
Worcester College, Oxford

Fitness to Study Policy

Contents

1	Introduction	1
2	Who is responsible for this Policy?	2
3	Application of this Policy	2
4	Emergency situations	4
5	Stage 1- Informal Procedure.....	5
6	Stage 2 – Formal Procedure.....	6
7	Appeals	9
8	Complaint to the OIA	11
9	Return to Study	11

1 Introduction

- 1.1 The College places great importance on the wellbeing of its students and appreciates the impact health can have on studies. A range of welfare support services are available to students, both within the College and the University, on which the Student Welfare Officer will be able to advise.
- 1.2 However, the College appreciates that occasionally, students require additional support and this Policy is to be used in circumstances where concerns arise about a student's fitness to study.
- 1.3 For the purpose of this Policy, the College defines "fitness to study" as:
- 1.3.1 A student's fitness:
- (i) to commence a distinct course of academic study; or
 - (ii) to continue with his/her current course of academic study; or
 - (iii) to return to his/her current or another course of academic study; and
- 1.3.2 His/her ability to meet:
- (i) the reasonable academic requirements of the course or programme; and
 - (ii) the reasonable social and behavioural requirements of a student member (whether resident in college or not) without his/her physical, mental, emotional or psychological health or state having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or College staff (not withstanding adjustments required by law).
- 1.4 In circumstances where there are concerns about a student's fitness to study, the College's aim is to help the student by agreeing action plans in accordance with the procedures which follow below.
- 1.5 The University also has a separate Fitness to Study procedure, to which serious and/or difficult fitness to study cases can be referred if this procedure has been exhausted, or

it is felt that it is not appropriate for the issue to be dealt with at College level. The University's procedure is available at: <https://www.ox.ac.uk/students/welfare/fitness-to-study>

1.6 In the event of any concern, students are actively encouraged to contact the Student Welfare Officer in the first instance.

1.7 If any member of the College becomes aware that a student's behaviour poses an immediate risk to themselves or others, they should take the following steps:

1.7.1 Contact Emergency Services;

1.7.2 Inform the College Porters' Lodge and/or the Student Welfare Officer ;

1.7.3 If possible and being mindful of their own safety, remain on the scene until the Emergency Services arrive; and

1.7.4 Provide a full account of the event to the Student Welfare Officer.

2 Who is responsible for this Policy?

2.1 The Governing Body of the College has overall responsibility for the effective operation of this Policy and for ensuring compliance with relevant legislation.

2.2 Day-to-day operational responsibility for this Policy, including regular review of this Policy, has been delegated to Senior Tutor.

3 Application of this Policy

3.1 These procedures may be initiated where there are concerns about a student's health, even if the student themselves has not raised any concern. Whilst students are responsible for their own health, the College will take action if the student may be a risk to themselves, or to others in the College. A student's fitness to study may therefore be considered for a variety of reasons. Below is a non-exhaustive list of examples of such scenarios:

3.1.1 A student has informed a member of College that they have a health concern or, for example, have recently had a bereavement and that this is affecting their studies.

- 3.1.2 There has been behaviour by a student that would ordinarily be dealt with under the College's [Student Disciplinary Policy], but the College is aware of an underlying health issue which may have had an impact on the student at that time.
 - 3.1.3 A Tutor has concerns about a student's academic performance and is either aware or suspects that this may be due to a health concern.
 - 3.1.4 A third party raises a concern with the College about a student's wellbeing or health.
- 3.2 In some cases, the circumstances will mean that an alternative College or University procedure may be appropriate instead or alongside this Policy, including:
- 3.2.1 **Student Disciplinary Policy:** This will usually apply where the circumstances suggest a student has engaged in misconduct, but the College may deem this Policy to be more appropriate in the event of contextual health or welfare factors.
 - 3.2.2 **Fitness to Practise:** This policy will apply where a student is undertaking a professional course (e.g. medical or veterinary students) with professional and regulatory requirements. In these circumstances the University's Fitness to Practise policy will normally take precedence.
- It may be necessary in some circumstances to apply both policies concurrently or in sequence, depending on the individual circumstances.
- 3.3 Stage 1 of the procedures below is to be used where there are initial concerns about a student's health or wellbeing and the College feels that the matter may be resolved through informal action.
 - 3.4 In serious cases and/or where there is a risk of serious or imminent harm to the student, the College should progress directly to Stage 2 and consider whether it is an Emergency Situation which requires immediate steps to be taken under paragraph [4].
 - 3.5 If it comes to light that the student has engaged in conduct which may amount to a criminal offence or a breach of any regulatory provision, this procedure may be suspended for a period of time.

