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**FITNESS TO STUDY REGULATIONS 2018/2019**

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**1. Introduction**

* 1. The University’s regulations for fitness to study apply to:
* Students studying at the University, at the University’s Dubai Campus and University of South Wales courses through distance delivery.

 *(NB In relation to the Dubai Campus, the roles and responsibilities defined in these regulations have been allocated to staff as outlined in Appendix 2.)*

* Students studying university courses at the University’s partner institutions.
* Students studying on work placements or engaged in work-based learning.

1.2 The University is committed to supporting its students and recognises the importance of a student’s health and wellbeing in relation to their academic progress and student experience. The University seeks to provide an environment that is safe and conducive to study so that students can fulfil their potential while at university.

1.3 The University recognises the need to respond appropriately to situations where visible signs of illness, mental health difficulties, psychological, personality or emotional state may have a profoundly disruptive impact on the functioning of individual students and on the wellbeing of others around them. This may also include signs of radicalisation.

1.4 The University has a duty under the Counter-Terrorism and Security Act 2015 to prevent students from being drawn into non-violent extremism, violent extremism and/or terrorism and to ensure they are being given appropriate advice and support. If a member of staff or a student has reasonable grounds for concern that a student is being drawn into, or is drawing others into, activities which may lead to acts of non-violent extremism, violent extremism and/or terrorism they should raise the matter with the designated associate head of school (or equivalent) in the first instance. (See the University’s Prevent Protocol).

1.5 The University is committed to maintaining students’ wellbeing and to promoting positive attitudes towards students with disabilities and wherever possible making arrangements to ensure that they are not placed at a disadvantage. **These regulations outline the procedures and support available to both staff and students when a student becomes unwell and/or presents a risk to self and/or others.** There is also a[Student Mental Health Policy](http://thewellbeingservice.southwales.ac.uk/usw-mh-policy/)**[[1]](#footnote-1)** which exists to formalise a consistent non-discriminatory and supportive approach to mental and emotional wellbeing within the University of South Wales.

1.6 In order to maintain and enhance the University community, students need to conform to certain standards of behaviour, and the University has Student Conduct Regulations in place to deal with students whose behaviour falls outside these standards. In addition, students who are resident in University accommodation are subject to the Regulations for Misconduct in University Halls of Residence. However, it is recognised that the cause of misconduct may include issues relating to a student’s health and general well-being, where disciplinary action may not always be appropriate and would therefore fall within the remit of these regulations.

1.7 The term “fitness to study” as used in these regulations relates to the entire student experience, and not just a student’s ability to engage with their studies. For example, unless it is informed otherwise, the University expects its students to be able to live independently and in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them. These regulations are not designed to be used to address academic performance issues, issues relating to attendance, issues relating to professional competence or individual extenuating circumstances. However, where the medical evidence provided to an extenuating circumstances panel raises concerns about a student’s fitness to study the panel can refer the student’s case for consideration under the Fitness to Study Regulations.

1.8 The University has a responsibility to respond promptly to situations where there are substantial concerns relating to a student’s pattern of conduct and behaviour where these impact upon the individual student’s fitness to study and/or other members of the University community.

1.9 It is important to establish that the cause of concerns arising from a student’s pattern of conduct and behaviour may relate to the manifestation of a diagnosed (or as yet undiagnosed) illness or with behaviours deemed to be consistent with illness, disability or radicalisation. It is also important, where an illness or behaviour is involved, that decisions are based on evidence and assumptions about an illness or behaviour are avoided. Such assumptions may give rise to instances of direct unlawful discrimination on the grounds of a student’s disability, culture or potential illness. The University is committed to combating disability discrimination and promoting equality.

1.10 When such concerns are present, the University recognises that the student may benefit from the University's direct intervention and support and that in some circumstances the University would have a legal duty under equality legislation to make reasonable adjustments to avoid any disadvantage that the student may suffer.

