

# Fitness to Study Procedure



## 1 Immediate/Emergency Action regarding Student Fitness to Study

- 1.1 Where there are grounds to believe that, by reason of ill health, a student's continued status as a student or continued presence on Leeds Trinity premises poses a risk to the welfare, health or safety of the student or other students, staff or visitors or professional placement communities or a risk of damage to Leeds Trinity property, the Chief Operating Officer or Pro-Vice Chancellor Academic may suspend or exclude the student or limit their interaction with the Leeds Trinity community pending a Student Conduct Panel (SCP) hearing. Such action will be invoked and reported to the Principal with immediate effect. All such cases of suspension or exclusion will be subject to review at 4 weekly intervals.
- 1.2 In such circumstances every effort will be made to minimise the effect of suspension or exclusion on the student's capacity to engage in a learning experience and their access to student services. Such suspension or exclusion should not be construed as a penalty. It is a mechanism to secure the protection of members of the Leeds Trinity community.
- 1.3 The student has the right of appeal to the Vice-Chancellor.
- 1.4 Any period of suspension/exclusion may be effective until the outcome of the SCP hearing.

## 2 Scope of the Fitness to Study Procedure

- 2.1 The SCP will consider cases where there is evidence to suggest that there may be grounds to consider that, by reason of ill health, a student's continued status as a student or continued presence poses a risk to the welfare, health or safety of that student or other students, staff or visitors or professional placement communities or a risk of damage to Leeds Trinity property.
- 2.2 The SCP's authority is derived from delegation of its powers by the Governing body (Articles of Association 8.3 and 22).
- 2.3 The Fitness to Study Procedure is applicable to all Leeds Trinity students and to all prospective students from the point at which they formally accept an offer of a place. Students and prospective students are incorporated in the term 'students' where this is used below.

## 3 Fitness to Study Guidelines

- 3.1 Under the Fitness to Study Procedure, the SCP considers the individual student's interests regarding successful study and considers also the interests of the wider community. The Fitness to Study Procedure is not punitive.

- 3.2 In reaching its decision regarding *fitness to study*, the SCP will take account of the following:
- Where risk is a factor, is the level of risk to self or others significant?
  - Where behaviour is a factor, do any aspects of evidenced behaviour have an impact upon the health, safety or welfare of others that is serious?
  - Have all relevant reasonable adjustments and/or individual support measures been considered and, where appropriate, implemented?
  - Where adjustments or individual support measures have been implemented, have they been given sufficient time to effect improvement?
  - Is there adequate evidence regarding the effectiveness of any adjustments and individual support measures implemented?
  - Are there grounds to consider that the serious impact upon others of any behaviours and/or the serious level of risk to the health, safety and welfare of others is likely to continue?

## **4 Procedure**

### **4.1 Referrals to SCP**

- 4.1.1 A student may be referred to the SCP by the Director of Student Support (or nominee).

### **4.2 Fitness to study**

- 4.2.1 Prior to referral, all appropriate avenues of support or adjustment should have been considered and, where appropriate, implemented with subsequent evaluation of their effectiveness.
- 4.2.2 Where, despite appropriate support and adjustment, there continue to be grounds to consider that, by reason of ill health, a student's continued status as a student or continued presence on Leeds Trinity premises poses a risk to the welfare, health or safety of the student or other students, staff or visitors or professional placement communities or a risk of damage to Leeds Trinity property, the Director of Student Support (or nominee) may refer the case to the SCP.

### **4.3 Advice to the student regarding SCP procedure for fitness to study cases**

- 4.3.1 A student referred to the SCP under the Fitness to Study Procedure will be advised of the following by the SCP Chair (or nominee) in writing a minimum of 5 working days before the hearing:
- a) the case regarding him/her and all evidence available
  - b) the procedures relating to fitness to study and the SCP

- c) the student's right to present his/her case and evidence in person or in writing
- d) the student's right to be accompanied by a fellow student, advocate or other representative
- e) the membership of the SCP and the point of contact for any related communication
- f) the student's right to refuse permission for medical evidence (including that relating to occupational health) to be submitted to the SCP
- g) the risk that the SCP may be unavoidably influenced by a student's refusal to allow submission of medical evidence (including that relating to occupational health) to the SCP

4.3.2 Any written submission to the SCP from the student must be submitted to the Chairperson of the Panel at least 3 working days before the hearing.

