



Fitness to Study Policy and Procedure

1. Policy

Fitness to study relates to an individual's capacity to participate fully and satisfactorily as a student, in relation both to academic studies and life generally at The Queen's Foundation.

Queen's recognises that physical and mental health is crucial to student learning, academic achievement and to the wider student experience, and is committed to supporting students' wellbeing and their flourishing.

2. The purpose and scope of this policy

The purpose of this policy is to provide a suitable and co-ordinated response by academic and support staff in circumstances where:

- the situation is deemed to be urgent; and/or
- other internal procedures are not appropriate; and/or
- all other avenues have been exhausted.

This policy does not relate to fitness to practise procedures which operate outside the scope of this policy. Where a student is sponsored by a Church the appropriate officer(s) of the student's sponsoring church will be informed. The student's consent for this action to be taken will be sought. Queen's reserves the right to make this contact if it deems the student's vital interests are at risk even if such consent is not given and/or the student is unable to give such consent.

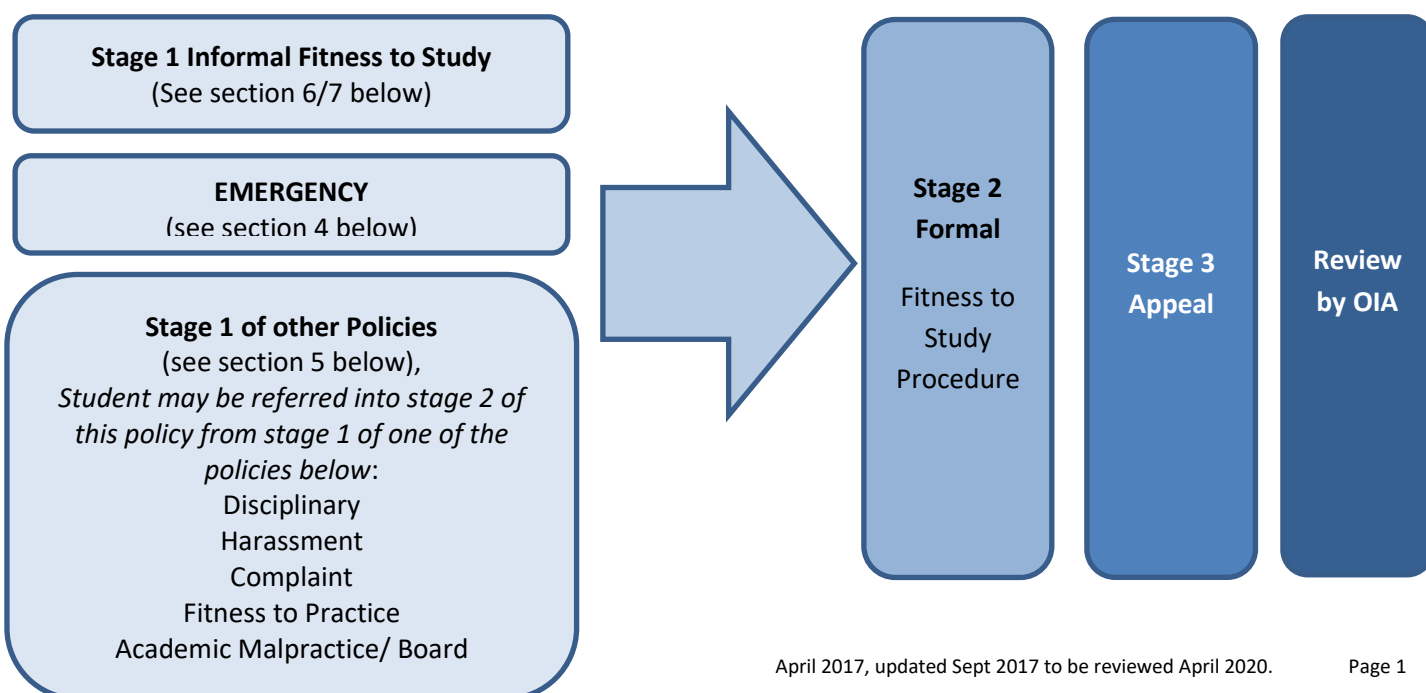
3. Scope

This Procedure applies to all students throughout their period of enrolment with Queen's, whatever their registration status, and includes students:

- on campus or at a teaching centre
- engaged in Queen's activities away from campus (such as placements, field trips and study abroad)
- in Queen's accommodation or private sector accommodation.

