

THE UNIVERSITY OF LEEDS

Fitness to Study Procedure

1. The Fitness to Study Procedure (the Procedure) applies to all taught students and postgraduate researchers (referred to hereafter as 'students')¹. The Procedure forms part of the Student Contract between students and the University.
2. The University aims to enable students to have opportunities to fully engage with all aspects of their student life, removing barriers as necessary, in order for them to achieve their maximum potential. The University aims to be inclusive; and provide opportunities in a safe, supportive and welcoming environment².
3. Where a student may not be fit to study the University has a duty both to the student and other members of the University community to respond³. Where it is determined that a student is not fit to study, the University may exclude a student from the University either temporarily or permanently⁴.
4. The Procedure provides a clear transparent process for responding consistently to this situation and implementing University policy at School and University level. The Procedure aims to ensure that students are informed and supported to engage with the process, taking into consideration the challenges that their health, wellbeing, or behaviour may pose, and that they have a right of review.
5. Fitness to study is defined by the University for the purpose of the Procedure to mean fitness to attend and engage with all aspects of teaching, research, assessment and co-curricular activities associated with a programme of study, and membership of the University Community⁵ after taking into account any agreed reasonable adjustments⁶.
6. Students are encouraged to engage with the University to discuss their fitness to study and before invoking the Procedure it is expected that Schools will have informally considered and exhausted all opportunities for student support
<http://students.leeds.ac.uk/#Support-and-wellbeing>.

¹ Including full-time, part-time, students studying abroad, on work placement, industrial placement, external students and postgraduate researchers in the over-time period. This procedure is concerned with the candidature of students at the University. Where students or postgraduate researchers are also workers or employees of the University, reference should be made to the relevant human resources team.

² The University Student Support Strategy.

³ The University has legal duties that arise including legislative duties under the Equality Act 2010 and the Health and Safety at Work Act 1974. Additionally, there may be sponsorship, funding, immigration, or contractual implications which need to be considered if a student is not fit to study.

⁴ See the University General Academic Regulations, paragraphs 60, 61.

⁵ The definition covers behaviour in a range of settings, including in LUU, a public place, the local community, on the premises of other educational institutions, when abroad as part of the requirement of a University course, or undertaking fieldwork and when in shared residential accommodation and on work placement, and in accordance with the expectations of the Leeds Partnership http://students.leeds.ac.uk/info/10900/the_leeds_partnership; the Code of Practice for Research Degree Candidatures http://www.leeds.ac.uk/rsa/assets/pdfs/Policies/Code_of_Practice_RDC_2014-15.pdf; the University Values https://www.leeds.ac.uk/info/5000/about/136/values_and_responsibility; and the University Policy on Dignity and Mutual Respect http://hr.leeds.ac.uk/info/34/support_and_wellbeing/24/dignity_and_mutual_respect.

⁶ Reasonable adjustments are formal adjustments to support a student's study agreed between a student, Disability Services and the School on behalf of the University.

7. It is recognised that a student who is not fit to study may not engage easily or in a timely way with University procedures. Students are encouraged to discuss any challenges they have in responding to deadlines in the Procedure with the Student Cases Team in the Secretariat.
8. Communications under the Procedure will be in accordance with the University Student Support Protocol for Sharing Student Information⁷.
9. At each stage of the Procedure students are encouraged to consult Leeds University Union (LUU) Help and Support for independent advice and support (see <https://www.luu.org.uk/help-support/> for further information).

When should the Procedure be used?

10. When any member of staff or student is concerned that another student's health, well-being or behaviour suggests that they are not fit to study, the Procedure may be used, including, but not restricted to, the following situations:
 - a) When it is known that a student is unwell and it is known that they are not taking action to seek help.
 - b) When it is known that a student is unwell and they are receiving treatment, but their treatment does not appear to be conducive to study or is otherwise not allaying concerns.
 - c) When a student's behaviour in engaging with their studies, research or activities, or in engaging with University services suggests that the student is not fit to study⁸.
 - d) When it is reported to a member of the University community by someone outside the community (e.g. host institution, work placement) that a student appears to be or is unfit to study.
 - e) When a student's health difficulties or behaviours are negatively impacting upon the wellbeing and health of others (students and staff).
 - f) When a student's behaviour suggests that they are not fit to reside in University accommodation.

When is the Procedure not appropriate?

11. When the student's wellbeing, health or behaviour poses an immediate danger, threat or serious risk, action should be taken to call emergency services and the University Security Services should be notified. The matter will be escalated by the University Security Services as appropriate to the University Secretary in accordance with the University critical incidents procedure or University guidelines on student deaths or crises.⁹

⁷ This protocol is to be approved by the University Legal Advisor and will set out expectations in accordance with the principles of the University Code of Practice on Data Protection.

