, may not be well enough to engage appropriately.</td>
</tr>
<tr>
<td>Panel + 2 working days</td>
<td>PVC responds. Student is notified by email and by letter. If not fit to study, attendance/engagement must cease.</td>
<td></td>
</tr>
<tr>
<td>Letter + 7 working days</td>
<td>Student may appeal to DVC within 5 working days of PVC decision.</td>
<td></td>
</tr>
<tr>
<td>Letter + 12 working days</td>
<td>DVC will make decision on appeal.</td>
<td></td>
</tr>
</tbody>
</table>

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8 Error in Senate paper 2.f x: should read “The student shall **not** be in attendance pending the outcome of the appeal.”