

Fitness to Study Procedures for Departments

1. Purpose of this document

- 1.1 These procedures have been developed to provide guidance in the rare cases where it becomes necessary to manage a student's fitness to study. It is hoped that the procedures outlined here will assist departments in supporting students in this situation, and of proceeding in a fair and considered way towards a resolution.

2. The scope and purpose of the University's Fitness to Study Procedures

- 2.1 The University's Fitness to Study Procedures have been put in place to ensure that the health and well-being of all students is safeguarded, and that the best possible support is given to those whose fitness to study (as defined below) appears to be impaired. This support is given in the context of the learning environment and educational objectives that are core to being a student, and the policy and procedures aim to ensure a balance is struck between the needs and wishes of the individual in relation to their health and well-being, and the requirements of the University in relation to their studies and in relation to other students and members of staff.

2.2 *'Fitness to study* means:

(a) a student's fitness:

- (i) to commence a distinct course of academic study; or
- (ii) to continue with their current course of academic study; or
- (iii) to return to their current or another course of academic study; and

(b) their ability to meet:

- (i) the reasonable academic requirements of the course or programme; and
- (ii) the reasonable social and behavioural requirements of a student member (whether resident in college or not) without their physical, mental, emotional or psychological health or state having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff (not withstanding adjustments required by law);'

- 2.3 The procedures at stage 1 and 2 are specifically written with departments ¹ in mind given they are the primary referring bodies, in the context of the legislation for the Fitness to Study Panel, for postgraduate students. (Colleges will have comparable procedures in relation to undergraduate students.) When departments have exhausted their procedures and have not

¹ Reference to departments in this document includes faculties

reached a solution with the student, it may be necessary to initiate stage 3 of the procedures, by making a referral to the Fitness to Study Panel.

3. Circumstances under which a student's fitness to study might be brought into question.

3.1 Procedures may be triggered when departments are alerted to any of the following concerns:

- A significant deterioration in the apparent health, wellbeing, or academic functioning of a student;
- A persistent inability of a student to submit work or to attend for classes, seminars or meetings, or to participate in other aspects of normal student life;
- A student's behaviour causing concern in relation to their own well-being;
- A student's behaviour adversely affecting the learning environment or the health and wellbeing of others;
- A student has themselves reported problems.

3.2 It is envisaged that these procedures will be used very rarely. Student health matters, including disability, will normally be dealt with satisfactorily via the available medical and Student Welfare and Support Services, and academic progress may be managed alongside these provisions. However, where it is apparent that the student continues to make insufficient progress despite this support and that this is having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff, referral to the fitness to study procedures may be warranted.

4. The relationship between Fitness to Study Procedures and other University procedures

4.1 In the majority of cases that are envisaged here, the procedures and provisions for managing academic progress should continue to be followed; it is important that the student is clear that while registered they are expected to continue to meet their academic obligations subject to any reasonable adjustments that have been put in place by the University. The Fitness to Study procedures can proceed in parallel with those for managing academic progress. The latter will provide clear work targets for students, and will benchmark progress in a way that is complementary to the Fitness to Study procedures.

4.2 Where a student is following a course of study to become a doctor or a teacher, reference should be made instead to the Regulations for procedures for dealing with questions of Fitness to Practise amongst medical students (Council Regulations 7 of 2006) or to the Regulations for procedures concerning Fitness to Teach during the course of the PGCE programme (Council Regulations 8 of 2006).

4.3 These procedures should not be used where the behaviour causing concern constitutes a disciplinary offence: such matters should be referred to the Proctors for investigation under the provisions of Statute XI. The Proctors may refer a student to the Fitness to Study Panel in the course of their investigations.

4.4 In cases where a student's condition or conduct gives rise to a need for immediate action, the Proctors are empowered to suspend that student from the University (for periods of up to 21 days at a time).

- 4.5 In urgent cases where there is a risk or threat to the student or to others departments should contact the appropriate statutory agency (e.g. the NHS or the police).

5. The procedures

- 5.1 The procedures have three stages:

Stage 1: Initial action by the Department: initial concerns are raised with the Director of Graduate Studies who meets with the student and attempts to resolve the concerns through discussion and agreement, followed by a review period and follow-up meeting;

Stage 2: Formal Case Review Meeting: ongoing or more serious concerns are managed via a formal Case Review Meeting;

Stage 3: hard to resolve cases are referred to the central Fitness to Study Panel.