In implementing this Procedure, Queen's 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 also recognises the confidential and sensitive nature of fitness to study matters and will meet its obligations under the Data Protection Act 1998.

The procedure has three stages and includes mechanisms for students to be referred directly to stage 2 in an emergency, or from other Foundation policies if health seems to be the determining factor and needs to be addressed prior to the completion of those policies procedures.





Fitness to Study Policy and Procedure

4. Emergency

4.1 Definition

An emergency is defined as when the mental or physical health of a student has or potentially has an immediate impact on the health, safety, or wellbeing of themselves or others.

4.2 Procedure

The staff or student reporting the matter should refer to the Principal and in their absence a Centre Director. The Principal or Centre Director should gather with a minimum of two others from the leadership team to make an interim decision usually to determine whether this meets the definition of an emergency and then to suspend the student for their own and the safety of others. The student should be informed of this decision immediately verbally and in writing. The decision will include detail of the suspension and any practical arrangements that this requires for instance if a student lives on campus.

The Academic Dean or Director of Studies will take action to suspend the student from their university studies in order to protect their academic work and status at the point that the emergency occurred.

The principal or deputy would then initiate stage 2 of the fitness to study procedures below.

Scope of an emergency suspension

This may include any or all of the arrangements below:

- Exclusion from The Queen's Foundation premises under any circumstances.
- Exclusion from participating in activities of The Queen's Foundation
- Attending worship at The Queen's Foundation.
- Attending lectures or other learning areas such as the library or otherwise remaining on campus accommodation The Queen's Foundation.
- Any other action that is proportionate and appropriate which takes into account the needs of the student re: food and accommodation.
- Clarity on arrangements to attend meetings e.g. with staff members designated to support the student during this suspension.

A suspension may strongly recommend that a student seek medical or other professional assessment, support or treatment. The suspension may be extended at the request of the student to accommodate the receipt of any treatment.

Stage 2 of the Fitness Study Procedure will then be activated as below.

5 . Referral from Other Procedure

- a. A health issue may come to light at any stage during the operation of another procedure at the Foundation. Common cases would be: complaints, harassment or bullying complaints, academic malpractice, and disciplinary matters. A student may disclose or submit in evidence of mitigation details of a health issue that has contributed to the incident under scrutiny. It is at the discretion of the panel reviewing the matter in question above whether to refer the student to stage 2 of the Fitness to Study Procedure in order for them to access more appropriate support and actions relating to their health and wellbeing and the impact that this has had on the learning community at the Foundation.
- b. During the operation of the fitness to study policy the initial issue e.g. a complaint would be suspended pending the outcome of the Fitness to Study procedure and with a view to any remedy that may be needed by another student if they brought the initial complaint. At the conclusion of all Fitness to Study procedures and appeals the initial procedure may be re-activated by the student or the Foundation in order to address or appeal the initial event.



Fitness to Study Policy and Procedure

6. Concern about Health, Wellbeing and Fitness to Study

- a. If there is no referral from another procedure and no emergency but there is concern about the health, wellbeing and /or ability to study of any student then the Foundation will commence with the informal stage of this policy.
- b. Concern could relate to:
 - A student's health difficulties adversely affecting the health, safety, wellbeing or learning of themselves or others.
 - A student's behaviour adversely affecting, or at risk of so affecting, the day-to-day activities of Queen's or a placement provider or other partner.
- c. Concerns relating to behaviour that would be a breach of the disciplinary policy or academic procedures will be addressed initially under those procedures and referred to stage 2 of this procedure if health matters are deemed to be the prime cause of the issues.