#### **4.4 SCP powers**

4.4.1 The SCP does **not** have the powers to consider or impose disciplinary action. However, it may exclude, suspend or expel a student as a non punitive measure where it considers such an outcome to be necessary to protect the welfare, health or safety of the student or other students, staff or visitors or a risk of damage to Leeds Trinity property.

#### **4.5 SCP membership**

4.5.1 The Chairperson of the SCP will be responsible for convening the hearing. The Panel shall have at least three members. For cases relating to fitness to study the Student Conduct Panel will be chaired by the Chief Operating Officer or nominee.

4.5.2 Membership will include:-

- The Chief Operating Officer (Chairperson)
- A member of lecturing staff, not involved in teaching the student, nominated by the Chairperson
- Student Union President or his/her nominee

4.5.3 At the discretion of the Chairperson, a fourth member may be drawn from outside Leeds Trinity.

4.5.4 The SCP will invite the attendance of the student. However, the student may choose to submit a written statement only. The SCP may require the Director of Student Support (or nominee) to attend. An outcome may be determined in the absence of the student or a written submission by the student if the SCP is convinced that all reasonable steps have been made to advise the student of the date, time and place of the SCP hearing, the student's right to attend, the student's right to be accompanied, the student's right to be represented and the student's right to make a written submission, where no satisfactory explanation of absence or non submission has been provided.

4.5.5 The SCP may exercise its right to adjourn the hearing pending submission of further evidence from a health professional.

4.5.6 At its conclusion the SCP will decide on an outcome based on the evidence available. Outcomes must be reasonable and proportionate. The SCP will make their decision known to the student in writing within three working days.

#### **4.6 SCP outcomes**

4.6.1 The SCP may decide upon one or more of the following outcomes:

- a) no further action or the lifting of any suspension or exclusion imposed under 1.1
- b) continued status and presence as a student, subject to fulfilment of a course of action or treatment with appropriate review arrangements in place
- c) exclusion (partial or selective prohibition on access to Leeds Trinity facilities, potentially including termination of a student's Residential Accommodation Agreement contract)
- d) suspension (temporary prohibition on attendance)
- e) expulsion

Where outcome c) is involved, specified access to counselling, finance advice and careers service advice will be offered.

The student shall have the right of appeal to the Vice Chancellor against outcomes a) - d) and to the Governors' Fitness to Study Committee (GFSC) against outcome e).

### **5 Appeals Against an outcome determined by the Student Conduct Panel (SCP) regarding Fitness to Study Cases**

#### **5.1 Appeal to the Principal**

5.1.1 A student wishing to appeal against SCP outcomes 4.6.1 a) – d) must lodge that appeal in writing with the Vice Chancellor within 10 working days of the SCP issuing a decision. The appeal must set out in writing the grounds for the appeal.

5.1.2 An appeal will be admitted on the following grounds:

- a) the conduct of the SCP hearing and its effect on the outcome
- b) evidence which was not submitted to the SCP for good reason
- c) evidence that has emerged subsequent to the outcome determined by the SCP

- 5.1.3 The appellant may present the appeal in person or in writing and may be represented by an adviser, friend or other representative.
- 5.1.4 The Vice Chancellor will inform the appellant and the Chair of SCP of the outcome of the appeal within ten working days of receipt of the appeal.
- 5.1.5 The Vice Chancellor may uphold, set aside or vary the outcome determined by the SCP.
- 5.1.6 The decision of the Vice Chancellor is final.

