

Fitness to Study Policy

Introduction

1. Birkbeck is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his/her academic progression and wider university experience. The College has a responsibility to support students to feel and function well in order to maximize their potential while studying with us. There may be occasions where the health or wellbeing of a student deteriorates to the point where it raises questions about their suitability to continue their studies; their capacity to participate fully and interact with other members of the College including partner institutions and others involved in delivering programme activities; or their ability to use university premises appropriately.
2. The purpose of this Policy and Procedure is to outline the steps that the College will follow when concerns are raised about the fitness to study of one of its students or applicants, or when a student is returning to study following a break enforced by ill health. The procedure may also be used to assess whether the College can support a student application to the Erasmus programme, placements, fieldtrips and any other course related activity or trip outside of the normal class based setting, where a health condition or other issues are raised that may impact on the student's ability to successfully take part in their placement.
3. The policy aims to ensure that:
 - Appropriate consideration is given to the personal situation, their health, wellbeing and/or any disability they may experience. This is balanced with the experience of other members of the College community.
 - Study support is appropriate to meet the required learning outcomes of their course;
 - Students who are experiencing difficulties are supported to address their difficulties at the earliest appropriate point;
 - Students, where possible, take an active part in the process and are encouraged to make informed decisions regarding options available;
 - Reasonable adjustments are considered and implemented and where appropriate reviewed;
 - Students are offered a non-judgemental, consistent and sensitive approach to the management of issues. This may require different stages of response according to the perceived stage of concern;
 - The College seeks to provide a suitable and co-ordinated network around a student involving academic and professional services staff working together to support a student where their ill health impacts on their ability to study;
 - Where appropriate, certain behaviours which would usually be dealt with as a disciplinary matter, may be considered under this policy;
 - The College should ensure that students properly consider the impact of ill-health on their ability to study when committing to the student contract.
 - The College should also discuss with the student whether there are strategies and support that could help them manage their studies successfully, and the likely impact the pressures of study might have on a student who is unwell.

Scope and Purpose

4. It is important that students take an active part in the Fitness to Study process, and take appropriate steps to manage their own health and wellbeing in order to fulfil their academic potential. This can include working with relevant agencies and support organisations. The Fitness to Study Procedure is complementary to other means of managing concern about conduct or academic progress where there is sufficient concern about a student's behaviour, attendance and/or academic progress. This can be driven by mental or physical ill health or disability or have an impact on the health and safety of other people.
5. The policy may be used for all stages and modes of study: undergraduate, postgraduate taught, postgraduate research, and for part time and full time study. The policy applies to applicants as well as enrolled students.
6. Actions taken as a result of this Policy and Procedure are not of a disciplinary nature. If action is taken about a student who is not fit to study, it will be limited to that which is necessary to protect as far as possible the interests of the student in question and all members of the College community. Depending on the nature and seriousness of the issue, we may also consider behavioural concerns under the Student Discipline Policy at any time during the Fitness to Study process.

Grounds for concerns about a Student's Fitness to Study

7. This might include (but not be limited to):
 - progressive or sudden deterioration in a student's attendance, engagement, quality of work, demeanour, or behaviour;
 - that serious concerns about the student's well-being or safety have been expressed to an Academic, Personal Tutor, or Supervisor, or to a member of the Specialist Services, by a member of College staff; another student; a placement provider; or an external agency (e.g. care team), that indicate that there is a need to address the student's Fitness to Study;
 - the student has told a member of the College that they have a problem and/or provided information that indicates that there is a need to address the student's Fitness to Study;
 - the student has behaved in a way that would otherwise be dealt with as a disciplinary matter, but independent evidence has been provided to show that the student's behaviour may be the result of an underlying physical or mental health problem linked to their Fitness to Study;
 - the student's participation in their programme (including placements or other course related activity) or their agreed research activities is not enabling them to make progress with their studies or research and there is reason to believe that this is linked to their Fitness to Study;
 - the student's physical behaviour or demeanour is not acceptable or is causing others to fear for their safety including other students, College staff and/or third parties, and is thought to be the result of an underlying physical or mental health problem;
 - Where a student has disclosed to the College that they have a physical or

mental impairment that has a substantial and long-term negative effect on their ability to undertake normal daily activities as a student.

Fitness to Study Procedure - Stages 1 and 2

Stages 1 and 2 of the Fitness to Study policy are for members of staff to raise issues of concern about a student with the student, to try and identify the cause of those concerns, and to agree an action plan to support the student in effectively engaging with their studies.

Stages 1 or 2 of the procedure can be initiated by a member of staff with a direct link or primary responsibility for the student's needs; by staff in the Mental Health Advice Service or the Safeguarding Officers in the College.