1.11 These regulations are intended to:

* Manage and support rather than punish student behaviour that causes significant concern.
* Provide a framework to ensure a consistent and sensitive approach.
* Provide a co-ordinated approach to the management of a situation where it is apparent that a student's mental and/or physical functioning may prevent them from gaining benefit from the educational and social provision at a particular time, or is adversely affecting the student experience of others, or has extended beyond the general and specialist support that exists within the University.
* Ensure that all decisions are supported by appropriate evidence, including medical evidence and after input from the affected parties and the student in particular, who should be consulted before any decision is taken.
* Signpost areas of support for staff and ensure the student is appraised of all avenues for support and in particular the Disability and Wellbeing Service.
* Enable consideration to be given to whether a student should be required to suspend their studies temporarily, where there is clear justification for such an action. Compulsory suspension should not be seen or used as a punishment.
* Support staff in signposting a student-facing link in cases where a student’s behaviour significantly changes, which could be as a result of radicalisation or abuse.

1.12 It is recognised that dealing with fitness to study cases can bring a different kind of pressure on staff and students alike. The Chaplaincy has considerable experience of dealing with sensitive matters relating to staff and students and is available to offer formal and informal confidential advice and support as requested.

1.13 The University may invoke its general and/or other regulations and disciplinary procedures in those cases where behaviour which causes concern is in contravention of the Student Conduct Regulations and where the alleged conduct appears to be unconnected with a person’s condition or disability. This is also the case where, despite the conduct being related to a disability, given the seriousness of the alleged conduct, or the obstacles towards progress, or where a student fails to respond to supportive measures, the circumstances indicate that further support measures are inappropriate or unlikely to succeed.

1.14 These regulations apply to student conduct on University premises, during study/research activities off-site (e.g. field work or placements) and to any other situation where conduct is brought to the attention of the University.

1.15 The procedures for dealing with cases of Fitness to Study detailed in section 5 below has three levels. Depending upon the perceived severity of the situation and seriousness of any perceived risks, *action may be initiated at any of the three levels.*

#### 2. Data Protection Issues

 All University staff are governed by the requirements of the UK’s data protection laws. Under this act, all data relating to a person’s physical or mental health is regarded as sensitive, personal data. The University's policy on data protection[[2]](#footnote-2) contains guidance on the use of sensitive information. Further advice on this can be sought from the University’s Information Compliance Officer.

1. **Confidentiality**

 A student’s personal and sensitive personal data may be disclosed as appropriate where a member of staff considers that there are legitimate reasons under the UK’s data protection laws for doing so, unless a student explicitly requests that this does not happen. Further advice on this can be sought from the University’s Information Compliance Officer.

1. **Crisis Situations**

4.1 Crisis situations are rare. However, it is possible that a student may pose such an extreme risk to themselves and/or others that they require emergency assistance.

Examples of emergencies requiring immediate action are:

* A student who discloses that they have taken a large overdose. This is a severe, self-inflicted injury that needs medical attention.
* A student whose behaviour is putting them or others at serious, immediate risk. The student may or may not understand the risk involved.
* A student who expresses the view that life is not worth living is at risk. Some students might take a small overdose as a “cry for help” (para suicide).

4.2 Where a member of staff detects or recognises concerns such as suicide ideation (e.g. comments about taking one’s own life) advice should be sought from the [Wellbeing Service](https://thehub.southwales.ac.uk/Interact/Pages/Content/Document.aspx?id=10445).

If based on Treforest, Glyntaff, Cardiff and Newport campuses the University emergency number is (9) 999 for emergency services, with an additional call to the security lodge to inform them that the emergency services are on route. If calling the security lodge from a mobile dial 01443 4 (82057) for Treforest; 01443 4 (83011) for Glyntaff; 01443 6 (68538) for Cardiff and 01633 4(35020) at Newport.

If based on the Dubai Campus the number of the ambulance service is 998/999. The number for the police is also 999.

4.3 A student’s personal and sensitive personal data may be disclosed as appropriate where a member of staff considers that there are legitimate reasons under the UK’s data protection laws for doing so, unless a student explicitly requests that this does not happen

4.4 The Manager of Disability and Wellbeing Service should be notified at the earliest possible opportunity. If the student is violent or refuses to cooperate, staff should not put themselves at risk but should inform the emergency services, who may also contact the police.