## **5.2 Appeal to the Governors' Fitness to Study Committee (GFSC)**

- 5.2.1 A student wishing to appeal against SCP outcome 4.6.1 e) must lodge that appeal in writing with the Clerk to the Governors within 10 working days of the SCP issuing its outcome. The appeal must set out in writing the grounds for the appeal. An appeal will be admitted on the following grounds:
- a) the conduct of the SCP hearing and its effect on the outcome
  - b) evidence which was not submitted to the SCP for good reason
  - c) evidence which has emerged subsequent to the SCP decision
- 5.2.2 The Chairperson of the GFSC will consider whether the written submission constitutes prima facie grounds for appeal. If s/he considers that there are prima facie grounds for appeal, s/he will call a meeting to hear the appeal. If the Chairperson decides that a prima facie case has not been made, the Clerk to the Governors will write to the student to communicate that there are no grounds for an appeal.
- 5.2.3 The GFSC shall normally be constituted to hear the appeal within 4 weeks of receipt of the appeal being lodged. The GFSC shall have the following membership:
- Three external Governors<sup>1</sup>
  - The Clerk to the Governors (or his/her nominee) will be in attendance
- 5.2.4 The appellant may present the appeal in person or in writing and may be represented by an adviser, friend or other representative.
- 5.2.5 The Clerk to the Governors will provide the appellant with at least 8 working days notice of the meeting and remind them of their right to be accompanied by an adviser, friend or other representative.
- 5.2.6 The appellant shall be invited to submit any further evidence in writing to the GFSC. Any new evidence must be accompanied by a written statement as to why this evidence was not made available to the SCP. All information should be submitted to the Clerk to the Governors at least 5 working days before the meeting.

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<sup>1</sup> Governors will receive an impartial briefing on the main issues pertaining to the case prior to the hearing

- 5.2.7 The GFSC shall have full access to all documentation relating to the case but will make no further enquiry into matters of fact relating to the allegation and the existing evidence. It will hear the appeal as follows:
- a) The Chairperson will present the Report of the SCP which will include a summary of process, evidence and conclusions with all papers associated with the case;
  - b) The appellant (and/or adviser, friend or representative) will have the opportunity to address the GFSC in support of the grounds for appeal;
  - c) Members of the GFSC will then have the opportunity to ask questions of the Chairperson of the SCP and the appellant.
- 5.2.8 The GFSC may consider and determine the appeal in the absence of the appellant if the GFSC is convinced that all reasonable steps have been made to advise the appellant of the date, time and place of the GFSC meeting, the appellant's right to attend, the appellant's right to be accompanied, the appellant's right to be represented and the appellant's right to make a written submission, where no satisfactory explanation of absence or non submission has been provided.
- 5.2.9 The GFSC may exercise its discretion to adjourn the meeting at any time.
- 5.2.10 The GFSC may exercise its right to suspend the appeal hearing to obtain further evidence from a health professional.
- 5.2.11 The GFSC will consider whether to endorse the outcome determined by the SCP or to uphold the appeal or substitute another outcome of its own as it thinks fit. The GFSC decision is final and will be communicated to the appellant and the Chair of the SCP, in writing, within 7 working days of its having been made.
- 5.2.12 Any decision whether by the SCP or the GFSC that results in suspension or expulsion shall be reported to the next meeting of the Board of Governors.

## **6 Case Closure**

- 6.1 If an appeal is submitted by the deadline in 4.1.1 or 4.2.1 above, Leeds Trinity will issue a "Completion of Procedures" letter at the same time as it informs the student of the outcome of the appeal.

## **7 Independent External Review**

- 7.1 If, on exhaustion of Leeds Trinity procedures detailed above, a student wishes to seek an independent external review, then they should apply to the Office of the Independent Adjudicator (OIA) within 3 months of the date of the "Completion of Procedures" letter.
- 7.2 The "Completion of Procedures" letter will contain information on the services provided by the OIA and how to submit an application.