⁸ See the practical guide to helping students with mental health difficulties for details of behaviours which may suggest that students are unwell
http://ses.leeds.ac.uk/download/94/helping_students_with_mental_health_difficulties.

⁹ http://www.leeds.ac.uk/secretariat/critical_incidents.html;
http://www.leeds.ac.uk/secretariat/documents/student_crises_guidelines_march2014.pdf It is anticipated that this may also lead to an immediate temporary exclusion (para 26) or immediate temporary dismissal (para 36).

How does the Procedure work?

School Meetings

12. Where a student's health, wellbeing or behaviour causes concern, the matter should be reported to the student's School¹⁰ for the student to be initially supported through the School's support services.
13. A designated member of School staff, with responsibility for student support¹¹, shall meet with the student to discuss the concerns raised and their fitness to study. They shall as appropriate:
- outline the University's student support services¹²;
 - recommend that the student register with and visit a General Medical Practitioner;
 - recommend that the student seek support from Disability Services;
 - refer the student to the Student Services Counter for advice on student finance;
 - refer to the International Student Office for advice on visas;
 - advise the student of support available through the LUU Student Advice Centre;
 - agree future points of contact;
 - refer the matter to the Head of School's nominee¹³ for a First Fitness to Study Meeting.

The School shall keep a written record of the meeting and give a copy to the student.

14. Where a case is considered by the student's School to be serious a First Fitness to Study Meeting will be held with the student by the Head of School's nominee. The Head of School's nominee shall inform the student of the full nature of the concerns and either:
- agree a time-bound action plan to support fitness to study; or
 - recommend that the student applies to withdraw temporarily from the University on the grounds of ill health¹⁴.

The School shall send a letter to the student with the record of the First Fitness to Study Meeting copied to the Student Cases Team in the Secretariat.

15. Where a time-bound action plan is agreed, the Head of School's nominee will hold a Second Fitness to Study Meeting to review the student's progress against the action plan within 10 working days of the First Fitness to Study Meeting.

¹⁰ In the case of taught students it is anticipated that this will be the student's Parent School. In the case of postgraduate researchers it is anticipated that this will normally be the Graduate School, but in some cases may be the registration School.

¹¹ This will be a designated member of staff with this responsibility as part of their role. This member of staff may be academic or administrative, and may vary from School to School. The member of staff should receive regular training in student support processes available to students at the University.

¹² <http://students.leeds.ac.uk/#Support-and-wellbeing>

¹³ Normally a Director of Student Education, Academic nominated as a Student Support lead for taught students, Senior Student Education Support Officer, or Postgraduate Research Tutor for postgraduate researchers.

¹⁴ To be processed by the Student Operations Team, Student Cases Team or Postgraduate Research and Operations Team on behalf of Graduate Board as appropriate.

16. Where a student applies to be withdrawn from the University on a temporary basis on the grounds of ill health, their return to study shall be conditional on the School receiving a medical note to the satisfaction of the School indicating that they are fit to return to study and any other conditions set¹⁵.
17. Where a case is considered by the School to be very serious, or where the student does not apply to withdraw temporarily, or where there is no progress against an agreed action plan, the School must refer the matter to the Student Cases Team with a recommendation to either:
- a) convene a Student Case Conference, or
 - b) recommend to the Deputy Vice Chancellor: Student Education (the Deputy Vice Chancellor) or Dean of Postgraduate Research Studies as appropriate immediate temporary exclusion associated with ill health as set out in paragraph 25.

The School shall copy the letter referring the case to the Student Cases Team to the student.

Student Case Conference

18. Where referred under paragraph 17a), the University Secretary, or nominee¹⁶ will convene a Student Case Conference on at least five (5) working days' notice to assess a student's fitness to study and make recommendations for the student's ongoing study at the University.
19. In advance of the Student Cases Conference the Student Cases Team will invite the student to make any written representations they wish to be considered. Any written representations must be received at least 24 hours before the Student Case Conference¹⁷.
20. The Student Case Conference shall be chaired by the Head of Student Support (or nominee) and conducted in the manner they determine subject to the following:
- a) the Student Case Conference shall always include representation from the student's School¹⁸, the Student Cases Team and Student Support Services and may include representation from other University services¹⁹;
 - b) the Student Case Conference shall be held in private and information will be shared in accordance with the University Student Support Protocol for Sharing Student Information;
 - c) information to be discussed at the Student Case Conference shall normally be shared with the student;

¹⁵ For example, engagement with Disability Services if appropriate.

¹⁶ Until further notice, the Head of Student Cases.

¹⁷ Personal information about third parties should not be submitted to the University unless necessary as part of any written statement. If third party information is included it must be accompanied by consent for the University to process the data.

