

Fitness to Study and Engage in the Student Experience Policy

Responsibility for Policy:	Registrar and Chief Operating Officer
Relevant to:	LJMU students studying on the university campus
Approved by:	Academic Board, 9 June 2021
Responsibility for Document Review:	Student Governance and Student Advice and Wellbeing
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RELEVANT DOCUMENTS

RELATED POLICIES & DOCUMENTS

- Programme Guide
- Student Code of Behaviour and Disciplinary Procedures
- Disability Policy
- Occupational Health procedures
- Student Appeal Against Exclusion or Expulsion Procedure

1. Scope and Purpose

Liverpool John Moores University (LJMU) takes the health, safety and wellbeing of all students seriously and seeks to provide an environment that is safe and conducive to study. In this context, the University has a duty of care and reserves the right to respond appropriately where concerns are raised about a student and to assess whether the student is fit to continue study at that time.

The University has a range of support services for students, including support for students with mental or physical health needs. Information can be found on this link:

<https://www.ljmu.ac.uk/discover/student-support>

However, there may be circumstances where a student is unable to effectively engage with their studies and/or they are causing disruption, concern and distress for themselves and to others. The student may be unable to see the need for, or the benefit of, taking a leave of absence, or to recognise that they are not fit to study at that time.

The policy is intended to be supportive, to assist the student to maintain academic progress and their relationship with the University.

Where a student is also a member of staff, HR will be consulted to determine the most appropriate procedure for consideration of any concerns raised.

Where relevant and appropriate to do so, the University may consider a student's conduct or engagement on the basis of their Fitness to Study rather than through the Student Disciplinary Procedures.

Where appropriate, the University may consider concerns under other University procedures such as the Student Code of Behaviour and Student Disciplinary Procedures or Fitness to Practise procedures.

Where a student has not positively responded to or engaged in supportive interventions, or where the University has deemed the student unfit to study, the University may withdraw a student from their programme of study. The University also reserves the right to discuss support pathways and fitness to study with applicants.

This policy does not cover students studying on a LJMU programme that is delivered by a University partner.

2. Definitions

The University defines fitness to study as a student's ability to fully participate, engage and benefit from University life in academic, residential and community environments (with or without additional support). Students are considered fit to study where:

- They do not and are not likely to put their own, or others' health, safety and general well-being at risk.

- They are able to engage effectively with and benefit from the programme of study/research for the required duration of the programme, and with a reasonable chance of progression towards obtaining the qualification or academic outcome for which they are enrolled.
- Their behaviour (including their communications, engagements or interactions) or mental and physical needs do not disrupt members of the University community in carrying out University business to the extent that the disruption has a detrimental impact upon members of the University or wider community. This includes the learning, research and work of other students, the experience of other students and the demands placed on staff.

Students may be deemed unfit to study under this policy where:

- For health reasons, it is not in their interest or that of the University or other students that the applicant should commence a programme of study, or the student should continue a programme of study.
- Where adjustments and support for disabling conditions or long-term mental or physical health issues are not sufficient or appropriate,
- Where a student is unable to or chooses not to engage with adjustments and support offered.
- Where a student is unable to engage with classes due to a health condition.
- The University judges (based on clinical evidence) that continuation is detrimental to the student's health.
- That a student's presentation is disruptive in a way that significantly impacts on the study and well-being of others in the University
- That a student's conduct, behaviour or health and well-being presents a risk to themselves and others, or places unreasonable demands on staff, students and others.

3. Expectations

LJMU expects students to be able to:

- Understand their own health and safety and that of others.
- Understand the risk of physical danger to themselves and others.
- Communicate effectively with fellow students, staff and other professionals [this would include alternative methods of communication such as BSL, computer-aided speech etc].
- Undertake periods in private study without supervision [but using appropriate support mechanisms].
- Attend and engage effectively in lectures and tutorials, with physical and study support adjustments as necessary.
- Submit coursework within required academic timescales.
- Undertake assessment and engage effectively with the assessment process, with appropriate adjustments.
- Be proactive in engaging with relevant support services.

4. Operating Principles

All information provided regarding fitness to study will remain confidential for use within the procedure and is subject to the requirements of the General Data

Protection Regulations. Only staff directly involved in the procedure will be given access to confidential information.

The Student Governance Privacy Notice is available at <https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice>

The Student Advice and Wellbeing Privacy Notice is available at <https://www.ljmu.ac.uk/~media/files/ljmu/students/saw-privacy-confidentiality-statement.pdf?la=en>

The University strives to ensure consistency and sensitivity in these matters; decisions will be reached through a team approach and following consultation and advice from relevant individuals. The student's views will form part of the consideration as will an assessment of their ability to learn, study and interact with the University community.

Where a student is hospitalised or sectioned for any period of time, consideration will be given to how best to support the student effectively and this may include consideration under the Fitness to Study procedure.

Students may be referred to the University Occupational Health Physician for assessment, who may with the student's consent, contact the student's GP or other relevant medical practitioners.

Where a student presents with significant concerns, including hospitalisation, the matter may be escalated directly to Stage 3 of the Fitness to Study procedure without passing through the intermediate stages.