7. STAGE 1 - Informal stage

- a. Directors of Centres will be pro-active in approaching students about any concerns regarding fitness to study and will attempt to resolve these at an early stage by informal discussions with the student. The advice of the wellbeing officer should normally be sought and the student will be encouraged to use other means of support such as the chaplain.
- b. Specific academic arrangements should be considered and action plans agreed with the student, which should include regular review procedures and specific timescales. Action plans can include seeking and then following medical and professional advice about the health matter in question.
- c. The student or staff member may request that the Foundation proceed directly to formal stage 2 below if:
 - i. The student fails to engage with this process
 - ii. there is no improvement during agreed timeframes
 - iii. the situation worsens

The student should be informed of this decision and the reasons in writing.

8. Formal Stage 2

- a. **Cases may be referred to this stage via the informal stage above, via referral from any other procedure of the Foundation, and in the case of emergency situations described in section 4 above.**
- b. The Principal will convene a Fitness to Study Panel to consider the case.
The members of the Panel will usually be:
 - the Principal (Chair)
 - the Centre Director or Academic Dean (or Director of Studies)
 - another tutor who is not directly connected
 - the academic registrar as clerk
- c. The Principal will appoint an investigating officer and commission an investigation which will make use of any material from any prior procedures and seek to gather evidence from the student, medical evidence if submitted and any other witnesses or informed parties. This report will be submitted within a maximum of 10 working days (during term time, 20 days in non-term time) from commission.
- d. The Panel will receive the investigation report. The student will have the opportunity to submit documents for the Panel to consider by the same deadline set for the report and will be sent a copy of any documents seen by the Panel including this report.



Fitness to Study Policy and Procedure

- e. The panel will convene no later than 10 working days after receipt of the report and invite in writing the student and any supporter to attend. The purpose of the meeting, the nature of the concern, who will be present, and that the matter is to be managed under the Fitness to Study Policy and Procedure (the student will be provided with a copy) must be clear as must the proposed agenda.
- f. If the student is too ill to attend the panel will ask the student to indicate if they wish the panel to go ahead in their absence either with a written or recorded submission from the student or with their supporter representing them at the meeting. Alternatively, the student may request the panel be deferred for a period of time not exceeding 3 weeks. If they are too ill to attend a panel, then they will be temporarily deemed too ill to attend college and a temporary academic suspension may be put in place to protect the students' academic record. The student must be informed of this in writing separately. The date on which the student can attend the panel will be the date the temporary suspension ends.
- g. The student will be entitled to be accompanied to the meeting, normally by no more than one person who may be the Chaplain, a tutor, or a friend, approved medical advocate but not normally a relative. The student will be requested to **notify the panel chair in advance** whether or not he or she will be attending (and the reason for non-attendance if that is the case) and the identity of anyone who will be accompanying and/or representing them at the meeting. *See Appendix B Guide for Supporters.*
- h. The panel will seek to identify the student's perception of the concern.
- i. The Panel may order the proceedings at its discretion and may call witnesses if required, but will broadly follow the agenda set out below in Appendix A. The process followed will always allow the student a full opportunity to respond to the concern and any points made.
- j. The Panel may request further medical evidence and to be reconvened when this is obtained.
- k. If the Panel determines it has enough evidence with which to proceed then it will have the following possible outcomes:-
 - ❖ A short term suspension to enable further medical or psychological assessment to be made by a medical professional. The suspension will be reviewed within four weeks.
 - ❖ Suspension (including academic suspension with the validating university as applicable), with conditions for a period up to twelve months. A student who is suspended is normally prohibited from participating in Queen's activities and may also be prohibited from entering Queen's premises or have restricted rights to enter the premises. The terms of the suspension will be notified to the student in writing, depending on the circumstances of the case. The decision to suspend a student shall be reviewed as necessary by the Panel and must take into account details such as provision of accommodation and food. The period of suspension and the date of review shall be determined with the student at the panel according to advice about length of illness / dates of procedures such as operations and likely recovery periods. A student later may submit medical evidence to the panel that such procedures or treatments had occurred sooner than anticipated and ask for a planned review to be brought forward.
 - ❖ Exclusion or requirement to withdraw - the Panel may conclude, taking into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the student re-engaging with their programme, and permanently exclude the student or require the student to withdraw. This outcome should only be considered in the most serious cases.
- l. **Serious cases may include:**
 - Significant and enduring illness with no prospect of recovery sufficient to resume studies.
 - Non engagement of student with medical or professional support with their illness, non-engagement with the process of review above including no response, non-attendance.



