

## **Mansfield Fitness to Study Procedures (undergraduate)**

Adopted by Governing Body on 11 October 2023.

The full explanation of the Fitness to Study guidance may be referred to at: Conferences of Colleges FINAL Guidance (August 2022)

### **Introduction**

1. These procedures have been developed in compliance with the Office for Independent Adjudicator's statement of good practice<sup>1</sup> to provide assistance in cases where it becomes necessary to manage the impact of a student's health and welfare on themselves and others and upon their ability to undertake their course of study. The procedures are designed to provide a fair process for dealing with that impact. They are separate from academic discipline or other discipline. The procedure is based upon the OIA's core principles of accessibility, clarity, proportionality, timeliness, fairness, independence, confidentiality and improving the student experience<sup>2</sup> to which the College has regard.

2. The aim of these procedures is to ensure that the health, safety and welfare of all students is safeguarded, and that the best possible support is given to those whose fitness to study appears to be impaired. Fitness to study procedures can be informal or formal and may be triggered by health and welfare issues and/or academic study issues that need to be resolved. Health and welfare will include but is not limited to physical health, mental health, psychological health, and behavioural, emotional and social questions arising out of the ordinary incidents of life as a student. Fitness to study support is provided by the College in a learning environment where educational objectives are a core element of being a student, and the aim of these procedures is to ensure a balance is struck between the needs and wishes of the student in relation to their health, safety and welfare, and the requirements of the University and colleges to maintain a learning environment with academic standards which has regard to the interests of the student, other students and members of staff.

3. These procedures describe the steps College takes in making recommendations and decisions to support a student's course of study, including by taking time away from those studies, where a student's pattern of ill-health, prolonged ill-health, impaired welfare or a sudden life event affects their ability to participate fully and effectively in their course of academic study and meet the reasonable academic requirements of their course of study, or life as a student, impacting on their or others' health, safety and welfare.

4. Fitness to study is defined by the University as follows:

(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) a student's ability to meet:

- (i) the reasonable academic requirements of the course of study or programme; and
- (ii) the reasonable social and behavioural requirements of a student (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

---

<sup>1</sup> The Good Practice Framework: Requests for additional consideration, OIA, December 2020

<sup>2</sup> The Good Practice Framework: Handling complaints and academic appeals, OIA

student and/or other students and/or University or college staff (not withstanding adjustments required by law).

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

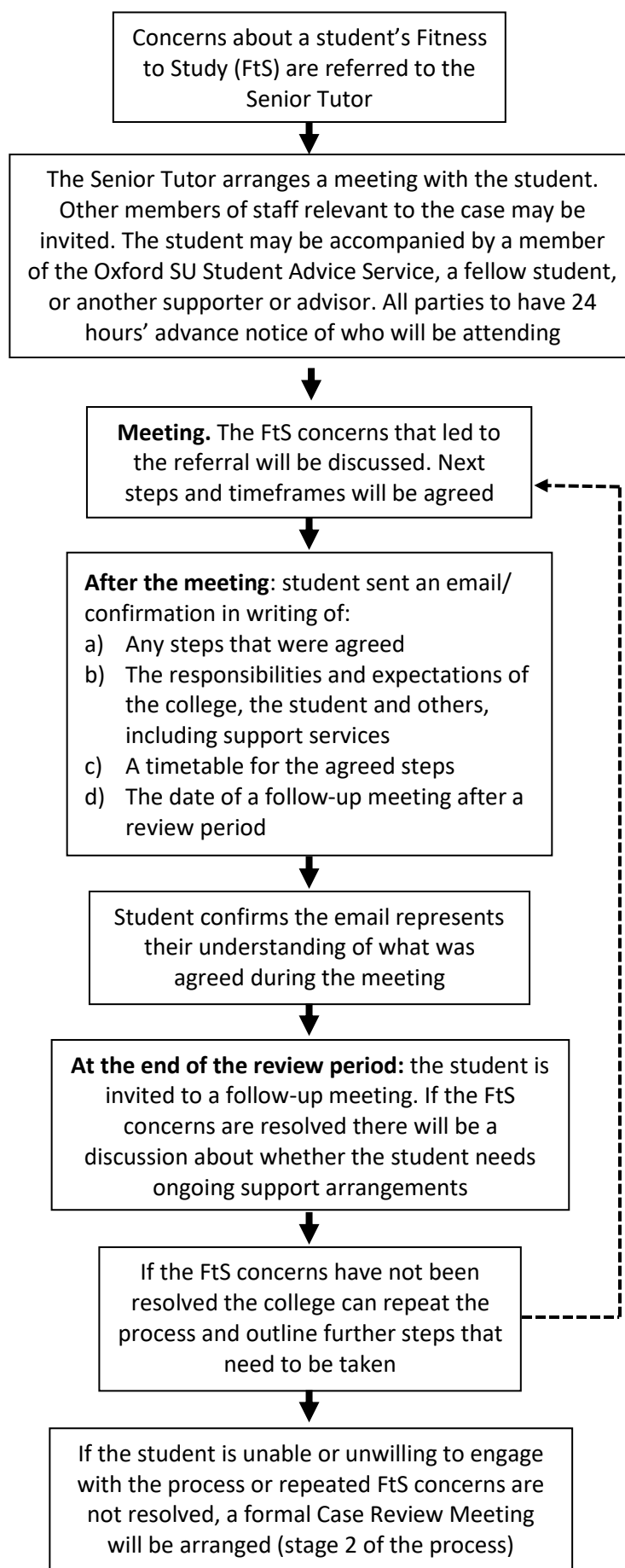
5. Procedures may be triggered when any of the following concerns arise:

- a) A significant deterioration in the apparent health or welfare of a student which may be evidenced by or which may impact on the student's ability to meet the reasonable academic requirements of their course of study; (for example, a persistent inability of a student to submit work or to attend tutorials, classes, lectures, seminars or meetings) or to participate in other normal aspects of the life of a student;
- b) A student's behaviour causing concern in relation to their own health, safety and welfare;
- c) A student's behaviour adversely affecting the learning environment or the health, safety and welfare of others.

6. It is envisaged that these procedures will need to be used only where University and college support for health and welfare and for academic studies, including adjustments required by law, are insufficient to prevent a fitness to study question from arising or continuing. Student health and welfare matters, including disability, will normally be dealt with satisfactorily via the available medical and Student Welfare and Support Services, including those provided by a college, and academic progress will normally be managed alongside these provisions. However, where it is apparent that the student continues to have health and safety issues or to make insufficient academic progress despite this support and either as a consequence or otherwise the student, other students or University and college staff are experiencing an unacceptably deleterious impact upon their health, safety and/or welfare, referral to the fitness to study procedures may be appropriate.

7. A student's health, safety or welfare may give rise to a need for immediate action, for example the need to protect a student or other students and staff by recommending interim or immediate suspension for a short time-limited period. If in an appropriate case an immediate or interim term of suspension is put in place while fitness to study procedures are being considered, the period of suspension must be subject to regular review and should not be extended without exceptional justification. If immediate or interim suspension is not agreed with the student then the Senior Tutor may consider referral to a stage 3 Decision Making Panel (see Fitness to Study process below). In urgent cases where there is a risk or threat to the student or to others colleges should also contact the appropriate statutory agency (for example, the NHS or the police).

### STAGE 1: Initial Action and Informal Meeting



## STAGE 2: Formal Case Review Meeting

### Before the meeting:

Concerns about a student's Fitness to Study are referred to the Senior Tutor.

The Senior Tutor arranges the meeting. In attendance:

- The student;
- the Chair - a named person who has not had significant involvement with the student;
- members of staff with significant interest in the student's academic progress, health and welfare, including representatives of the University's Student Welfare and Support Services;
- the student can choose to be accompanied by a member of the Oxford SU Student Advice Service, a fellow student, or another supporter or advisor. The supporter should not be a member of the student's family unless agreed in advance. Legal advisors are not permitted.

All parties to have 24 hours' advance notice of attendees.

The student **receives** written notice of the Case Review Meeting, outlining the purpose of it and what referral/request has led to it; any documents that will be considered at the meeting.

The student **provides** any documents they wish to be considered at least 24 hours in advance of the meeting.

The student may be asked to undergo a specialist assessment from a qualified practitioner, such as a college doctor or student counsellor. Alternatively, the student may wish to provide the college with specialist advice from their own qualified practitioner.

Should the student choose not to undertake a specialist assessment or to disclose the contents of the same, the college may continue based on existing information that they hold.

### During the meeting:

The Chair will seek information and opinions from those present to assist discussion.

- The nature and extent of the FtS concerns will be discussed;
- the student's views and wishes will be heard and taken into account;
- the best way to resolve the FtS concerns are identified and preferably agreed;
- the likely outcomes if the FtS concerns are not resolved are identified and made clear.

After discussion, the Case Review Meeting may, among other actions, recommend:

- that no further action is required;
- formal monitoring of the student's progress for a specified period of time with an action plan agreed with the student;
- that reasonable adjustments and/or support are put in place, specifying the nature of the same and the responsibility for their provision;
- that the student's status be suspended for a period of time;
- that consideration be given to the student withdrawing from their course of study.

An action plan should be agreed outlining:

- any steps which the student will need to take;
- any support to be provided to the student;
- responsibilities for the steps to be taken and timeframes;
- provision for regular review meetings with the student for the duration of the action plan including at the end of the period agreed;
- the identity of the college and/ or University staff who will undertake the reviews;
- likely consequences of the failure of the action plan to resolve the FtS concerns – this will normally involve a student's FtS being considered at a stage 3 panel

**After the meeting:**

**After the meeting:**

Within 7 working days from the date of the meeting: student to receive in writing the recommendations of the Case Review Meeting and a concise record of the meeting.

