

## **FITNESS TO STUDY PROCEDURE CLARE COLLEGE**

*Students who are experiencing difficulties in studying effectively are strongly encouraged to discuss any problems with their College Tutor or one of the many sources of help and support provided by the collegiate University. Advice and contact details can be found at <http://www.clare.cam.ac.uk/Health-and-Welfare/>*

### **Summary**

Sometimes students are unable to appreciate fully the impact of their problems on themselves or on those around them, or may be resistant to accepting advice. In these unusual circumstances, it is important that there be clear and transparent procedures to help resolve any difficulties. This is in the interest of the individual student, as well as of the College and University students, staff and fellows with whom the student interacts.

Clare has developed a Fitness to Study Procedure to address such situations. Its main aim is to ensure that a student is fully and appropriately supported, while taking into account the needs and rights of all members of the University. It is not a disciplinary procedure, but it has a formal structure so that it can operate fairly and effectively.

In principle, the Procedure has three stages, although there is inbuilt flexibility to ensure case-sensitivity. Most situations will be resolved at an informal stage of mutual consent. If that proves ineffective, there are two further stages, which involve first setting up a Case Review Group and then, if necessary convening a Review Panel. In serious cases it may be necessary to proceed directly to the second or the third stage. The Senior Tutor is responsible for making such decisions, and in exceptional circumstances has the right to ask a student to leave the College either temporarily or permanently.

### **Overview**

The term 'fitness to study' as used in this document relates to the entire student experience, not just to students' ability to engage with their studies. This Procedure is not designed to address academic performance problems unless they result from a fitness to study difficulty, and it is only intended for use when a student's behaviour, disruption, or risk is judged to be of a serious or potentially serious nature.

The College has a duty of care to its community and is bound by Health and Safety legislation and the Equality Act 2010. This means that it is obliged to take action if students present a risk to themselves or to others. While at University, all students should be able to study and perform to the best of their ability in a safe and comfortable environment. The College expects its students to live in harmony with others, and not conduct themselves in a way that has an adverse impact on those around them. A student's fitness to study may be questioned if health problems are disrupting their own studies and/or those of other students, or are placing unreasonable demands on other people.

Early intervention and recommendations for support can prevent a crisis situation, and students should initially be directed by a Tutor or other appropriate person to any support services in the College and the University that may be of benefit. Only if concerns continue or intensify should the Procedure be invoked. It is designed according to an objective-oriented approach: students are encouraged to focus on agreed actions geared to achievable aims that are clearly documented and originate from a supportive perspective rather than a disciplinary one. Decisions about a student's fitness to study are made through a collective,

supportive process, after appropriate consultation and careful consideration of the student's ability to study effectively and to live harmoniously within a college community.

Specifying a formal Procedure provides students with a document that sets out clearly their full responsibilities and the expectations related to studying and living within the College community. When a problem arises, the steps taken will be limited to those necessary for protecting the best interests of the student and other members of the College community, and for ensuring a consistent and sensitive approach to difficult situations.

A student's fitness to study may be brought into question as a result of a wide range of circumstances. These include (but are not restricted to) the following:

- Serious concerns about the student are expressed by a third party (e.g. another student, Department, institution, placement provider, member of the public, medical professional).
- The student has told a member of the College of a problem and/or has provided information indicating that there is a need to address the student's fitness to study.
- The student's disposition indicates that there may be a need to address an underlying problem. Relevant signs include mood swings, apparent depression, becoming withdrawn, and/or uncharacteristic behaviour.
- The student exhibits behaviour that would generally be dealt with as a disciplinary matter, but that is considered might be the result of an underlying physical or mental health problem.
- The student's academic performance is unsatisfactory, and this is thought to be the result of an underlying physical and/or mental health problem.

Any member of College who is worried about a student's fitness to study should discuss the situation with an appropriate person, such as the Senior Tutor, the student's Tutor, or the College Nurse.

### **Stage 1 of the Procedure: Informal Action**

Under the overall guidance of the Senior Tutor, a member of the pastoral support team should approach the student and explain, in a supportive and understanding manner, that concerns about their fitness to study have emerged. The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised.

Members of the College's pastoral team, such as the student's Tutor and the nurse, will attempt to resolve the matter by informal discussions with the student. The student should be given the opportunity to explain their own views on the matter, and should be encouraged to use one or more of the support services available. It may also be appropriate to look into the possibility of implementing special arrangements and/or support to enable the student to study effectively.