Fitness to Study Policy and Procedure

- A serious incident such as endangering another student or staff member. This must be addressed via the stage 1 panel who must consider if the student's health provides sufficient mitigation for the action and if there is sufficient evidence of a willingness to engage with healthcare professionals to address such behaviour. The balance of needs of other students at the Foundation must be taken into consideration as should likelihood of re-occurrence. The reconciliation options available in the harassment and bullying policy may be open to the panel to use to re-build relationships at the end of a suspension.

Burden of Proof

- m. The burden of proof lies with the Foundation and the test the panel must apply is on the balance of probabilities. The panel is not expected to rule on validity of medical evidence (even if it is contradictory) but to take evidence (including experiential evidence) as to the students' ability to undertake study at the Foundation.

Decision

- n. The student will be informed in writing after the meeting about any decision made and the reasons for the decision. The outcome agreed by the Panel will normally be an outcome not previously attempted as part of any action already taken.

9. Return to study

- a. The Fitness to Study Panel that made the recommendation regarding a suspension or temporary exclusion, or as many members of the original Panel as possible, will be reconvened to consider whether the student is fit to return to study in line with the time frames set out by the original panel. Further medical evidence which considers their ability to fully engage with their studies and meet the requirements of the programme may be requested from the student. A student will only be permitted to return if the Panel is satisfied that the individual is fit to study.
- b. Where a student returns to study after a temporary exclusion/suspension under this policy the relevant panel will consider any support that the student may require to enable a return to studies, such as regular review meetings or a return to study action plan. The general expectation is that the student will take personal responsibility for fully engaging with this support.

10 . Right of appeal – STAGE 3

- a. The student may appeal against a suspension or requirement to withdraw. A letter setting out the grounds of appeal should be addressed to the Principal, to be received within 10 working days of the date on which the order for suspension or the requirement to withdraw was made. The appeal must make clear on what grounds it is being submitted.
- b. The appeal can be made on the following grounds:
- Availability of new evidence which could not reasonably have been expected to have been before the panel previously.
 - Procedural error of the previous panel.
 - The outcome of the panel was inappropriate or not proportionate to the offence.
- c. The appeal will be heard by a panel convened by the Principal and consisting of one governor from the Queen's governing body (who will chair the panel), one non-teaching director, and one associate tutor.¹ The appeal will be convened not later than 15 working days following receipt of the appeal letter.
- d. The appeal will receive and review all relevant documentation about the process that has been followed including any new evidence submitted. The agenda including indication of attendance of witnesses or new evidence and

¹ The Queen's Foundation has relationships with many tutors who work for other institutions including Universities' and TEIs but who are affiliated with the Foundation for instance as PhD supervisors. They are invited to be a panel member to bring wider sector knowledge and experience.



Fitness to Study Policy and Procedure

details of panel members will be determined by the chair of the panel and will be communicated clearly to the student in writing and will broadly follow the agenda set out in *appendix A*.

e. The outcome of an appeal may be:

- To endorse the original decision.
- To ask the Principal to reconsider the decision and report the outcome to the appeal panel.
- To overturn the decision and require the Principal to re-convene a Fitness to Study Panel.

STAGE 4

f. The appeal panel will issue a completion of procedures (COP) letter to the student. If the student is dissatisfied with the Appeal outcome s/he may inform the **Office of the Independent Adjudicator** by completing the complaint form to be found: <http://www.oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx> and submitting this along with appended evidence (including the COP) within 12 months of the date of the COP.