- 5.2 The three-stage process does not have to progress step-wise, and it is not intended to be prescriptive, but may be accelerated according to (a) the seriousness of the case or (b) the stage that has been reached in other procedures to manage the student's progress and health or other problems before referral to these procedures.
- 5.3 At each stage of the procedures, staff should consider seeking professional advice from the Student Welfare and Support Services. In particular, appropriate advice should be taken on whether reasonable adjustments for long-term health conditions/disability can and should be made, or need to be reviewed. Contacts are provided in Appendix A. Additionally departments will want to ensure that the Disability Coordinator/Lead for their department is involved. At each stage, staff should seek to define and illustrate clearly the concerns that have been raised. If at any stage of the procedures it is agreed that a review meeting should take place to follow up on the outcomes, the review should be of clear and measurable objectives accompanied by a timetable for delivery. In each case these should be provided in a written form. Alternative arrangements will need to be made for part-time students or those placed overseas, for example by using videoconferencing or Skype. In these cases the same consideration of support for the student must be given.
- 5.4 The procedures at Stages 1 and 2 allow for the Director of Graduate Studies to designate an alternative chair where the DGS has a conflict of interest, or is otherwise prevented from taking on this role.

6. Stage 1 – Initial action by the Department

- 6.1. Concerns about a student's fitness to study should be notified to the Director of Graduate Studies. The DGS, or their designate, should arrange to meet with the student to explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised. They should explain clearly what behaviour has given rise to the concern and why it is a matter of fitness to study, and provide the student with a chance to explain their behaviour. Other relevant members of staff may be invited to the meeting, but they should be kept to a minimum in order to encourage an informal and open discussion. The student should be informed of who will be present and why. The student's college should be

informed via the Tutor for Graduates (or Senior Tutor at graduate colleges). At this initial stage it should not be necessary for the student to be accompanied, but the student may wish to bring a member of college staff, or a support worker to the meeting. The DGS, or designate, should attempt to resolve the matter through discussion with the student. If appropriate, the student should be directed to make use of medical and/or Student Welfare and Support Services. There might also be academic adjustments that are appropriate to put in place. The student should be informed that there will be a review period and follow-up meeting to ensure that the concern about their fitness to study has been addressed and resolved.

- 6.2. After the meeting the DGS, or their designate, should send an email confirming in writing what was agreed between them, and invite the student to confirm that the email represents their understanding of what was agreed. The respective responsibilities of the department and the student arising from the meeting should be set out clearly. The email should also confirm the date of a follow-up meeting after a review period.
- 6.3. At the end of the review period, a meeting should be held to discuss any steps taken by the department and the student to address the concerns. If the concerns have been addressed, this will be noted but it will be open to the DGS, or their designate, to put in place ongoing monitoring and support arrangements to help the student to continue to study effectively. If the steps agreed have not been taken on either side or the concerns have not been addressed fully, a further period of review might be agreed.
- 6.4. Alternatively, it might be necessary to move to the next stage of the procedures. If a student is unable or unwilling to co-operate with the process or modify their behaviour they should be informed that further action under Stage 2 of the procedures is likely to be instigated.

7. Stage 2 – Formal Case Review Meeting

- 7.1. This stage of the procedures entails a formal Case Review Meeting. There are a number of circumstances in which it will be appropriate for the department to refer a student on to Stage 2 of the procedures:
 - if the action taken under Stage 1 has not been effective;
 - if the case notified to the DGS is deemed too serious at the outset to be dealt with under Stage 1;
 - if the department has been supporting a student with ill-health for some while but the student is still unable to meet the academic, social, or behavioural requirements of their programme of study and this is having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff.
- 7.2. This list does not comprehend all the circumstances in which a department might deem it appropriate to refer a student to Stage 2, but is indicative of some of the likely circumstances.