- 3.6 There may be exceptional circumstances where the College feels it is necessary to vary any part of this Policy in the interest of fairness and/or health safety or in furtherance of any of its legal obligations. In this circumstance, the College will inform the student (where possible) of the need to deviate from this Policy.
- 3.7 In implementing this Policy, the College has given due consideration to all relevant legislation and regulatory guidance, including its duties under the Equality Act 2010 and the Data Protection Act 2018.
- 3.8 When following these procedures, it may be necessary to inform a student's emergency contact (or other third party) of information relating to their health, welfare and/or issues prompting concern under this procedure in order protect the interests of the student, or a third party. Any sharing of information will be undertaken in accordance with the law.

4 Emergency situations

- 4.1 There may be cases where the student's health or behaviour requires immediate action to safeguard the health and safety of themselves and/or other members of the College.
- 4.2 In these cases, the Dean may take the decision to:
- 4.2.1 Suspend the student from College premises, services, facilities or from College events;
 - 4.2.2 Place conditions on the student's use of College premises, services, facilities or attendance at College events;
 - 4.2.3 Exclude the student from student accommodation or transfer to alternative accommodation; and/or
 - 4.2.4 With agreement from the Senior Tutor, suspend the student from their studies.
- 4.3 The Dean may at their discretion permit the student to make written representations before reaching their decision, but this will depend on the urgency of the situation.
- 4.4 The will inform the student of their decision in writing.
- 4.5 If the student disagrees with the decision, they may appeal to the Provost for a review of the decision.

4.6 If emergency action is taken, the Dean will review their decision at regular intervals of no more than 14 days.

5 Stage 1- Informal Procedure

5.1 The College's aim is that most issues are resolved at Stage 1. Due to the collaborative nature of Stage 1, it is important that the student cooperates with this process and is proactive in seeking the support they need.

5.2 The student's Tutor is responsible for leading the Stage 1 process.

5.3 The Tutor should contact the student in writing initially in order to arrange a face to face meeting with the student. The [Tutor] will inform the student that the purpose of the meeting shall be to discuss concerns about their fitness to study and provide them with a copy of this Policy.

5.4 The student should be provided with a minimum of five days' notice of the meeting, unless there is good reason for providing a shorter amount of notice.

5.5 The student may, if they wish, be accompanied by a member of College.

5.6 In the meeting, the Tutor should:

5.6.1 Explain to the student how their behaviour has given rise to concerns;

5.6.2 Allow the student an opportunity to explain their own views;

5.6.3 Encourage the student to use the support services provided by the College and/ or the University;

5.6.4 If suitable, explore the possibility of agreeing some academic arrangements or some form of support to help the student; and

5.6.5 Confirm the review period for the purpose of paragraph [5.7] below.

5.7 Following the expiry of the review period, the Tutor will arrange to meet the student to discuss the student's progress, as well as any steps taken by the students to address the concerns. The procedure for arranging this review meeting should be the same as the initial meeting.

5.8 The outcome of the review meeting will depend on the circumstances. If the student has addressed the concerns then the Tutor will not be required to take any further

action. Usually however the Tutor will arrange further meetings to monitor the student's progress and to provide support.

- 5.9 The Tutor will on each occasion of a meeting under this Stage write to the student to provide a summary of the discussions and what has been agreed, including any action plans and review periods. This record should be sent by email to the student within [five] days of each meeting and a copy kept on the student's file. All records will be stored in accordance with the College's Data Protection Policy.

6 Stage 2 – Formal Procedure

- 6.1 If the Tutor feels that the case is sufficiently serious, or the Tutor considers that resolving the issues at Stage 1 has not been successful, the Senior Tutor will consider initiating Stage 2 of the procedure, as follows. In some circumstances, the Senior Tutor may decide it is more appropriate to refer the student to the University's procedures.
- 6.2 If it has not already done so, on initiating Stage 2, the Senior Tutor should consider whether there is an Emergency Situation which merits any immediate action under paragraph [4].