4.5 The Manager of Disability and Wellbeing Service will ensure that contact is made with the student and the student’s dean of faculty (or nominee)/head of school and that appropriate arrangements are made with regard to academic matters. It is possible that the student will need to suspend their studies and/or be suspended from the University’s campuses.

1. **The Procedure - Level 1: Emerging Concerns/Informal Intervention**

5.1 A student’s fitness to study may be brought into question for many reasons and in a wide range of circumstances. These include (but are not restricted to) the following:

* Serious concerns about the student are raised by a third party (i.e. house-mate, friend, colleague, placement provider, member of the public, medical professional etc) which indicate that there is a need to question the student’s fitness to study.
* The student has told a member of the University that they have a problem and/or provided information which indicates that there is a need to question their fitness to study.
* The student’s current behaviour is such that it indicates that there may be a condition which is having a significant adverse impact on their health or which causes them to have difficulty making adjustments of a reasonable nature that may indicate a need to address an underlying mental health problem, for example if they have demonstrated moods swings; shown signs of serious depression; become withdrawn.
* The student exhibits behaviour, which would otherwise be dealt with as a disciplinary matter, but which it is considered may be the result of an underlying physical or mental health problem.
* The student’s academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

5.2 In the first instance, concerns about a student’s conduct should normally be raised at local level i.e. within the student’s school through the student support and pastoral arrangements that apply or, if the behaviour is exhibited in University-owned or managed accommodation, through the Accommodation Service. Responsibility for applying the level 1 procedure lies with the appropriate associate head of school/Advice Zone Team Leader or Senior Student Services Adviser who must be informed as soon as concerns are raised about an individual student. The Chaplaincy offers a broad, confidential and non-judgemental pastoral support and advice service in such circumstances and is available to support both staff and students.

5.3 The associate head of school/Advice Zone Team Leader or Senior Student Services Adviser will arrange a meeting with the student as soon as is practicable. They should ensure that advice is sought from other relevant Student Services areas prior to the meeting. While the meeting is intended to be informal and supportive in nature and to encourage open discussion, a note of the meeting, which can be agreed with the student, will be taken by an administrative member of staff.

5.4 The meeting will be a fact-finding and non-confrontational discussion of the concerns regarding the student’s fitness to study. The associate head of school/Advice Zone Team Leader or Senior Student Services Adviser will:

* outline their concerns and provide examples where appropriate;
* explain the impact on the student and others; and
* remind the student of their responsibility to be fit to study and the University’s duty of care.

5.5 The nature of the discussion will determine possible outcomes. It may be appropriate in some circumstances for the associate head of school/Advice Zone Team Leader to encourage the student to seek support from one of the following in order to try to resolve any problems they may have:

* the University’s Disability and Wellbeing Service;
* the Chaplaincy;
* their GP or another external service.

5.6 If the student agrees that they should see any of the first two services listed above, they will be requested to make an appointment with the relevant service within 2 weeks of the meeting at the latest.

* 1. The associate head of school/Advice Zone Team Leader or Senior Student Services Adviser will also notify the manager of the relevant service with a request that they be informed if the student has not engaged with the relevant service within 2 weeks of the original meeting date. This will be made clear to the student.

5.8 Where it is clear from the meeting that the situation is so serious and that the student is unable to cooperate with this informal procedure and/or the associate head of school/Advice Zone Team Leader or Senior Student Services Adviser considers that it is inappropriate to wait for a meeting to be arranged with any of the services noted in 5.5, the associate head of school/Advice Zone Team Leader or Senior Student Services Adviser will inform the student that the case is being referred to level 2 of the procedure. The associate head of school/Advice Zone Team Leader or Senior Student Services Adviser will then ensure that arrangements are made for the student to meet as quickly as possible with the relevant head of school and the Manager Disability and Wellbeing Service (or nominee), in line with the procedure set out in section 6.

5.9 If the discussion with the student suggests that the student is not in need of the support of any of the above services, the associate head of school/Advice Zone Team Leader or Senior Student Services Adviser may consider that all that is required is action such as encouraging the student to:

* complete any required assessments;
* ensure they are attending their classes regularly;
* consider whether they should apply for extenuating circumstances if the issues arising are having an impact on assessments which the student is due to take.