Stage 2 of the procedure is applicable where there is continued and ongoing concern following Stage 1, or when there is significant concern about a student's health, wellbeing, behaviour, safety and/or ability to study, meriting direct referral to Stage 2.

Stage 2 can also be used where a Mental Health or Disability Advisor (the primary member of staff in these situations) has been advised of a student's intention to engage in an external placement (including but not limited to fieldtrips or study abroad) and has concerns about how the student will be appropriately supported during their placement.

The primary staff member should contact and/or approach the student to request a meeting, as a result of concerns being raised about them in relation to their health, wellbeing and studying. The student will be made aware of the precise nature of the behaviour that has caused the concern. We usually aim to give the student at least 5 days' notice of the date of the meeting. Where the issue concerns an off-site placement, such as study abroad, the student will normally be asked to provide medical evidence in relation to the likely impact of travel and their placement on their health condition.

The primary staff member will chair the meeting with the student. A designated member of staff from Student Services (e.g. Mental Health Adviser) should also attend. Other relevant members of staff may be invited to the meeting. The student should be informed who else will be present. The student will be advised that they may bring a companion for support if they wish. The companion is invited to support the student during the process, not to advocate on their behalf.

A list of agreed actions/outcomes should be documented by the primary member of staff at the meeting, and a copy sent to the student and all other attendees no more than 5 working days after the meeting has taken place.

A secure record of these actions should be kept in for an agreed period of time, in line with the College data retention policy.

In cases where the student is invited but fails to attend stage 2 meetings:

- The situation should be discussed in the student's absence.

- If there are straightforward options about how to proceed, agreed expectations, support options and plans should be communicated to the student with a timescale for completion and date of review.
- If the situation is more complex or unclear, steps should be taken to progress to a Stage 3 meeting.

The student should be made aware that if they do not meet to discuss concerns about their health and wellbeing then the meeting may still go ahead in their absence. It may be necessary at this point to consider either referring to stage 3 or using Disciplinary Procedures, depending upon what is deemed most appropriate based on the available information.

Fitness to Study procedure - Stage 3

Stage 3 of the procedure is used where there is ongoing concern following Stage 1 and/or 2, or when there is significant concern about a student's health, wellbeing, behaviour, safety and/or ability to study and engage appropriately in the College community. Where there are serious concerns regarding risk to the health and safety of the student and/or where there is a perceived threat and risk to others, cases will be referred directly to stage 3, without completing stage 1 or 2.

Break in Studies

Where a student is detained under the Mental Health Act the College will place them on a break in studies. This will be lifted once a Fitness to study process has assessed the student's Fitness to return to their studies. A stage 2 Fitness to Study meeting will be held to consider whether an action plan can be agreed for the student's return to studies, or whether the decision needs to be referred to a stage 3 Fitness to Study panel.

Temporary Suspension

At stage 3, a College panel will be convened. Before the Fitness to Study Panel, the student will usually be temporary suspended from the College pending a panel decision. The Academic Registrar or their nominee may impose a temporary suspension for a set period of time, usually one month, with immediate effect and is subject to regular review. A student who is temporarily suspended is prohibited from entering College premises and from participating in College activities without prior agreement in writing. The suspension may, exceptionally, be subject to qualification, such as the permission to enter College premises to attend a meeting with a support service, such as the Student Counselling Service. The terms of suspension will be individual to each case and will be notified to the student in writing. A temporary suspension does not affect the student's status as a member of the College. This suspension is not intended to be punitive but to ensure the College can discharge its duty of care to the student and the wider College community. A Fitness to Study Panel will be convened to consider the case.

At Stage 3 the Fitness to Study Panel meeting will be convened. This may include staff who have a direct link or support role with the student. The panel will be chaired by a Senior Officer of the College.

The Members of the Panel will usually consist of:

- A representative of another school
- A representative of the student's school
- A representative from Student Services
- The Mental Health Advisor
- A representative from the Students' Union

The panel may also include as appropriate:

- A representative from the International Student Administration
- Where the use of Birkbeck premises is a relevant factor, a senior member of staff from Estates
- A member of Professional Services

Prior to or after the panel, the student may be asked to provide supporting medical evidence or attend an **assessment of his/her fitness to study with the College's Medical Advisor**. **If students decline to provide evidence or attend the assessment, this may impact the outcome of the panel as panel members will be limited in the information they have available.**

A letter will be sent to the student after the meeting setting out any decision made and the reasons for the decision.

The student should be informed of the meeting and its purpose in a clear, written statement at least 5 working days before the meeting, They will have the right to bring a companion to the meeting. The companion's role is to support the student. The companion should not advocate on the student's behalf.

The Panel may order the proceedings at its discretion and may call witnesses if required. The student should be encouraged to prepare in advance for the meeting and may wish to write a short summary report for the meeting, to be submitted at least 48 hours in advance.