- 7.3. The DGS will convene and chair the meeting. In addition to the student and the DGS, those with a substantial interest in the student's academic progress and welfare will be invited to attend e.g. the student's supervisor (PGR) or course director (PGT); and the student's college adviser or other member of college staff. In addition, representatives of the University's Student Welfare and Support Services may also attend, as thought appropriate by the DGS, to provide information and advice.
- 7.4. Before the meeting, the Department may wish to ask the student to undergo a medical assessment from a qualified practitioner familiar with the Oxford University system, such as a college doctor. Alternatively, the student may wish to provide the Department with medical evidence from their own doctor, which may be relevant to determining the following matters:
- The nature and extent of any medical condition from which the student may be suffering;
 - The student's prognosis;
 - The extent to which it may affect their fitness to study and ability to manage the demands of student life;
 - Any impact it may have or risk it may pose to others;
 - If adjustments have been put in place, the effectiveness of those adjustments;
 - Whether any additional steps should be taken by the department, in light of the medical condition, to enable the student to study effectively;
 - Whether the student will be receiving any ongoing medical treatment or support.
- 7.5. Should the student choose not to take a medical examination, or to disclose the results, the department may continue this procedure based on the information already in its possession.
- 7.6. The student will be given at least 7 working days' notice of the convening of a Case Review Meeting and informed of the purpose of the meeting. The student will also be provided with any documents that will be considered at the meeting, and asked to provide, in good time, any documentation they may wish to be considered.
- 7.7. The student may be accompanied at the meeting by a member of the OUSU Student Advice Service, a fellow student, or other advisor. The meeting is part of an internal university process. It is not adversarial, nor is it a formal, legal hearing. Therefore, the attendance of legal advisors is not permitted. A support worker, if required, may also accompany disabled students. The student should notify the DGS at least 24 hours in advance of the meeting if they are to be accompanied and by whom.
- 7.8. The purpose of the meeting will be to ensure that: -
- the student is made fully aware of the nature of the concerns that have been raised;
 - the student's views are heard and taken account of and the best way to proceed is agreed upon;
 - the student is fully aware of the possible outcomes if difficulties remain.

7.9. The Case Review Meeting will order its proceedings at the Chair's discretion and seek opinions from those present, or written opinions, including Student Welfare and Support Services staff working with the student, and institute enquiries to assist its deliberations.

7.10. Having taken advice from those convened, the DGS may decide: -

(a) that no further action is required; or

(b) to formally monitor the student's progress for a specified period of time;

In this case an action plan will be agreed with the student, outlining any steps, which the student will need to take, and/or any support to be provided to the student, to address the concerns identified.

Regular review meetings with the student will need to be arranged with a nominated member of departmental staff, to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided.

The student will also need to be informed of the consequences of any non-compliance with the action plan, which will normally involve their fitness to study being considered at Stage 3.

Or

(c) to recommend that special academic arrangements or support are put in place.

As above, regular review meetings with the student will need to be arranged. The student will be informed that unless these arrangements remedy the concerns to the department's satisfaction, their fitness to study may be considered at Stage 3 of these procedures.

Or

(d) to recommend that their studies be suspended for a period of time with appropriate application to the relevant University authority.

Or

(e) to recommend that the student consider withdrawing from their course.

7.11. The recommendations of the Case Review Meeting, together with a concise record of the meeting, should be sent to the student within 7 working days from the date of the meeting, and a copy kept on the student's personal file. A copy of this documentation should be sent to the student's College.

7.12. If the student does not accept the recommendations arising from the Case Review Meeting the Department should consider referring the matter to the Fitness to Study Panel.

8. Stage 3 – Fitness to Study Panel referral

8.1. The University's Fitness to Study Panel (Stage 3) was established under Statute XIII. The remit of the panel is to:

'consider a student's fitness to study where all other normal procedures (whether at college or University level) have been exhausted or are inappropriate.'

8.2. In the context of a department's procedures, this means:

- where the department has exhausted the foregoing procedures without resolving the matter, and decides to refer the case to the Panel;
 - where, at any stage, the department considers that the seriousness of the case makes referral to the Panel appropriate without going through the two earlier stages of the procedures.
- 8.3. Departments can make a referral by writing to the Secretary of the Fitness to Study Panel at fts@admin.ox.ac.uk and requesting a referral form. As part of the referral requirements, departments will need to show that their fitness to study procedures have been followed, and that reasonable adjustments have been made in the case of disabled students. The documentation of Stages 1 and 2, where these have taken place, and any other relevant documentation will be required. Members of the Department may be required to attend a meeting of the Panel as witnesses.
- 8.4. The Panel is empowered to decide whether or not the student is fit to study; it may also make a decision or recommendation that the student's continued access to University and college facilities and premises should be subject to certain conditions, or that they should be suspended for a specific, or for an indefinite, period.
- 8.5. The decision of the Panel is final and marks the completion of the University's procedure concerning fitness to study. Notwithstanding this, the Panel may refer back for resolution to departments, as appropriate, any case which it believes may best be resolved by the department's own internal processes.
- 8.6. In cases of demonstrable and serious urgency, it may recommend, after discussion with the department, that such interim measures be adopted as are necessary and proportionate until such a time as the case may be determined by the Panel.
- 8.7. In considering a case the Panel shall: (1) apply the definition of 'fitness to study' set out in section 6 of Statute XIII; (2) be entitled to employ or to draw upon suitably qualified expert advice, including expert medical, psychiatric and legal advice; (3) have due regard to the obligations of the University and the student's college under equality legislation and the duty to make reasonable adjustments.
- 8.8. The full procedures of the Panel are set out in detail in Statute XIII, Part B and Council Regulations 1 of 2012, which are published on the University's web pages www.admin.ox.ac.uk/statutes/regulations/