5.10 Where the student declares a physical or mental health condition which they have not previously notified the University of, the associate head of school/Advice Zone Team Leader or Senior Student Services Adviser, must clarify with the student what action the student wishes the University to take in relation to the disclosure i.e. do they require support, in which case they need to register with the Disability Service. If the student indicates that they do not want any support, they should sign a declaration to that effect.

5.11 The associate head of school/Advice Zone Team Leader or Senior Student Services Adviser will, prior to the end of the meeting, arrange a further meeting with the student within a period of not more than one month to review the situation and ensure that the issues discussed have been resolved or that satisfactory progress is being made.

5.12 The associate head of school/Advice Zone Team Leader or Senior Student Services Adviser will ensure that the student is provided with a written record of the agreed outcomes of the meeting, including a proposed action plan, within 5 working days of the meeting.

5.13 At the review meeting all key points from the initial meeting should be addressed and notes made by an administrative member of staff which will document one of the following:

* + Whether the concerns about a student’s fitness to study have been significantly reduced and/or eliminated so that no further action is required. In this case, mention should be made of the possibility that the level 2 procedure may need to be invoked if the situation arises again in the future.
	+ Whether the informal intervention has been unsuccessful and it has been concluded that the case has now become too serious to be addressed informally. In this situation level 2 of the procedure should be invoked.

5.14 The notes of the review meeting will be forwarded to the student within 5 working days of the meeting. A copy will be held on the student’s personal file.

**6. The Procedure - Level 2: Continuing or Serious Concerns/Formal Intervention**

6.1 Level 2 is a formal intervention to be used when level 1 has not been successful or the student’s conduct/circumstances indicates that intervention beyond the less informal procedure provided by level 1 is required. Level 2 should only be initiated by the head of school or above. The advice of the Manager of Disability and Wellbeing Service will be sought prior to commencing the procedure.

6.2 The head of school, Advice Zone Team Leader and, where appropriate, the Manager of the Disability and Wellbeing Service (or nominee), will arrange to meet with the student within 5 working days of issues being raised. The student will be given written notice of the meeting, with the letter informing the student of the concerns about their fitness to study. Due notice of the meeting will be considered to have been given on sending the notice to the student’s University email account. Additionally, notification may be sent by the most appropriate postal route to the student’s last recorded address. *For clarity: the need for notice of a formal meeting does not preclude communication with the student at the time of any specific incident.* If appropriate, the student will be encouraged to provide detailed information, including medical evidence.

6.3 The student will be informed that they are entitled to bring a friend or representative from the Students’ Union to the meeting. The student should advise the University of the name and status of the person accompanying them at least 24 hours before the case conference. Although the University would not anticipate the attendance of a legal representative, the chair of the meeting may exercise discretion should the student indicate that they wish to bring someone with a legal background.

6.4 At the meeting, the student will be informed of the reasons for the concern about their fitness to study, including detailed examples of incidents/events/inappropriate behaviour, etc if appropriate. The student will be given the opportunity to ask questions and to respond to the issues raised. It is important at this stage to establish the student’s perception of the situation and how this is impacting on them, their studies and others. Notes of the meeting will be made by an administrative member of staff.

6.5 The nature of the discussion will determine possible outcomes. If necessary a decision may need to be deferred to allow for evidence to be gathered. In appropriate cases this may involve a referral for a medical examination or witness statements of any particular events.

6.6 Where appropriate, the head of school, Advice Zone Team Leader and Manager of the Disability and Wellbeing Service (or nominee) will offer appropriate supportive outcomes. Outcomes may include one or more of the following:

* that no further action is necessary;
* that an action plan, with a review date (normally within 1 month), must be agreed with the student;
* that, there should be an adjustment of mode of study, subject to the student’s consent (e.g. part-time hours of study);
* that, subject to the student’s consent, there should be an interruption from the course (i.e. suspension of studies). Where this is the case, the student will be supported on return to the University (see section 10);
* that there should be a referral to level 3 of the procedure;
* that there should be a referral to other University regulations/procedures (e.g. Student Conduct Regulations, Regulations for Misconduct in University Halls of Residence, Fitness to Practise Regulations), as appropriate;
* other actions intended to support the student to successful completion of their studies.