In preparation for the meeting key College departments may be invited to write a summary report of the present and past relevant/key issues. The contribution of representatives will be subject to Data Protection legislation and/or professional codes of confidentiality. This information will be sent to the meeting co-ordinator and may be circulated to staff attending the meeting and to the student and their nominated companion where instructed to do so by the student.

A copy of the report should be sent to the student and to all other attendees of the meeting no more than 5 working days after the meeting has taken place. A copy will be kept in Student Services in a confidential place for the duration of the student's studies at the College.

If the student does not attend any of the agreed meetings:

- The situation will be discussed in the student's absence.
- Agreed expectations, support options and plans will be communicated to the student with a timescale for completion and date of review.

The student should be made aware that if they fail to take the opportunity to meet to discuss concerns about their health and wellbeing and/or fail to provide any supporting

evidence of an underlying issues then it there may be no alternative but to move the case to be heard under the Student Discipline Policy.

In cases where a break in studies is agreed it must be made clear what needs to happen in order for a return to study to be considered. Responsibilities for arranging meetings and obtaining evidence and documentation must be confirmed and included in the meeting notes.

In cases where withdrawal of the student is the recommended outcome of the meeting, the Master must be notified.

Returning to Study

A return to study procedure should be used either where a student has had a break in studies under Fitness to Study Policy, or where a student has been detained in hospital under the Mental Health Act, and wishes to return to their studies.

In cases where the outcome of the Fitness to Study procedures result in a break in studies, the procedure for considering a return to study should be made clear to the student at the time of their interruption.

Prior to the College agreeing to a return to studies, the student will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return. They will usually be asked to meet with the College's Medical Advisor. The precise nature of the evidence required from the student will be dependent on the individual circumstances.

Where a student returns to study after a break in studies under this policy the relevant Student Services teams will consider any support that the student may require to support 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.

The decision to approve a student to return to study will be taken by a Fitness to Study Panel and will be communicated in writing to the student prior to their return, and any requirements and special arrangements will be made clear. The College will determine the ongoing arrangements to support and review of the progress of the student to minimize risk of a recurrence of the original difficulties.

Appeals

A student may request a review of a Fitness to Study Panel decision reached at Stage 3 or where an application for a placement has been declined. Students should note that a request for review of a decision will only be accepted if there is evidence of the following:

- (a) The correct procedure has not been followed
- (b) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Panel.

Students should request a review with the Academic Registrar or their nominee by submitting a written statement detailing the grounds for request (see paragraph 1.1) within

10 working days of being notified of a decision at Stage 3. This should be sent to safeguarding@bbk.ac.uk

The Academic Registrar or nominated representative will establish, in consultation with the Executive Dean of the School to which the student belongs or other relevant Directors of Professional Services, whether there is a case for consideration, or whether to dismiss the request and inform the student in writing of the reasons for doing so. If it is decided that there is a case for a review, the Academic Registrar may review the case in liaison with the academic department and student services, or they may refer back to a Fitness to Study panel.

Completion of Procedures

At the conclusion of our procedures a student will be offered a Completion of Procedures letter signifying the end of the College internal Appeals Procedure.

A Completion of Procedures letter is required should the student wish to advance a complaint with the Office of the Independent Adjudicator regarding their appeal. The College will usually only issue a Completion of Procedures letter once our appeals procedure has concluded and a final decision has been provided to the student.

Office of the Independent Adjudicator (OIA)

Students who have exhausted the College's internal procedures for complaints or appeals may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website (at www.oiahe.org.uk) contains full information, and the OIAHE can also be contacted at: OIA, Second Floor, Abbey Gate, 57 – 75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813, email: enquiries@oiahe.org.uk. Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

Applicants

Where concerns are raised in relation to an applicant's fitness to study prior to their enrolment a member of staff involved with raising the concern (the primary member of staff) should arrange a meeting with the applicant to discuss their concerns with the applicant with the aim of ascertaining whether the College can support the applicant in the successful enrolment in and completion of their studies. This may involve referral to a Mental Health Advisor or another health professional for assessment, if deemed necessary.

The applicant will be invited to discuss the concern and the primary staff member will seek to establish the applicant's perception of the concern. The primary staff member may speak with other relevant members of staff (for example from the applicant's School, the Library, Estates, Student Services etc.) as is appropriate in order to deal with the matter.