¹⁸ This is likely to be academic representation, for example programme leader or Postgraduate Research Tutor.

¹⁹ This will be as relevant on a case by case basis. For cases involving postgraduate researchers, representation should include the Postgraduate Research and Operations Team, who will act *inter alia* to ensure that relevant support is available to the postgraduate researcher on the financial implications of decisions made. Where LUU activities are involved, this may also include LUU representation.

- d) if the student does not make any written representations, the Student Case Conference will continue to take place;
- e) the student will normally be invited to attend a meeting to take place immediately following the Student Case Conference to discuss the outcomes of the Student Case Conference. The meeting will include representation from the student's School and the Student Cases Team;
- f) if the student is invited to attend a meeting, the student will be invited to be accompanied at the meeting by a single supporter of their choice who may or may not be a member of the University. The student will be asked to provide the name and capacity of any supporter attending at least 24 hours before the Student Case Conference to the Student Cases Team. Unless agreed in advance as a reasonable adjustment, the supporter will not be permitted to act as an advocate for the student in the meeting, and cannot normally attend if the student is not present in person; and
- g) The Student Cases Team shall keep a record of the Student Case Conference and the meeting with the student and a case file will be retained by the Student Cases Team in the Secretariat.

21. Where the University requires a medical assessment of the student, the student will normally be asked to contact their own medical team, but they can also be asked to present themselves for a medical examination by medical practitioners nominated by the University²⁰. The University will bear the cost of the assessment by any University appointed medical practitioner. The medical assessment will seek to establish the following:

- a) the nature and extent of the medical condition that the student is suffering;
- b) a prognosis of their medical condition;
- c) the extent to which it affects their fitness to study;
- d) the impact or risk it may pose to others; and
- e) the level and type of support a student requires to enable them to continue to study effectively.

22. The Student Case Conference will normally:

- a) recommend a time-bound action plan to support study on condition that failure to agree to or comply with the action plan will lead to a recommendation for temporary exclusion without further reference to the student; or
- b) recommend the immediate temporary exclusion of the student from the University for a specified period of time; or
- c) recommend the immediate permanent exclusion of the student from the University if having taken into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the student becoming sufficiently fit to re-engage with their studies within the period of study for their Programme as set out in the University Ordinances and Regulations.

The above will not constrain the Student Case Conference from making particular alternative and specific recommendations in individual cases.

²⁰ This may be the University Medical Officer or a specialist medical practitioner – see paragraph 34.

23. Where the decision of the Student Case Conference is to recommend the temporary or permanent exclusion of the student the recommendation will be forwarded by the Head of Student Cases to the Deputy Vice-Chancellor or Dean of Postgraduate Research Studies for approval.
24. The Student Cases Team will normally write to the student confirming the recommendations made within five (5) working days of the conclusion of the Student Case Conference.

Immediate temporary exclusion

25. The Head of Student Cases, consulting the Head of Student Support and the Deputy Secretary as necessary, may refer a case straight to the Deputy Vice-Chancellor or Dean of Postgraduate Research Studies if it is considered that the risk to the student or to the University community is very high and an immediate temporary exclusion is the most appropriate course of action.
26. The Deputy Vice-Chancellor or Dean of Postgraduate Studies may impose a temporary exclusion for a set period of time with immediate effect. The terms of exclusion will be individual to each case and will be notified to the student in writing. The terms may include a requirement that there be a Student Case Conference.

Impact

27. If a student is temporarily excluded from the University, unless agreed in writing with the Head of Student Cases, they will normally be expected to leave the University, which means that they will be expected to leave University accommodation, desist from attending teaching sessions, or using University services or facilities.

Appeal

28. The student has the right of appeal against temporary or permanent exclusion. The appeal must be submitted in writing to the Vice-Chancellor (through the Student Cases Team) within 20 working days commencing with the notification of the decision. The student must clearly explain their grounds for appeal and include any supporting evidence.
29. The Vice-Chancellor (or nominee) will review the decision on the following grounds:
 - a) The Deputy Vice-Chancellor or Dean of Postgraduate Research Studies' decision to exclude (temporarily or permanently) was unreasonable in the light of the evidence supplied;
 - b) The procedure for determining that an exclusion was justified was deficient in a way which materially prejudiced the student's case;
 - c) New evidence has emerged which was not available when the decision to exclude was taken.
30. In determining the appeal, the Vice-Chancellor may:
 - a) confirm the Deputy Vice-Chancellor or Dean of Postgraduate Research Studies' decision in all respects;
 - b) vary the recommendation in any respect;
 - c) uphold the appeal, and quash the decision.