11. Related policies

- The Code of Conduct,
- The Fitness to Study Policy,
- Disciplinary Procedure,
- Harassment and Bullying,
- Safeguarding
- Complaints
- Code of Practice on Student Behaviour in Appeals and Complaints

12. Addendum- Data Protection

When submitting information under this procedure please consider the privacy of others and what the investigating officer needs to know, please do not describe unnecessary personal details especially about third parties. Details of activity under this procedure will be kept on your file for a minimum of 15 months from the date of the closure of procedures letter. As this information is a special category (sensitive) the details will be kept in a confidential subsection of your student file and referred to only in the event of an appeal to the OIA or any future action by you on this matter. Under the General Data Protection Act 2018 the lawful basis on which we will keep this data is 'legitimate interest' to enable us to provide details of our handling of your complaint to the OIA or to you in any future proceedings or to enable the Queen's Foundation to defend itself in the event of future legal action.



Fitness to Study Policy and Procedure

Appendix A

Draft Stage 2 Panel Agenda

Present:

Date:

1. Introductions
2. Presentation of report by investigating officer including witness statements
3. Questions by Panel and Student of investigating officer
4. Withdrawal of investigating officer.
5. Presentation of evidence and / mitigation by student.
6. Questions to student by panel.
7. Discussion of possible outcome and options open to the panel with the student
8. Any final comments or questions.
9. Confirmation by panel of deliberation and outcome process
10. Deliberation of Panel.



Fitness to Study Policy and Procedure

Appendix B

Guide for Supporters/Companions to a Fitness to Study Panel

Companions should consider whether they have a conflict of interest (for instance if they are also witnesses to this case), with the case before accepting the role of companion. This can be especially difficult in small organisations such as The Queen's Foundation. If the student is struggling to find someone who is able to agree to be a companion then they should flag this to a senior member of staff who can assist in appointing someone who is unconnected with the case.

The role of the companion is to support the student by doing the following:

- Meeting the student prior to the hearing to confirm what the student wishes to say, what evidence they wish to present and what they want to ensure that the panel understands and is clear about. Companions should make a note of these things and in the section of the agenda where there is an opportunity for final comments or questions should encourage the student to raise any matters which the companion feels have not yet been ticked off from this list, or may address the panel directly with these points e.g.

“Sarah wanted to ensure that the panel had seen and understood the significance of the attendance register for **date”.

“Daniel really wished to convey to the panel that he hadn't intended X”

- Sometimes a student can become upset during the hearing and can indicate to their companion that they wish them to finish what they were saying on a point. If this is something that had been discussed prior to the meeting then the companion can feel free to do this. If not then the companion may use their knowledge to indicate what they think the student is saying- and ask the student to confirm this is correct.
- The companion may assist the student put their case across during this section of the agenda including by summarising what the student wishes to say, with the students permission.
- The companion may take notes for the benefit of the student and in order to check minutes sent at a later date.

The companion may not:

- Answer questions put to the student by the panel following the submission of the case by the student. If the student is unable to answer the panel may ask the companion, who should answer based on what the student discussed with them prior to the meeting. If they do not know then they should reply that e.g. “This was not something that we discussed prior to this meeting and I do not know the answer to that question”.

The companion also may not:

- participate in any way that the student has indicated they don't wish for them to do – such as speak when the student clearly doesn't want them to;
- disrupt the meeting or its progress;
- Express personal opinions, or the opinions of other people.



Fitness to Study Policy and Procedure

Appendix C

Agenda for appeals

Draft Stage 3 Appeal Panel Agenda

Present:

Date:

1. Introductions
2. Presentation of evidence forming grounds for appeal by student.
3. Questions by Panel of Student
4. Discussion of possible outcome and options open to the panel with the student
5. Any final comments or questions.
6. Confirmation by panel of deliberation and outcome process
7. Deliberation of Panel.