If the primary staff member feels that there is an issue of concern regarding the applicant's fitness to study, s/he may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:

- Draw up an action plan, to be monitored by the relevant area of the College, for example the School and Mental Health Service, with the agreement of the applicant, setting out how the matter is to be dealt with and any conditions to be placed on the applicant prior to and during the enrolment phase and during their initial studies (for example, in relation to their behaviour or in relation to support they should seek). The primary member of staff will set a review date and will notify the applicant that if any conditions set out in the action plan are not complied with, and/or if there is a continuation of the same or any additional concern, these issues will be discussed at the review meeting and may result in the applicant being referred back through the fitness to study process for further assessment after enrolment.
- Recommend that the applicant defer their studies until such a point as they are well enough to study. The applicant will be advised that when they do wish to take up their studies, they may be asked to provide satisfactory evidence that they have overcome the original difficulties and are fit enough to study. This may involve referral to a Mental Health Advisor or another health professional for assessment, if deemed necessary.

The primary staff member will notify the applicant in writing, with reasons, of decisions reached and provide the applicant with a copy of any action plan normally within 5 working days of the meeting. A written record of the meeting and a copy of any action plan will be sent to the Head of Student Services normally no more than 5 days after the meeting.

If the applicant refuses to or cannot attend the meeting, the primary member of staff will need to decide whether to try and reorganise the meeting, or to make a decision based upon the information available to them at the time.

An applicant may request that the Academic Registrar review any decision reached prior to enrolment.

Applicants should note that a request for review of a decision will only be accepted if there is evidence of the following:

- (a) The correct procedure has not been followed
- (b) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Panel.

Applicants should lodge any request for review with the Academic Registrar or their nominee by submitting a written statement detailing the grounds for request within 10 working days of being notified of a decision. This should be submitted to:
safeguarding@bbk.ac.uk

Monitoring and Review of the Fitness to Study Policy

The Fitness to Study Policy will be subject to annual review. The review will be led by the Head of Student Services, in consultation with appropriate staff.

The review will report on the following:

- The number of Fitness to Study cases over the period
- The outcome of cases where an interruption to study has been recommended

The number of students who have returned to study following a period of interruption

The annual review will also consider the perceived effectiveness of the Fitness to Study Procedures, and where necessary will make recommendations to the Academic Registrar for appropriate changes to the procedure.

Glossary, abbreviations and definitions

Primary member of staff	This is usually the person who raised the initial concern about the student's fitness to study. A primary member of staff may be nominated by a Head of Department in either the School or professional service (e.g. Programme Director or Mental Health Advisor). This person will meet with the student along with a member of staff from the School or Student Services. For programmes that lead to eligibility to apply for Registration to a professional body, the designated primary member of staff is, where possible, also a Registrant of the Registration Body linked to the programme or programmes. For postgraduate students undertaking doctoral programmes and research the primary member of staff for Fitness to Study is the head of the doctoral programme or of the supervisory team.
Academic Staff	Members of the College who teach, assess and provide academic supervision for students.
Academic Regulations, Regulations	College policies are listed here: http://www.bbk.ac.uk/about-us/policies/
Companion	A student can ask a friend to accompany them to a meeting or panel. This person is there to support the student and cannot make representations on their behalf. E.g. Students' Union representative, Care Coordinator, fellow student.
Fitness to Study	The College defines 'Fitness to Study' for students as: being able to participate fully in the programmes of study, research and scholarship that the College provides for them and to be able to engage appropriately in the College Community.
Independent evidence	Evidence about a student's fitness to study from a third party, normally a registered medical practitioner or other relevant registered healthcare professional.
Medical Evidence	Medical evidence should be clearly defined as that which addresses specifically the student's fitness to meet demands of the course and interacting as part of the College community. Evidence should be received by the College's Consultant Psychiatrist or, in exceptional circumstances a responsible medical officer who has been involved in the students' psychiatric care.
Nominee	A nominee is a member of staff who is designated by a senior member of the College to discharge a specified responsibility on their behalf or in their absence. In the case of Fitness to Study, the nominee is usually the Head of Student Services.
Personal Tutor	A member of Academic Staff designated by the

	College to provide academic advice guidance and support for individual students following particular programmes of study
Return to Study Assessment	The assessment, performed by the College, of a Student's fitness to return to study after a period of suspension or exclusion.
Student	For the purpose of this policy the term 'Student' includes students who are registered to study with the College in the UK full-time, part-time and via distance or blended learning, on all undergraduate or postgraduate degrees and taught modular programmes, including when on placements or study abroad programmes arranged with the College's consent.
Study Support Plan (SSP)	This is an online form which states the reasonable adjustments which the College has agreed to make for a student.
Supervisor	A member of the College's academic staff designated to supervise the work of a student.
Temporary suspension	A period defined by a Fitness to Study Panel during which the Student is not permitted to attend the College. The period of a suspension may include College closure periods and time out of term. In its findings, a Fitness to Study Panel may recommend a specified period of Suspension. A suspension will be subject to regular review.