

Fitness to Study Procedure for Darwin College

Introduction

The purpose of this document is to set out the procedures which the College follows when there are concerns about the fitness to study of one of its students.

It outlines the steps to be taken by the College when there is concern that a student's behaviour or health has the potential to disrupt or threaten the welfare or academic progress of the student himself or herself or of others in the academic community.

Decisions made concerning a student's fitness to study are made through a collective supportive process, after appropriate consultation and after consideration of the student's ability to study, learn effectively, and complete his/her course successfully.

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

As a general rule this procedure is only intended for use in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature. Students are strongly encouraged to speak to their Graduate Tutor, Director of Studies (if applicable), other appropriate member of staff in the College, or the DCSA Welfare Officers about the difficulty and any related problems that they may be experiencing. **We anticipate that most issues will be resolved during these informal conversation. If no mutually acceptable outcome is agreed, the Fitness to Study procedure may become relevant.**

What are its benefits?

Having this procedure set out enables students to have a document they can refer to, providing them with a clear understanding of their full responsibilities and expectations related to their commitment to study and life within the College community.

If and when a problem arises, steps taken are seen to be limited to those necessary to protect the best interests of the student and other members of the College community and to ensure a consistent and sensitive approach to managing situations.

Deanery, academic and support staff will assist in accessing the relevant support services. After consultation the Dean may then initiate the procedure when concerns for a student are raised, thus allowing for issues to be detected and addressed in a structured manner as early as possible.

Shared concerns in different sections of the College and the University community can be formally collated by the use of this process.

The problem-solving approach is objective-oriented, allowing a student to focus on agreed actions geared to achievable aims, which are clearly documented and come from a supportive perspective rather than a disciplinary one.

First steps

In advance of this policy being initiated there are other support services in the College and the University to which students may be directed by Graduate Tutors or other support staff, if it is felt that this may be of benefit.

Students with a mental or physical health difficulty:

are strongly advised to consult all relevant support services available in the College and University, and in particular the University Counselling Service, the University Mental Health Adviser, their General Practitioner, and the Disability Resource Centre; **but first port of call should be the Graduate Tutor.**

are strongly encouraged to speak to their Graduate Tutor, Director of Studies (if applicable) or other appropriate member of staff in the College about the difficulty and any related problems that they may be experiencing.

Early intervention in student health/behaviour and recommendations for support can avoid a crisis situation. (For crisis situations see Appendix.)

Advice available from Graduate Tutors and in the self-help leaflets from the University Counselling Service (www.counselling.cam.ac.uk/leaflets.html) will be useful, as may be advice from one or more of the following:

- University Mental Health Advisor
- University Counselling Service: www.counselling.cam.ac.uk
- Cambridge University Students Union: www.cusu.cam.ac.uk/welfare/
- Graduate Union: www.gradunion.cam.ac.uk
- Disability Resource Centre: <http://www.admin.cam.ac.uk/univ/disability/>
- Occupational Health <http://www.admin.cam.ac.uk/offices/oh/>
- Student Advice Service. www.studentadvice.cam.ac.uk
- Adult eating disorder service www.cambsadulteds.nhs.uk/
- Drinksense www.drinksense.org/
- CAMEO www.cameo.nhs.uk/
- Alcoholics anonymous www.alcoholics-anonymous.org.uk/
- Cocaine anonymous www.cauk.org.uk/

Fitness to Study Procedure

1. Purpose and Scope of the procedure

1.1 Whilst at University, all students should be able to study and perform to the best of their ability in a safe and comfortable environment. The reality of College and University life means that students not only work but also live in close proximity to each other, and whilst many students find studying and living in such an environment easy and enjoyable, others can find it more challenging.

The term 'fitness to study' as used in this document relates to the entire student experience, and not just a student's ability to engage with their studies. For example, unless it is informed otherwise, the College expects its students to be able to live in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them. This procedure is not designed to address academic performance issues (which should be dealt with under the normal academic assessment and monitoring procedures) except where poor academic performance is resulting from a fitness to study issue.