9. Return to Study

- 9.1. In cases where the student has temporarily suspended their study at any stage as an outcome of the Fitness to Study Procedures, the conditions necessary for reinstatement to the course must be made clear by the body (department, or Fitness to Study Panel) that has directed or agreed the suspension. They should be provided in writing to the student prior to suspending so that students are fully informed before they suspend status of the conditions that must be met in order to reinstate. The conditions are likely to include evidence of improved health or improved management of health conditions in order to reinstate, and

monitoring of fitness to study for a specified period of time after reinstatement. The improvement in health required for reinstatement should be explicit and relate to the reasonable academic, social and behavioural requirements of the course e.g. ability to sustain X hours' work per week to meet the academic demands of the course. The requirements of the course are understood to be the requirements as adjusted for disability where appropriate e.g. there may be a pre-existing agreement for adjusted length of the course or adjusted deadlines.

- 9.2. When a student indicates to their college or department that they wish to resume their studies after a period of suspension, it will be necessary to ensure that the student is assisted in their application to reinstate. Colleges might assist the student in their application and ensure that they have sought appropriate advice from Student Welfare and Support Services and their department.
- 9.3. It is the responsibility of the department to satisfy itself that the conditions necessary for reinstatement have been met seeking advice from Student Welfare and Support Services and their divisional officers. The department may require the student to produce confirmation of their health and ability to resume studying from an appropriate medical or health professional providing evidence that the improvement in health required for reinstatement has been made and is likely to be sustained. This is likely to be the clinician who has treated the student while suspended. The department reserves the option to seek a second opinion. Medical fitness is not the same as fitness to study, and the department may require other sorts of evidence, for example, relating to behaviour, to satisfy itself that conditions have been met or can be maintained.
- 9.4. Reinstatement following any suspension that exceeds a continuous period of 24 months will only be considered in exceptional circumstances.
- 9.5. The department, with advice from Student Welfare and Support Services, will conduct a review of the documentary evidence of the student's mental and/or physical wellbeing and contextualise such evidence within the demands of the course. The consideration of a reinstatement application will also include:
 - the most appropriate time for the student to return to study;
 - the altered structure of the course and whether it is now feasible to complete the course;
 - the capacity of Student Welfare and Support Services to support the student.
- 9.6. To assist the department in considering the application for reinstatement, Student Welfare and Support Services will draw up a 'Return to Study Plan' in consultation with the student and the relevant academic lead. The Plan will address and include:
 - the specific study-related support needs of the student in returning to education;
 - the support which is reasonably required in the short term;
 - the involvement of and liaison with external agencies;
 - any longer term support or adjustments that are reasonably required and any conditions that might or will apply to provision;

- a risk management plan that takes account of the experiences that led to the student initially suspending from their course and any other information that is known to be relevant.
- 9.7. Any return to study will be subject to the student's co-operation with this process and full adherence to any agreements made. The student and their college, will be informed of the outcome of the review.
- 9.8. If the department considers that there are still grounds to be concerned about a student's fitness to study, they may either agree with the student a further period of suspension with a view to receiving a further application to reinstate at a later date, or convene a further Formal Case Review meeting i.e. Stage 2 of the procedures, to consider the matter.

10. Acknowledgements

- 10.1. The procedures of a number of HEIs were used as models in developing these procedures, in particular, the University of Cambridge's Fitness to Study procedures for Colleges, and the University of Southampton's return to study procedures were drawn upon extensively.

Philippa O'Connor
21.10.16

Updated 24.01.19
Sophie Herzberg

Appendix

Useful Contacts

For advice on the procedures contact:

Gillian Hamnett
Director of Student Welfare and Support Services
director.swss@admin.ox.ac.uk

Sophie Herzberg
Fitness to Study Panel Secretary, Education Policy Support
fts@admin.ox.ac.uk

Version history

1.1	October 2016	Original publication	Approved by Graduate Panel
1.2	February 2019	Minor updates	<ul style="list-style-type: none">• Removal of reference to University' Occupational Health Service (para. 7.4)• Updates to useful contacts (Appendix)