Most cases can be resolved at this level, especially if the student responds positively by cooperating fully with the process and taking advantage of the support available. It may be necessary to obtain independent corroboration that support offered is being taken up, and the responsibility for providing this will lie with the student.

A review period should be determined by agreement with the student to allow for self-reflection and seeking help. At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, the student will be notified.

Further meetings may be scheduled to monitor progress and help ensure that continued support is provided to the student. If, however, the concerns have not been addressed satisfactorily, either a further review period will be agreed with the student, or the case will move to the second stage of the Procedure.

The informal discussions, advice and any undertakings made by the College or the University and/or the student should be documented, but should be kept confidential. A letter setting out what has been agreed should be given to the student, who should have access to relevant documents.

If students are unable or unwilling to cooperate with this process and/or modify their behaviour, they should be informed that more formal action under Stage 2 of this Procedure may be considered appropriate.

### **Stage 2 of the Procedure: Case Review Group**

If the action taken under Stage 1 has not been successful and/or it is felt that the case is too serious to be dealt with informally, Stage 2 of the Procedure can be invoked. A Case Review Group (maximum size 6 members) will be convened by the Senior Tutor. In addition to the Senior Tutor, this Group will include the student's Tutor and any of the following thought to be appropriate: the DoS (or Supervisor / Course Director in the case of Graduates); the College Nurse or another member of the College support services; any other relevant person (eg Mental Health Advisor, member of the Disability Resource Centre).

The aim of the Case Review Group will be to meet with the student to ensure that:

- the student is made fully aware of the nature of the concerns that have been raised;
- the student's views are heard and taken into account;
- the best way to proceed is agreed upon;
- the student is made fully aware of the possible outcomes if difficulties remain.

The student's Tutor should be the point of contact with the student and should ensure that the Senior Tutor is kept informed of all communications. The Senior Tutor should be the main point of contact with all other agencies and individuals, and should keep records of the whole process. The Senior Tutor should appoint a deputy if unavailable to act at any stage.

The Senior Tutor should invite the student to attend a meeting of the Case Review Group. The student may be accompanied at the meeting either by a Students' Union representative, or a fellow student, or another adviser. A support worker, if required, may also accompany disabled students. The student should tell the Senior Tutor at least 24 hours in advance of the meeting the names of any companions.

The Senior Tutor will normally give the student at least 7 working days' notice of the meeting, but may decide to shorten this period in an emergency. The Case Review Group will

provide to the student any documents that they intend to consider at least 24 hours in advance of the meeting. The student will provide any documentation for the Group to consider at least 24 hours in advance of the meeting. The Case Review Group will order its proceedings at its own discretion and may call witnesses (including Student Services staff working with the student), and institute enquiries to assist its deliberations.

Before the meeting, medical assessments may be sought from qualified practitioners familiar with the Cambridge University system and the spectrum of student difficulties, and/or from the University Occupational Health Service. The student will be asked to authorise full disclosure to the College of the results of any medical examination, as it is in the student's own interests for the College to address difficulties in the most effective manner possible and to make an accurate assessment of risk. The College recognises that this information constitutes 'sensitive data' for the purposes of the Data Protection Act 1998 and it will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination and/or disclose results, the College may continue this Procedure based on the information already in its possession.

Any medical assessment or examination will be used to determine the following matters.

- The nature and extent of any relevant physical and/or mental health condition from which the student may be suffering.
- The student's prognosis.
- The extent to which the condition may affect fitness to study and manage the demands of student life.
- Any impact it may have and/or risk it may pose to others
- Whether any additional steps should be taken by the College, in light of the physical and/or mental health condition, to enable the student to study more effectively.
- Whether the student will be receiving any ongoing medical treatment and/or support.

The Case Review Group may decide:

*a) No further action is required*

In this case an action plan will be agreed with the student, outlining any steps that the student will need to take, and/or any support to be provided to the student. Regular review meetings with the student will need to be arranged with a nominated member of the College to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided. The student will also need to be informed of the consequences of any breaches of the action plan, which will normally involve fitness to study being considered at Stage 3

*b) To formally monitor the student's progress for a specified period of time*

The student will be informed that unless progress is satisfactory, the case may be considered at Stage 3 of this Procedure.