1.2 In order to maintain and enhance the College community, students need to conform to certain standards of behaviour. However, it is recognized that the cause of concern regarding fitness to study may include issues relating to a student's health and general well being, where disciplinary action may not be appropriate. The College and University have disciplinary mechanisms in place to deal with students whose behaviour falls outside acceptable standards – see College and University Regulations:

University: www.admin.cam.ac.uk/univ/so/2011/chapter02-section17.html#indexterm-d2e5013

College: www.darwin.cam.ac.uk/sites/default/files/downloads/statutes_2002.pdf.

1.3 A student's fitness to study may be questioned if health problems are disrupting their own studies or the studies of others, or result in unreasonable demands being placed on staff or other students. The College has a duty of care to its community and is bound by health and safety legislation and the Equality Act, which means that it is obliged to take action if a student presents a risk to themselves or to others.

1.4 The level of risk to himself/herself, other students or others posed by a student will be measured by the use of a risk assessment process, which should be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Dean in close collaboration with health professionals. Even when no risk is involved, the fact that a student has a problem does not in itself justify or excuse inappropriate behaviour.

1.5 Once this procedure has been used (at any of the three stages) the behaviour observed will normally be considered under this procedure rather than under a disciplinary procedure.

1.6 If concerns are raised whilst a student is on authorised study away from Cambridge (e.g. is on a Year Abroad, has leave to Work Away, or is on a placement) the College will discuss with the other institution and the University Department, where appropriate, alternative arrangements that might address any concerns.

2. Circumstances under which a student's fitness to study may be brought into question

2.1 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 emerge from a third party (e.g. friend, other student, department, placement provider, member of the public, medical professional etc), which indicate that there is a need to address their fitness to study.
- The student has told a member of the College that he/she has a problem and/or has provided information, which indicates that there is a need to address their fitness to study.
- The student's behaviour is causing serious concern and is possibly disrupting those around them.
- Behaviour, that would otherwise be dealt with as a disciplinary matter, but is considered may be the result of an underlying physical or mental health problem.
- The student's academic performance or persistent behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

If Deanery, Academic or Support Staff have concerns regarding a student's fitness to study they may discuss this with the Dean and with support services, for example the University Mental Health Adviser as a first point of contact, and consider implementing Stage 1 of the procedure if appropriate.

This Fitness to Study Procedure has three stages depending on the perceived level of risk, the severity of the problem and the student's engagement with efforts to respond to it. When a member of College raises concerns, the relevant member of College staff (usually the Graduate Tutor) has a duty to investigate and initiate this policy as part of their larger duty of care to College members.

3. Stage 1- Informal Action by the College

3.1 Should preliminary action in terms of support and guidance be unsuccessful, the designated member of College staff should approach the student and explain to them, in a supportive and understanding manner that concerns about their fitness to study have emerged. This would ordinarily be their Graduate Tutor but might be another member of the Deanery. Should the Graduate Tutor or other member of staff require advice or guidance on this they should contact the Dean.

3.2 The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised. Normally the Graduate Tutor, but on occasions the Director of Studies (if applicable) or other staff member 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 be encouraged to think about using one or more of the support services offered by the University. It may also be appropriate to look into the possibility of applying academic arrangements or support to enable the student to study effectively.

3.3 It is hoped that in most cases issues can be resolved at this level, and that the student will respond positively, co-operating fully with the process and taking advantage of the support available. It may be necessary to obtain independent corroboration as to whether support offered is being taken up. The responsibility for providing this will lie with the student.

3.4 A review period should be determined by agreement between the Graduate Tutor, Director of Studies (if applicable) and the student to allow the student to consider their own behaviour and seek advice from the support services available.

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, this will be noted.

Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively.

If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the policy.

3.5 The informal discussions, advice and any undertakings made by the College or University and/or the student should be documented for the benefit of the College, the University and the student, but should be kept confidential. Copies of documents are to be kept by the Graduate Tutor and the student. A letter setting out what has been agreed should be given to the student.

3.6 If a student is unable or unwilling to co-operate with the above process or modify their behaviour, they should be informed that more formal action under Stage 2 of this procedure may be considered appropriate.

4. Stage 2- Case Review Group

4.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the procedure can be invoked.