6.7 If the student does not agree to the supportive proposed outcome, the student will be advised that the case will be referred to the level 3 procedure set out in section 7.

6.8 If the student does not attend the meeting or engage in the process, the head of school, Advice Zone Team Leader and the Manager of the Disability and Wellbeing Service (or nominee) will still meet and consider the case. They will decide whether it is appropriate to offer the student an alternative meeting in the next day or so or decide on the immediate action that now needs to be taken (see section 6.6).

6.9 Where the student has not provided the evidence which they were requested to bring to the meeting, the meeting will still be held.

6.10 The head of school will ensure that the student is provided with a written record of the agreed outcomes of the meeting, including any proposed action plan, within 5 working days of the meeting.

6.11 If there is a review meeting all key points from the initial meeting should be addressed and notes made by an administrative member of staff which will document one of the following:

* + Whether the concerns about a student’s fitness to study have been significantly reduced and/or eliminated so that no further action is required. In this case, mention should be made of the possibility that the level 3 procedure may need to be invoked if the situation arises again in the future.
	+ Whether the informal intervention has been unsuccessful and it has been concluded that the case has now become too serious to be addressed informally. In this situation level 3 of the procedure should be invoked.

6.12 The notes of the review meeting will be forwarded to the student within 5 working days of the meeting. A copy will be held on the student’s personal file.

**7. The Procedure - Level 3: Significant or Persistent Concerns/Final Formal Intervention**

7.1 This consists of a case conference to consider why resolution has not been achieved at levels 1 and 2 and whether or not a suspension of studies is appropriate to help address the difficulties being experienced. This stage can also be triggered by the seriousness of the concerns, without first following the level 1 and level 2 procedures.

7.2 A case conference will be convened and chaired by the Director of Student Services (or nominee), supported by the dean of faculty (or nominee) and the Advice Zone Team Leader/Senior Student Services Adviser and will also include key academic and support staff who have direct experience of the student. This could include the Chaplaincy either as a body informally involved with the case or as a non-involved but informed and experienced observer and advisor. A note-taker will make a record of the meeting.

7.3 The student will be informed of the meeting and will be invited to attend and to submit a written statement. Due notice of the case conference will be considered to have been given on sending the notice to the student’s University email account. Additionally, notification may be sent by the most appropriate postal route to the student’s last recorded address.

7.4 The student is entitled to bring a friend or representative from the Students’ Union to the case conference. The student should advise the University of the name and status of the person accompanying them at least 24 hours before the case conference. Although the University would not anticipate the attendance of a legal representative, the chair of the case conference may exercise discretion should the student indicate that they wish to bring someone with a legal background.

7.5 In advance of the case conference copies of all relevant pieces of evidence will be provided to the student or the person supporting them, in an appropriate format and, where appropriate, documents may be anonymised. The student will normally be consulted about an appropriate time for the conference but if this is not possible they will be given at least 5 working days’ written notice of the date of the meeting, unless circumstances are such that a shorter period of notice is required.

7.6 The chair of the case conference should set out the situation to the student, including the evidence which is being considered. The student will then be given the opportunity to present their side of the case and their advocate/representative may also speak for them. Where previous interventions have taken place under levels 1 and/or 2 of this procedure, reference should be made to them at the case conference.

7.7 Others present at the meeting will be invited to ask any questions or raise any issues which they consider are relevant to the deliberations.

7.8 Prior to moving to the stage of reaching a decision about the case, the chair must be satisfied that the conference has obtained and reviewed all possible relevant medical guidance about the student’s condition to ensure that all possible alternatives for resolving the situation have been explored. Where it is concluded that there is further medical evidence that needs to be obtained, the case conference will be adjourned to allow for further investigation.

7.9 Having heard both sides of the case and having ensured that all issues have been aired, the chair will ask the student and their supporter to withdraw while the matter is being considered.