*c) To recommend that special academic arrangements and/or support be put in place*

Such recommendations should be agreed with the student's department and by the student, and approved by the relevant University authority. The student will be informed that unless

these arrangements remedy the concerns to the College's satisfaction, the case may be considered at Stage 3 of this Procedure.

*d) To agree that the student's studies be suspended for a period of time*

With the cooperation of the student, an application will be submitted to the University Applications Committee.

*e) To refer the case to the appropriate senior member of the College, to be considered under Stage 3 of this Procedure.*

This will only be appropriate in the most serious of cases, for example if evidence of a serious risk to either the health and safety of the student or others has been identified, and it is thought that suspension, exclusion or expulsion of the student may be the appropriate course of action, or where a particular course of action has been recommended but the student does not agree.

The decision of the Case Review Group, together with a concise record of the meeting, should be sent to the student within 14 working days of the date of the meeting, and a copy kept on the student's personal file. A copy of this documentation should be sent to the student's Department and/or placement provider if appropriate.

### **Stage 3 of the Procedure: Review Panel**

This stage of the Procedure will normally be implemented after a referral from a Stage 2 Case Review Group. In exceptional circumstances, when in the opinion of the Senior Tutor sufficiently serious concerns are raised to warrant immediate consideration of the student's suspension, exclusion or expulsion, the Review Panel may be convened without proceeding through the first two stages. For example, the Senior Tutor may perceive a potentially severe threat to the health, safety of the student and/or of others and/or to the normal working of the College.

As a first step, the Senior Tutor (or an appropriate substitute) will consider whether interim suspension of the student pending further action is appropriate, including from College accommodation. In order to protect the communal well-being of the collegiate University, the Senior Tutor has the right to insist that the student leave College premises immediately, before the Review Panel has convened.

The Senior Tutor will then convene a Review Panel, which will be chaired by the President (or other senior member of the College Governing Body with no previous involvement in the case). The Review Panel will normally comprise the Chair, the student's Tutor, the Senior Tutor, and two other independent senior members of the College Governing Body who are not members of the College Disciplinary Appeals Committee and who have had no previous connection with the student.

The Chair will fix a date for a formal meeting of the Review Panel to hear the case, and will invite the student to attend to discuss the concerns and all relevant issues. A member of the College administrative staff will act as Secretary to the Panel.

The student will normally be given at least 7 working days' notice of the meeting of the Review Panel. This period may be shortened in emergency situations at the discretion of the Senior Tutor. The student will be informed of the purpose of the hearing. The student will also be provided at least 24 hours in advance with any documents to be considered by the

Review Panel, and will be asked to provide at least 24 hours in advance any documentation for the Review Panel to consider.

The student may be accompanied at the meeting either by a Students' Union representative, or a fellow student or another adviser. The student may consult this companion, but the Panel's discussion will be with the student only. Disabled students may also be accompanied by a support worker where required. The student should tell the Senior Tutor at least 24 hours in advance of the meeting of the Review Panel the names of any companions.

The purpose of the meeting will be to consider the evidence available, including the student's perception of the concerns that have been raised, and to reach an appropriate decision, action plan or other outcome.

The Review Panel will order its proceedings at its discretion. It may call witnesses, including Student Services staff working with the student, and in particular a University or College Mental Health Advisor. It may also institute enquiries to assist its deliberations; these may include requesting further medical assessments of the student's fitness to study. It will also consider any previous risk assessments. The Chair of the Review Panel will ensure that all parties have access to all documents.

The decision arrived at shall be confirmed by the Chair of the Review Panel after obtaining a collective decision from members of the Panel. The student will be notified in writing of the decision, with reasons and a note of the proceedings, within 14 working days of the meeting of the Review Panel. If possible, the decision should be communicated in such a way that support is available to the student at the time, preferably from the student's Tutor or Senior Tutor.

The decision may include one or more of the following:

- a) *To formally monitor the student's progress for a specified period of time.*

The Review Panel will provide the student with an agreed action plan, outlining any steps that the student will need to take and/or any support to be provided to the student for addressing the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of the College (eg the Tutor) to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided. The student will need to be informed of the consequences of any breaches of the action plan and also of the arrangements failing to remedy the concerns to the College's satisfaction.

- b) *Following consultation with the academic Department, and subject to the approval of the relevant University authority, special academic arrangements are put in place, or an interruption of studies is agreed.*

The College will need to monitor the effectiveness of any special arrangements. If intermission is agreed, the College and the student will need to submit a formal request to the Applications Committee.