31. The Vice-Chancellor will issue their decision as soon as possible and normally within twenty (20) working days commencing with the date of receipt of the appeal. This decision will be the University's final decision on the matter and will be accompanied by a Completion of Procedures letter. If the student remains dissatisfied, they have twelve (12) months from the date of the letter to apply for a review by the Office of the Independent Adjudicator for Higher Education (OIA).

Office of the Independent Adjudicator for Higher Education (OIA)

32. Under certain conditions the Office of the Independent Adjudicator may agree to review a case following a final decision of the University. The appropriate Complaint Form should be used which can be downloaded from the OIA's web site www.oiahe.org.uk, where further details can be found.

Return to Study following Temporary Withdrawal or Temporary Exclusion

33. The student must provide medical evidence to the satisfaction of their School that they are fit to study following any period of temporary withdrawal under this procedure.
34. The student will only be readmitted following a period of temporary exclusion if declared medically fit²¹.
35. The resumption of study will be subject to the student's co-operation with any agreements, action plan or stipulations made for their return. The general expectation is that the student will take personal responsibility for fully engaging with any support put in place for their return to studies (for example, attending regular review meetings or complying with a return to study action plan).

Unsatisfactory Academic Progress Procedure, Unsatisfactory Work Attendance and Engagement Procedure and Referred Student Procedures,

36. If a student's attendance or unsatisfactory academic performance is a cause for concern, the Unsatisfactory Academic Progress Procedure, Unsatisfactory Work Attendance and Engagement Procedure or Referred Student Procedures should initially be used²². Should it become apparent during those procedures that the student's poor participation or performance is related to their fitness to study, the Procedure may be invoked.

Immediate Temporary Dismissal on disciplinary grounds

37. If the continued presence of a student could pose a significant danger to other members of the University or University property, the University may require the student to withdraw immediately pending a disciplinary hearing²³. Should it become apparent during subsequent disciplinary proceedings that fitness to study is the cause for the student's behaviour, the Procedure may be invoked.

²¹ The University may appoint a medical expert to provide a report for these purposes. For students studying on programmes leading to a registerable qualification in the Faculty of Medicine and Health. It is expected that a report will be prepared by a member of the Occupational Health Service in The Leeds Teaching Hospital NHS Trust.

²² For more information on each of these procedures see:

http://www.leeds.ac.uk/secretariat/documents/unsat_procedure.pdf

http://students.leeds.ac.uk/info/10124/during_your_research/772/unsatisfactory_academic_progress_procedure

http://www.leeds.ac.uk/secretariat/documents/referred_students_procedure.pdf

²³ University General Academic Regulations paragraph 62.

Disciplinary Regulations and Fitness to Practise

38. The Procedure is not an alternative to disciplinary action or other University procedures relating to fitness to practise. The University reserves the right to refer to or invoke those other procedures where appropriate in parallel with the Procedure²⁴.

Students studying away from Leeds

39. If concerns are raised whilst a student is studying away from the University (including on a period of study abroad, placement, or postgraduate research activities) where the University's ability to engage with the student may be limited, the University will discuss with any institution hosting the student arrangements that might address any concerns. The University may also require the student to return to Leeds as part of any action plan determined by a Student Case Conference.

Contacting the Student Cases Team

40. The Student Cases Team can give procedural advice to students on the Procedure but will not comment on or offer advice upon any part of the case itself.
41. Papers for submission sent by email in sufficient time to arrive within the time limits. Contact details for the Student Cases Team are as follows:
The Secretariat University of Leeds, Leeds LS2 9JT
Email: studentcases@leeds.ac.uk
Web: http://www.leeds.ac.uk/secretariat/student_cases.html.
42. Receipt of documents will be acknowledged through the student's University email account.

Access, Advice and Data Information

Access

43. If students require an adjustment to the procedure due to disability or accessibility need they are asked to contact the Student Cases Team by emailing studentcases@leeds.ac.uk with details.

Advice

44. Independent advice and support on the Procedure is available for students from the Leeds University Union (LUU) Help and Support (see <https://www.luu.org.uk/help-support/> for further information).
45. Advice relating to student visas during periods of temporary withdrawal or exclusion from the University is available from the International Student Office at:
http://students.leeds.ac.uk/info/10500/international_students/877/international_student_office
Tel: 0113 343 3930.

²⁴ General University Disciplinary Regulations, University Code of Practice on Student Health and Conduct

46. Advice relating to fees and accommodation implications of temporary withdrawal or exclusion from the University is available from the Student Services Counter http://students.leeds.ac.uk/info/10100/academic_life/875/student_services_centre_counter
Tel: 0113 343 887.

Data

47. The University holds and retains information in accordance with the University Student Privacy Notice. For more information see www.leeds.ac.uk/privacynotice.

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