7.10 The chair will then outline the following options for action which need to be considered:

* disciplinary action;
* implementing additional support strategies to overcome the student’s problems;
* a change of mode of study;
* temporary suspension of studies;
* suspension from the University’s campuses;
* discontinuation of the student’s studies.

7.11 All those present at the case conference will be permitted to express their views, but the ultimate decision on the action to be taken will be that which the chair and the dean of faculty (or nominee) consider the most appropriate in the circumstances.

7.12 A decision may also need to be made on whether the student's nominated emergency contact should be informed of the situation (unless this has already been done) and the outcome of the case conference. Where appropriate, the emergency contact may be offered the support of the Chaplaincy with regard to assistance in understanding the issues and defusing any potential conflict.

7.13 In considering the actions which will be taken, the chair will take into account the University’s duty to students in general and to any staff involved with the student.

7.14 In cases where it has become apparent that an individual student’s present support needs are beyond that which the University can reasonably provide, a decision will be made by the chair that the student will suspend temporarily from their studies at the University for a specific period, subject to review on a specified date. The exclusion and the review period will be determined by reference to medical opinion on possible recovery, treatment or rest times.

7.15 The chair of the case conference is responsible for arranging a meeting with the student to communicate the agreed course of action. The meeting will take place within 5 working days of the case conference at which time the student may again bring a nominated person of their choice. The student should advise the University of the name and status of the person accompanying them at least 24 hours before the meeting. Although the University would not anticipate the attendance of a legal representative, the chair of the case conference may exercise discretion should the student indicate that they wish to bring someone with a legal background.

7.16 A record of the key points of the case conference will be made and circulated to all present. The recording of information is underlined by the concept of ‘latent duty’, where it can be necessary to have evidence of what action has been taken in respect of supporting a student when a disability has been declared.

7.17 If the outcome of the case conference is that the student’s studies are suspended, the chair of the case conference will temporarily suspend the student with immediate effect. The full details of the impact of the suspension will be provided to the student. For students on a Tier 4 visa please see section 9. The chair will then inform the student in writing of the decision in regards to the suspension, ensuring that the full details of the impact of the suspension are included. In cases of suspension, the Advice Zone Team Leader will be responsible for informing the head of school; course leader; Director of Chaplaincy Services; Student Casework Unit; campus administration team; Head of Compliance[[3]](#footnote-3) and security. The student will be informed of the ‘Return to Study’ procedure (see section 10).

7.18 It will be made clear to the student by the chair that this procedure is quite separate from the University's Student Conduct Regulations.

7.19 In implementing the suspension of studies, the student will be assisted by the Advice Zone and Wellbeing Services to ensure that their absence is appropriately managed, documented and notified to the relevant external agencies.

7.20 If a student is discontinued, they will not be able to re-apply to the University for a minimum period of 12 months. Following this period, in order to be reconsidered for further study at the University of South Wales, the student will be required to re-apply to the University and provide appropriate evidence of their fitness to return to study. In managing the student’s return to study, sections 10.5 – 10.8 of these regulations will apply.

**8. Student Unable/Unwilling to Attend**

8.1 In the event that the student feels unable to attend the case conference as arranged, the University will make every reasonable effort to enable them to do so, for example by moving the meeting to a time or location with which the student feels comfortable.

8.2 Alternatively, the student may ask the case conference panel to consider the case in their absence on the basis of written reports which may include a written statement from the student or their representative.

#### 8.3 If, despite the University's best endeavours, the student feels unable/unwilling to attend a case conference, the meeting may take place in their absence with the outcome communicated to the student or the case may be referred to the next level of the procedures.

**9. International Students**

Whilst the Fitness to Study Regulations apply to all students, there will need to be special consideration when concern is raised regarding international students who are studying under a student visa.

***9.1 UK campuses***

9.1.1 Full-time attendance is a requirement for the student’s continued eligibility to remain in the UK on their Tier 4 visa, and the University, in compliance with its sponsorship responsibilities, would report to UK Visas and Immigration (UKVI) any student no longer able to study full-time.  However, it should be considered that if a student could successfully continue to study by taking reduced credits (in line with relevant University policy) and that the University would still be able to monitor them fully and appropriately throughout their studies, they could still be considered as studying full time for UKVI purposes.