A meeting of a Case Review Group shall be convened by the Dean, made up of the student's Graduate Tutor and the Dean and to include if appropriate: the Director of Studies (if applicable); Supervisor in the case of Graduates or Course Director if there is no Supervisor; or another member of the Deanery. The student may be accompanied to this meeting by a student or other friend or representative if they so wish. Representatives such as the University Mental Health Advisor or a member of the Disability Resource Centre may also attend for information and advice if felt appropriate by the Dean.

In both stage 2 and stage 3 processes the student's Graduate Tutor should be the point of contact with the student and should ensure that the Dean is kept informed of all communications. The Dean should be the main point of contact with all other agencies and individuals and should keep records of the whole process.

A Deputy Dean shall be the main point of contact if the Dean is unavailable to act at any stage.

4.2 Before the meeting, a medical assessment may be sought from a qualified practitioner familiar with the Cambridge University system and the spectrum of student difficulties or from the University Occupational Health Service. The student will be encouraged to consent to this, as it will ultimately enable the College to address the student's difficulties in the most effective manner possible and make an accurate assessment of risk.

The medical assessment will be used to determine the following matters: -

- the nature and extent of any medical condition from which the student may be suffering;
- the student's prognosis;
- the extent to which it may affect his/her fitness to study and manage the demands of student life;
- any impact it may have or risk it may pose to others;

- whether any additional steps should be taken by the College, in light of the medical condition, to enable the student to study effectively;
- whether the student will be receiving any ongoing medical treatment or support.

4.3 The student may be asked to authorise full disclosure to the College of the results of any medical examination. The College recognises that any such information disclosed will constitute ‘sensitive data’ for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination, or disclose results, the College may continue this procedure based on the information already in its possession.

4.4 The student will be given at least 7 working days’ notice of the convening of a Case Review Group and informed of the purpose of the meeting. This period may be shortened in emergency on the advice of the Dean. They will also be provided with any documents that will be considered by the Group, and asked to provide any documentation they may wish the Group to consider, in good time for the meeting.

4.5 The student may be accompanied at the meeting by a Students’ Union or Graduate Union representative, a fellow student, or other advisor. A support worker, if required may also accompany disabled students. The student should notify the Dean at least 24 hours in advance of the meeting if they are to be accompanied and by whom.

4.6 The purpose of the meeting will be 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 account of and the best way to proceed is agreed upon;
- the student is fully aware of the possible outcomes if difficulties remain.

4.7 The Case Review Group will order its proceedings at its own discretion and may call witnesses, including Student Services staff (as in paragraph 3) working with the student, and institute enquiries to assist its deliberations.

4.8 The Case Review Group may decide: -

(a) that no further action is required;

or (b) to formally monitor the student's progress for a specified period of time.

In this case an action plan will be agreed with the student, outlining any steps, which the student will need to take, and/or any support to be provided to the student, to address the concerns identified.

Regular review meetings with the student will need to be arranged with a nominated member of College staff, 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 their fitness to study being considered at Stage 3

or (c) To recommend that special academic arrangements or support are 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, their fitness to study may be considered at Stage 3 of these procedures.

or (d) With the consent of the student, to agree that their studies be suspended for a period of time with appropriate application to the relevant University authority.

or (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, where for example 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.

4.9 The decision of the Case Review Group, together with a concise record of the meeting, should be sent to the student within 7 working days from 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 where relevant.

5. Stage 3 - College Review Panel

5.1 This stage of the procedure will only be implemented following a referral from a Stage 2 Case Review Group, or if in the opinion of the Dean (having consulted as appropriate) initial concerns are raised, which are sufficiently serious as to warrant the consideration of the student's suspension, exclusion or expulsion (e.g. if they pose a potentially threat to the health and safety of themselves or others, or disruption to the working of the institution).

5.2 As a first step in this stage the Dean shall consider whether interim suspension of the student pending further action is appropriate, including from College accommodation.

5.3 The Dean shall then convene a Review Panel, which shall be chaired by a 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 Graduate Tutor, the Dean, and another independent member of the College Governing Body, in addition to the Chair, who is not a member of the College Disciplinary Appeals Committee and has had no previous connection with the student.

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

5.5 Wherever possible the student will be given at least 7 working days' notice of the meeting of the College Review Panel. The student will be informed of the purpose of the hearing. The student will also be provided with any documents to be considered at the meeting, and asked to provide any documentation he /she may wish the Panel to consider in good time for the meeting. In serious cases the College may temporarily suspend a student, including sending out of residence pending a meeting of the Review Panel.