Convening of the Fitness to Study Group

- 6.3 The Senior Tutor shall convene a Fitness to Study Group, which should comprise of:
- 6.3.1 A Fellow appointed by Governing Body annually to manage Fitness to Study Cases, who shall act as Chair of the Group;
 - 6.3.2 The Student's Tutor; and
 - 6.3.3 The Senior Tutor.
- (the "Group").
- 6.4 The Senior Tutor, at their discretion, may also wish to include one or more of the following additional members in the Group:
- 6.4.1 A member of the College Welfare Team;
 - 6.4.2 A representative from the University such as Mental Health Advisor or Student Support Services, as appropriate; and

- 6.4.3 In the case of a postgraduate, a supervisor or course director.
- 6.5 The Senior Tutor shall inform the student of Stage 2 being initiated within five days of their decision to convene the Group.
- 6.6 The purpose of the Group shall be to assess the support required by a student.

Medical evidence

- 6.7 Once the Group has been convened, the College may, with the student's agreement, commission a medical report from the [College Doctor].
- 6.8 Prior to writing to the College Doctor, the [Chair] shall provide the student with a copy of the instruction letter and seek the student's permission to send this to the College Doctor.
- 6.9 The medical report sought should usually concern the following:
- 6.9.1 Any medical condition which, in the opinion of the doctor, may impact the student's fitness to study;
 - 6.9.2 A prognosis, if relevant;
 - 6.9.3 The extent to which the relevant medical condition may impact the student's fitness to study;
 - 6.9.4 Any impact it may pose to other members of College;
 - 6.9.5 Any recommended steps that should be taken by the College (or University where appropriate) to help the student; and/or
 - 6.9.6 Any recommended medical treatment or welfare support.
- 6.10 The medical report should be sent by the College Doctor to the student in the first instance and their consent sought for the report to be shared with the Group.
- 6.11 In the event that the student refuses to undergo a medical assessment or disclose the medical report, the College may progress with the Stage 2 Procedure in its absence.
- 6.12 In the event that the student consents to the disclosure of the medical report but disagrees with some of its content, the doctor has discretion to edit as appropriate but

should explain in its report that some relevant information has been withheld at the request of the student.

Proceedings of the Group

- 6.13 The Chair of the Group should inform the student through their College email address of the following information:
- 6.13.1 The date, location and time of the Group meeting. The student should be provided with at least seven days' notice of the Group meeting, unless the Chair of the Group deems it appropriate to shorten this period;
 - 6.13.2 The possible outcomes of the Group meeting (including suspension);
 - 6.13.3 That the student is permitted to be accompanied to the meeting by a member of College. If the student has a disability then they may also wish to be accompanied by their support worker. The student should confirm the names of the person(s) accompanying them and in what capacity at least 24 hours before the Group Meeting;
 - 6.13.4 That a note will be taken of the meeting and placed on the student's file for the duration of their current course at the College;
 - 6.13.5 Enclose all documentation that has been provided by Senior Tutor to the Group and ask the student to provide any additional documentation that they wish the Group to consider at least 48 hours before the meeting; and
 - 6.13.6 Confirm to the student that if they do not attend the meeting, the Group may proceed with the hearing in their absence. If the student provides good reasons for not attending, the Chair of the Group may elect to adjourn the meeting to another date.
- 6.14 The Chair of the Group has discretion as to how to arrange the meeting, including whether it is appropriate to hear from witnesses or hear other evidence.
- 6.15 The Group may make a decision by simple majority. If the Group is unable to reach a decision, it may adjourn the meeting and convene at another date. It may also be necessary to adjourn the meeting to obtain further information or evidence.
- 6.16 The Group shall nominate one individual to take a note of the meeting and this should be sent to the student within seven days of the meeting and a copy kept on the

student's file. All records will be stored in accordance with the College's Data Protection Policy.

- 6.17 Due to the confidential nature of this procedure, the student may not record the Group meeting, or permit any third party to record the meeting using any technological medium, not limited to but including a voice recording or video. Any breach of this provision may result in the College considering the student's actions under its Student Disciplinary Policy.
- 6.18 Non-exhaustive, illustrative examples of decisions which the Group may reach include the following. The Group should always consider items 6.18.3 and 6.18.4:
- 6.18.1 To take no action;
 - 6.18.2 To monitor the student's progress for a specified period of time, which may include an action plan or regular review meetings as well as appropriate consequences for breaches of any agreed plan;
 - 6.18.3 To recommend that reasonable adjustments or specific academic arrangements are put in place. These should be agreed with the student's faculty/department, the student and any disability advisor, as well as any relevant University authority;
 - 6.18.4 To direct specific support mechanisms be put in place;
 - 6.18.5 To require or recommend that the student's access to College facilities is subject to specified conditions;
 - 6.18.6 To refer the student to a University Procedure, such as the University's Fitness to Study, or Fitness to Practise policy;
 - 6.18.7 To refer the student to another College or University Procedure, such as the College Disciplinary Procedure; and/or
 - 6.18.8 To require or recommend that the student is temporarily suspended from the College.