9.1.2 The chair of the case conference, working in partnership with the Head of Compliance and the Immigration and Student Advice team, will conduct a review of the case if suspension or discontinuation is required.

9.1.3 The student should be signposted to the Immigration and Student Advice team for information on the impact of the suspension or discontinuation on their Tier 4 visa.

***9.2 Dubai Campus***

Full-time attendance is a requirement for the student’s continued eligibility to remain in the United Arab Emirates (UAE) on their student visa, and the University, in compliance with its sponsorship responsibilities, would report to the Department of Naturalisation and Residency Dubai, (DNRD), any student no longer able to study full-time.  However, it should be considered that if a student could successfully continue to study by taking reduced credits (in line with relevant University policy) and that the University would still be able to monitor them fully and appropriately throughout their studies, they could still be considered as studying full time for student visa purposes

**10. Suspension and Return to Study**

10.1 This section applies to a student who has been suspended from studies and/or from University campuses as a result of a decision under the Fitness to Study Regulations. Where a suspension from studies is necessary, this will need to be sufficient to allow the student to make appropriate arrangements and could be for the remainder of the student’s academic year.

10.2 Upon the review date set, which will normally be prior to commencement of the following academic year, the student will be contacted by the relevant associate head of school/Advice Zone Team Leader who initially dealt with the student to arrange a review meeting with relevant academic staff, head of school, relevant Wellbeing Service staff and the campus administration manager to consider whether it is appropriate for the student to return to their studies at the end of the suspension period. Unless the student advises that they do not wish to return, a meeting will be arranged and the student will be referred for medical assessment (see Appendix 5). This is in order to ascertain fitness to study and ensure any appropriate support mechanisms can be put in place.

10.3 The academic manager and the Advice Zone Team Leader, working in partnership with relevant Wellbeing Service staff, 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.

10.4 Exceptionally, a further suspension will be arranged where this appears to still be justified by the evidence. The University retains the right to extend a period of suspension where a student may be fit to study but there are other issues that impact on their ability to return to study. In considering the duration of any suspension and the most appropriate time for the student to return to study, due account will need to be taken of any altered structure of the course and of the ability of the University to support the student.

10.5 Where it is concluded that the student is now fit to return to study, relevant Disability and Wellbeing Service staff will provide assistance with drawing up a ‘Return to Study Plan’ in consultation with the student and key academic staff. This should address the specific study-related support needs of the student in returning to education; the support which is reasonably required in the short term; involvement of and liaison with relevant external agencies; any longer term support or adjustments that are reasonably required and any conditions that might or should apply to provision. To ensure that the conduct and behaviour of the student is monitored on an ongoing basis, the Return to Study Plan will also include a timetable for review meetings between the academic manager, Advice Zone Team Leader and the student.

10.6 Any return to study will be subject to the student’s co-operation with this process. The student will be required to sign the Return to Study Plan confirming their full adherence to all agreements made. If the student refuses to sign the Return to Study Plan the case will be referred to be dealt with under the relevant University regulations, such as the Student Conduct Regulations.

10.7 Other members of staff within Disability and Wellbeing Service, the Chaplaincy and the student’s school will be available to provide advice and support to facilitate the student's transition back onto the course, particularly in relation to any reasonable adjustments that might be required.

10.8 Staff within Disability and Wellbeing Service will provide advice and support to staff dealing with such cases if it is required.

**11. Appeal**

11.1 A student will have the right to appeal against a level 3 fitness to study outcome or the decision that they cannot return to study following a suspension on the grounds of fitness to study. In either case, the fitness to study appeal should be lodged within 10 working days of the decision having been communicated to the student. The appeal should be made in writing and submitted to the Associate Registrar: Student Casework.

11.2 A student’s suspension from their studies and/or the University campuses will remain in place pending the outcome of the Appeals Panel.

11.3 An appeal may only be submitted on one or more of the following grounds:

* that fresh material evidence is available, which it was not possible for the student to make available prior to the decision being made;
* there has been a procedural irregularity in the way that the process leading to the suspension/withdrawal on the grounds of fitness to study has been conducted;
* the student has clear evidence of bias or prejudice in the way that the procedure was implemented.