5.6 The student may be accompanied at the meeting by a Students' Union or Graduate Union representative, a fellow student or other adviser. Disabled students may also be accompanied by a support worker where required. The student should notify the Dean at least 24 hours in advance of the meeting if they are to be accompanied and by whom.

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

5.8 The Review Panel will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, including Student Services staff working with the student, in particular the University Mental Health Advisor and which 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.

5.9 The decision it arrives at shall be confirmed by the Chair of the Review Panel having obtained a collective decision from members of the Panel.

5.10 The student shall be notified in writing of the decision, with reasons, within 14 working days of the meeting of the College Review Panel. It is advisable that the decision is communicated in such a way that support is available to the student at the time, preferably from the student's Graduate Tutor or Dean.

The decision may include one or more of the following:

To formally monitor the student's progress for a specified period of time. In this case the Panel will provide the student with an agreed action plan, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (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.

That, 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 student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the College's satisfaction.

To recommend that the College exercises its statutory power to suspend or exclude the student.

Any other action considered to be appropriate and proportionate.

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

6. Return to Study

6.1 After a break in study, the student may make a request to the College for permission to return to the course. The decision as to whether to ask the University permission for the student to be put in standing to return to study will then be made by the Dean who will request authorization for the student to return from the relevant University authority.

6.2 To this end, the Dean, in consultation with relevant organisations such as the University Counselling Service, the University Mental Health Advisor, and Disability Resource Centre. etc., will identify the issues of concern that the College may have in respect of the student's fitness to study.

The Dean will also contact the relevant medical professional for an assessment of the student's ability to manage the demands of returning to studying at Cambridge University, drawing attention to the nature and extent of the student's previous problems and the College's concerns about them.

6.3 The student will only be permitted to return if, after receiving medical advice, the College and relevant University authority are satisfied that the individual is fit to study and able to comply with any conditions imposed on their return.

6.4 In cases where the College has any continuing concerns about the individual's fitness to study, it may require a second medical opinion. In this case a student may be asked to submit themselves for medical examinations by doctors / specialists, including the University Mental Health Advisor, nominated by the College, at the College's expense to allow the situation to be properly evaluated.

6.5 In any case where 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 establish a return to study plan. This initial meeting should include the student's Graduate Tutor, the Dean and the Director of Studies (if applicable).

At this meeting it may be decided that there should be regular review meetings with the student, that can be used to monitor and support a return to study plan.

If so, the student must provide their continued cooperation in this respect and such review meetings may continue for part or all of their remaining time at 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 Dean should 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.

The Dean should make arrangements for monitoring that the support plan is being delivered and accepted.

7. Right of Appeal

If the student is not satisfied with any decision made in accordance with the Fitness to Study Procedure, they should follow the College complaints procedure within 14 days of the receipt of a letter outlining that decision, at any stage in the proceedings. (deadlines will depend on College's Complaints Procedure).

8. General Matters

8.1 The College will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Human Rights Act, the Equality Act 2010 and the general rights and expectations of a student of confidentiality. In cases where Stages 2 or 3 of the

Fitness to Study Procedure have been invoked, the Chair will make a decision about whether the student's emergency contact should be informed, and discuss with the student whether any statutory services should be contacted.

8.2 The College acknowledges 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 shall ensure that all such data is handled, processed and stored accordingly.

APPENDIX

Crisis Situations

It is possible that a student may pose such an extreme risk to themselves and/or others that they require emergency assistance outside these procedures.

In a situation where it is believed that a student's behaviour presents an immediate risk to themselves or others, the Emergency Services should be contacted by dialling 999.

The College Porters Lodge should be informed (01223 335660).

This should be followed up as soon as possible by notifying the Dean of the details of the incident and action taken.

The person 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 Dean. The Dean or nominee will ensure that contact is made at the appropriate level of detail with the student, the student's Graduate Tutor and Director of Studies (if applicable), or Supervisor 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 Dean to the Medical and Veterinary Progress Panel for advice as to whether there might be Fitness to Practice issues to consider.