7 Appeals

- 7.1 A student is permitted to appeal the decision of the Group on the following grounds only:

- 7.1.1 There was a procedural irregularity in the initial consideration of the case;
 - 7.1.2 The student has fresh evidence or evidence that was not available at the time of the initial consideration of the case (for good reason);
 - 7.1.3 There was bias or prejudice on the part of the Group; and/or
 - 7.1.4 That the Group failed to meet an objective standard of reasonableness in reaching its decision.
- 7.2 Any such appeal should be made in writing to the [Provost] within 14 days of the date of the Group's decision.
- 7.3 Within seven days of receiving the appeal, the [Provost] will select a member of Governing Body to review the appeal. If possible, this should be someone with no previous involvement in the student's fitness to study.
- 7.4 In complex cases, [Provost] may instead elect three reviewers to form a panel. The below procedure shall also refer to any such panel.
- 7.5 The reviewer will consider:
- 7.5.1 The documentation that was available to the Group;
 - 7.5.2 The appeal documents and any new evidence presented by the student; and
 - 7.5.3 The procedure of the Group, which may be surmised from the notes of the meeting.
- 7.6 The reviewer may reach a decision on the basis of papers, or (at their discretion) arrange a hearing which should usually take place within 14 days of their appointment within term time, unless there are exceptional circumstances. The reviewer may also regulate the arrangements and procedures for the hearing, including whether to hear from any third parties.
- 7.7 The reviewer shall have the power to:
- 7.7.1 Confirm, quash, substitute and/or vary the decision of the Group;
 - 7.7.2 Refer the matter back to the same Group; or

- 7.7.3 Refer the matter back to a new Group which is comprised of different members.
- 7.8 The reviewer's decision is final and the reviewer will notify the student and [Provost] of the outcome.
- 7.9 The College will issue a Completion of Procedures letter to the student within [seven] days of the communication of the review decision.

8 Complaint to the OIA

- 8.1 If the student is unhappy with the reviewer's decision, the student has the right to issue a complaint with the Office of the Independent Adjudicator for Higher Education (the "OIA").
- 8.2 The Completion of Procedures letter provided under paragraph [7.9] will indicate how to make such a complaint and details are also available at www.oiahe.org.uk.

9 Return to Study

- 9.1 This section applies if the student intermits from their studies under this Policy.
- 9.2 A student who wishes to resume their studies after intermitting should make a written application to [the Senior Tutor]. The [Senior Tutor] shall then decide whether it is appropriate in the circumstances for the student to return to standing. The Senior Tutor may wish to consult the Student Support Team. If appropriate, the Senior Tutor will contact the College Doctor to seek an assessment of the student's ability to return to study.
- 9.3 The student may only return to their studies if the College are satisfied that the student is fit to study, taking into consideration any conditions which are agreed in relation to their return.
- 9.4 Following a decision under paragraph 9.3 to permit the student to return, the Senior Tutor will usually hold an initial meeting with the student to discuss any support measures prior to their return and to agree a "return to study plan". The purpose of the return to study plan is to support the student and, so far as is possible, to help avoid a re-occurrence of the cause of the student intermitting. The return to study plan should not be used as a means of monitoring the student.

- 9.5 The arrangements for convening and documenting the return to study meeting shall be the same as for Stage 1 of the Procedure above and a copy of the return to study plan will be provided to the student within seven days of the meeting.
- 9.6 The Senior Tutor shall ensure that, where appropriate, a copy of the plan is sent to the relevant support agencies, who have agreed to help implement the plan and that any necessary support from agencies external to the College is put in place.
- 9.7 In the case of students who are disabled within the meaning of the Equality Act 2010, the College will also consider and discuss with the student whether any reasonable adjustments can be made to support the student in their return to study.
- 9.8 Following a student's return to residence, the Senior Tutor will oversee compliance with the return to study plan. The Senior Tutor may consider it is appropriate to meet with the student at regular intervals for the purpose of supporting the student and promoting their ongoing fitness to study. The student should be informed that a written record of the meetings will be kept and placed on their College file, usually for the duration of their time with the College for the purpose of ensuring that the student receives appropriate support during their time at the College.

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