11.4 The appeal against a fitness to study outcome must set out clearly the grounds on which the appeal is being submitted and must be accompanied by supporting evidence which substantiates one or more of the grounds for appeal set out above.

11.5 The Associate Registrar: Student Casework (or nominee) will consider the appeal and the accompanying evidence and decide whether to refer it to an Appeals Panel (see below) or whether it should be dismissed as it does not provide a *prima facie* case under the specified grounds.

11.6 In the case of an appeal which is accepted, it will be referred to an Appeal Panel consisting of the Vice-Chancellor (or nominee) and another senior member of University staff who has had no previous connection with the case. The Appeal Panel should hold a hearing, arranged by the Student Casework Unit, to which the student will be invited to make representations in writing or in person. The student may be accompanied to the hearing.

11.7 The decision of the panel considering the appeal will be final and will be notified to the student within a period of 5 working days following the meeting.

11.8 There shall be no further appeal within the University.

**12. Monitoring**

12.1 It is the responsibility of the Advice Zone Team Leader to keep a record of the number of times the Fitness to Study Regulations have been used within each academic year, which level has been reached and the outcome. This information should be collated and sent to the Student Casework Unit for statistical and monitoring purposes. It should contain no personal or personal and sensitive information.

**13. Office of the Independent Adjudicator**

13.1 A student whose appeal is unsuccessful may, following issue of a Completion of Procedures letter, lodge a complaint with the Office of the Independent Adjudicator (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit, Academic Registry.

**14. Implementation**

|  |  |
| --- | --- |
|  | **Position(s)** |
| **Owner***The position in the University that is accountable for ensuring that these regulations are applied correctly* | Director of Student Services |
| **Implementation***The person(s) responsible for ensuring that these regulations operate as required on a daily basis* | Disability and Wellbeing Service Manager |
| **Delivery***Which positions are involved in delivering these regulations* | All staff who interact with the student |

**Appendix 1**

**Relationship with other University Regulations, Policies and Procedures**

The Fitness to Study Regulations have been developed by the University to manage situations where, in light of concerns regarding a student’s health or wellbeing, the University considers it inappropriate to implement other student processes, such as the Student Conduct Regulations.

There may, however, be situations where it is appropriate to implement alternative University regulations/procedures and the University is not prevented from doing so, notwithstanding concerns regarding the student’s health or wellbeing.

Student Conduct Regulations

Where the student exhibits behaviour which it is considered may be as a result of an underlying physical or mental health problem, this should be dealt with under the Fitness to Study Regulations in the first instance.

The University reserves the right to use the Student Conduct Regulations in all cases, but particularly if the student refuses to engage with the support offered. Any action taken up to that point under the Fitness to Study Regulations will be made available to the investigating officer.

Fitness to Practise Regulations

The Fitness to Study Regulations run in parallel to the Fitness to Practise Regulations to enable flexibility of student support according to the individual needs of students, enabling students to continue studying on a course with PSRB requirements where possible, whilst still ensuring service user safety.

Fit to Sit Policy

The Fitness to Study Regulations should not be confused with the Fit to Sit Policy, details of which can be found in the Extenuating Circumstances Regulations.

Student Mental Health Policy

This policy should be used alongside the Fitness to Study Regulations.

Guidelines for Staff – Students with Mental Health Issues

These guidelines should be used alongside the Fitness to Study Regulations.

Regulations for Misconduct in University Halls of Residence

Where the student exhibits behaviour which it is considered may be as a result of an underlying physical or mental health problem, this should be dealt with under the Fitness to Study Regulations in the first instance.

The University reserves the right to use the Regulations for Misconduct in University Halls of Residence, particularly if the student refuses to engage with the support offered. Any action taken up to that point under the Fitness to Study Regulations will be made available to the relevant colleague investigating the incident.

1. [↑](#footnote-ref-1)
2. University of South Wales Data Protection Policy

<http://uso.southwales.ac.uk/ig/dp/> [↑](#footnote-ref-2)
3. Only where the case involves an international student on a Tier 4 visa [↑](#footnote-ref-3)