A copy of this documentation will be kept on record, and consideration given regarding liaison with the student's department/faculty.

If the student decides not to follow the agreed action plan, or where the student does not accept a recommendation from the Case Review Meeting: the college to inform the student that the Senior Tutor will consider referring the matter to the college's fitness to study Decision Making Panel or University's Fitness to Study Panel (stage 3 of the guidance).

If the concerns remain unresolved, including because of a repeated failure in any support measures agreed or recommended, a referral to a stage 3 panel should be made by the Senior Tutor.

### STAGE 3 - College Fitness to Study Decision Making Panel and the University Fitness to Study Panel

If the FtS concerns are not resolved after stage 1 and 2 the case will be referred to a college Decision Making Panel\*. If the college considers that the seriousness of a case makes referral to a panel appropriate without going through the two earlier stages of the procedures, then a referral to stage 3 should be made, including where an immediate suspension is necessary and the student does not agree.

In circumstances where a college does not have a Decision Making Panel available to it, a referral may be made to the [University Fitness to Study Panel](#) by writing to [fts@admin.ox.ac.uk](mailto:fts@admin.ox.ac.uk) and requesting a referral form. As part of the referral requirements, colleges 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 relating to stages 1 and 2, where these have taken place, and any other relevant documentation will be required. The Senior Tutor, the chair of a formal Case Review Meeting and those who have advised orally or in writing at informal or formal meetings may be required to attend a meeting of the University Panel as witnesses.

The full procedures of the University 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 at: [www.admin.ox.ac.uk/statutes/regulations/](http://www.admin.ox.ac.uk/statutes/regulations/). College Decision Making Panels may choose to adopt the same procedures.

#### **Powers of the panel:**

- A Decision Making 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 access to University and college facilities and premises should be subject to certain conditions, or that they should be suspended for a specific, or indefinite, period.
- In urgent cases a panel may recommend, after discussion with the college, that necessary and proportionate interim measures be adopted until the case may be further determined by the panel.
- In considering a case a Decision Making Panel is entitled to employ or to draw upon expert advice, including but not limited to qualified expert medical, psychiatric and legal advice. The Panel shall have due regard to the obligations of the University and the student's college under equality legislation and in particular the duty to make reasonable adjustments.
- The decision of a Panel is final and marks the completion of the procedure concerning fitness to study.

A student may take a final decision of the Fitness to Study panel to the Office of the Independent Adjudicator whose process is described at <https://www.oiahe.org.uk/>

## **Return to Study**

When the student has suspended their status at any stage as an outcome of the fitness to study procedures, the conditions necessary for resumption of their student status and return to their course of study will be made clear by the Senior Tutor or the Panel that made the decision. The conditions are likely to include evidence of improved health or welfare or improved management of health conditions or behavioural concerns in order to establish that an identified fitness to study concern is resolved. The College may, if appropriate, obtain advice from Student Welfare and Support Services in the form of a Return to Study Plan.

### **Procedure for consideration of return to study**

1. The Senior Tutor will hear and take into account the student's wishes and feelings about return to study and make a decision or recommendation that includes the following:

- i) whether the conditions have been met and/or can be met on a sustained basis so that it is appropriate for the student to return to study;
- ii) if not, whether there are further steps or evidence that are required before return to study is appropriate;
- iii) if so, the most appropriate time for the student to return to study and how that return is to be managed in the context of the academic requirements of the student's course of study;
- iv) if the student's course of study has changed, whether or not it is feasible to return to it and what the options are for the student and the best option in all the circumstances of the case;
- v) the availability of continuing support for the student including from Student Welfare and Support Services.

2. Student Welfare and Support Services will, if asked, help to draw up a 'Return to Study Plan' in consultation with the student and the relevant welfare, disability and academic leads. The Plan will ordinarily address and include:

- i) the specific study-related support needs of the student in returning to education;
- ii) the support which is reasonably required in the short term;
- iii) the involvement of and liaison with external agencies;
- iv) any longer term support or adjustments that are reasonably required and any conditions that might or will apply;
- v) a risk management plan that takes account of the experiences that led to the student initially suspending from their course of study and any other information that is known to be relevant.

Any return to study recommendation that is not agreed by the student will be referred by the Senior Tutor for consideration within the Fitness to Study procedure (the stage following that at which the student case has been considered, or Stage 3 if they were considered at Stage 3). If the Senior Tutor or panel 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 return to study at a later date or convene a further formal Case Review Meeting in accordance with stage 2 of the procedures, to consider the matter after a further period of time which is to be specified.

A decision or recommendation to return to study together with a concise record of the meeting, should be sent to the student within 7 working days from the date of the meeting by the Senior Tutor, and a copy kept on file. The College will consider with the student whether it is appropriate to inform the student's department/faculty of the steps that are agreed by having regard to their own policies and the [University's Guidance on Confidentiality in Student Health & Welfare](#).