- c) *To recommend that the College exercise its statutory power to suspend or exclude the student.*

Any decision regarding suspension or exclusion should be communicated by the Senior Tutor to the University and to any support services who have been involved with the student.

d) *Any other action considered to be appropriate and proportionate.*

All decisions and action plans should be clearly documented in consultation with the student.

### **Return to Study**

After a break in study, the student may ask the College for permission to return to the course. The Senior Tutor should decide whether to ask the University for permission for the student to be put in standing to return to study.

For requesting authorization to return, the Senior Tutor will, in consultation with relevant organisations such as the University Counselling Service, Disability Resource Centre etc, identify the concerns that the College may have in respect of the student's fitness to study. The Senior Tutor will also contact the relevant medical professionals for an assessment of the student's ability to manage the demands of returning to studying at the University, drawing attention to the nature and extent of the student's previous problems and/or the College's concerns.

The student will only be permitted to return if, after receiving medical advice, the College and the University Applications Committee are satisfied that the individual is fit to study and able to comply with any conditions imposed on return. In cases where the College has any continuing concerns about the student's fitness to study, it may require a second medical opinion. In this case a student may be asked to submit to medical examinations by doctors and/or specialists, such as a University Mental Health Advisor, who will be nominated by the College and at the College's expense, to allow the situation to be properly evaluated.

When a student returns to study following the implementation of the Fitness to Study Procedure, the College should hold an initial meeting with the student to discuss what support measures need to be put into place for the student's return and to establish a return to study plan.

This initial meeting should include the student's Tutor, the Senior Tutor, and the DoS (or Supervisor and/or Course Director for graduate students).

It may be decided that there should be regular review meetings with the student in order to monitor and support a return to study plan. If so, the student must provide continued cooperation; such review meetings may continue for part or all of the remaining time at the College.

There should be a written record of what is agreed for the return to study plan and a copy given to the student. The Senior Tutor should ensure that, where appropriate, a copy of the plan is sent to the relevant support services and/or medical health professionals who have agreed to help implement the plan, and that any necessary support from agencies external to the College is put in place. The Senior Tutor should make arrangements for monitoring the implementation of the support plan.

### **General Matters**

Any students who are not satisfied with any decision made in accordance with the Fitness to Study Procedure have the right to appeal within 14 days of receipt of the letter outlining that decision. For further information on College policies and complaints procedures, see <http://www.clare.cam.ac.uk/College-Policies-2/>

The College will take account of relevant legislation such as the Data Protection Act 1998, the Mental Health Acts, the Human Rights Act 1998, the Equality Act 2010 and the general rights and expectations of a student to confidentiality. In cases where Stages 2 or 3 of the Fitness to Study Procedure have been invoked, the Senior Tutor (Stage 2) or the President (Stage 3) will make a decision about whether the student's emergency contact (e.g. a parent) should be informed, and discuss with the student whether any support services should be contacted.

The steps described above do not take precedence over the relevant provisions of the Colleges Statutes and Ordinances or, where applicable, the University's Statutes and Ordinances.

The College recognizes that as a result of implementing this procedure, it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties, and it will ensure that all such data are handled, processed and stored accordingly.

### **Crisis Situations**

It is possible that a student may pose such an extreme risk that emergency measures are needed outside these Procedures.

In a situation where it is believed that a student's behaviour presents an immediate risk to the student or to others, the Emergency Services should be contacted by dialling 999. The College Porters' Lodge should be informed. This should be followed up as soon as possible by notifying the Senior Tutor of the details of the incident and action taken.

The people witnessing the student's behaviour should not leave the scene until they have briefed the Emergency Services, bearing in mind the primary necessity to ensure their own safety.

The Porters' Lodge will keep a record of the action taken by the Emergency Services and pass this on to the Senior Tutor. The Senior Tutor or nominee will ensure that contact is made at the appropriate level of detail with the student, the student's Tutor and Director of Studies (or Supervisor/Course Director in the case of graduates), and that appropriate arrangements are made with regard to follow up.

In the case of medical and veterinary students, incidents should be reported by the Senior Tutor to the Medical and Veterinary Progress Panel for advice on whether there might be Fitness to Practise issues to consider.

Dr Patricia Fara, Senior Tutor  
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