5. Stage 1 – Emerging/Initial concerns

Staff anywhere within LJMU may become aware of issues affecting a student's health, safety, well-being or behaviour. This could be directly observed, reported by a third party or possibly suggested by the reactions, general presentation or demeanour of the student.

Staff should either approach the student in an empathetic and non-confrontational manner to try and ascertain the issue, or alternatively should suggest to the student that they make contact with the Student Advice and Wellbeing [SAW] team for support.

If the member of staff talks to the student themselves, they should outline their concerns to the student and offer to assist with referring the student to the Student Advice and Wellbeing team. Where applicable, staff should advise on any relevant processes for example leave of absence and Personal Circumstances procedure, deferred consideration of assessment, or special mitigation. Staff should record any verbal advice given to students on such matters for example via a follow up email, to ensure that there is a record if the matter is escalated.

The student should be asked to moderate their behaviour or to seek help with presenting issues.

If the student responds positively, there may be no need for further action.

If the student does not respond positively, refuses to co-operate and/or where the staff member believes the student is presenting significant concerns, the member of staff should contact Student Advice and Wellbeing (Director of Service or Management team) for advice, which may include progression to stage 2 or 3 of this procedure (dependant on circumstances).

6. Stage 2 – Continuing Concerns

If a student's health, safety, well-being or behaviour continues to cause concern, staff should complete the SAW referral form, noting their concerns and that the referral is being made under Stage 2 of the Fitness to Study Procedures.

The SAW Referral Form is available as an Appendix to this document.

Following initial review, the Director of Student Advice and Wellbeing (or nominee) will liaise with relevant staff to consider the circumstances of the case and to agree on an appropriate course of action within the scope of this procedure. This may include, but is not limited to:

- a) Inviting the student to attend an initial assessment with an appropriate member of the SAW team. Issues facing the student and the student's perception of their actions will be discussed and assessed within a confidential assessment environment,.
- b) Agreeing a Support Action Plan (SAP) with the student; this may include accessing internal support and/or referral to relevant external services. The SAP will also include agreed review dates.

The student will be advised of the possible consequences of not adhering to the SAP. This may include further discussion and the potential for referral to Stage 3 of the fitness to study procedure.

- c) Advising the student of options available to them which might include a leave of absence, deferral or withdrawal from the programme.

Students should be advised or referred to relevant advice services about the financial implications of any such actions.

The University will re-assess a student's fitness to study when a student requests to resume their study, following a leave of absence or deferral.

Notification of an intention to resume a programme of study should be made to Student Governance (studentgovernance@ljmu.ac.uk)

7. Stage 3 – Immediate or Critical Concerns

Where there are immediate and serious concerns regarding a student's fitness to study and/ or where the student's health, safety, well-being or behaviour continues to cause concern and/or the student fails to engage with a SAP, the matter may be escalated to Stage 3 of the procedure via SAW and Student Governance.

Staff from SAW or the School can make a direct referral to Student Governance. Staff should contact Student Governance via email at StudentGovernance@ljmu.uk, noting their concerns and that the referral is being made under Stage 3 of the fitness to study procedures. Correspondence should also include information in relation to any previous stages that have been attempted. Staff should forward all relevant records and correspondence relating to the matter, including information relating to any previous stages under this procedure.

Student Governance, in consultation with SAW and other relevant parties, will determine whether initial precautionary action is required such as suspension of studies and whether further information is required such as an occupational health assessment.

The decision to suspend and/or refer to the Occupational Health Physician requires approval from the Academic Registrar [or nominee] following consultation with appropriate staff. It is important to note that suspension of study is not in itself a disciplinary sanction but is to allow a period of time for a full assessment of the circumstances with regard to the student and his/her programme of study.

The suspension procedure is managed by Student Governance to ensure consistent application of the policy across the institution. The student will be notified formally in writing of the suspension and any associated terms and conditions, via the Student Governance office. Suspension will be subject to review at regular intervals.

For example, a student may be suspended pending assessment by the Occupational Health Physician or to allow time for relevant medical treatment or a period of recovery.

The Occupational Health Physician may, with the student's consent, contact their medical practitioner/consultant for information regarding their health issues/current condition.

8. Case Conference.

A case conference may be arranged at any time, with relevant staff and support services. This can include members of the SAW Management Team, SAW Disability Team, Mental Health Support Services, Student Governance and representatives from the programme team and partner accommodation providers and any other specialist.

Students will have the opportunity to submit written evidence or representations prior to the meeting and where appropriate to do so may be invited to attend the meeting.

The case conference will give consideration to a range of factors, including:

- Disability legislation.
- The support offered.
- Medical and other evidence.
- University Equality and Diversity policy.
- The impact of behaviours on other students and on staff.
- What reasonable adjustments might enable a student to be fit to study.

- Any submission made by the student, including any new medical evidence.
- The likelihood of academic progress in the current situation and in the future.
- What reasonable and appropriate support might enable a student to be fit to study.
- The student's current health and presentation plus any advice about prognosis should they remain in the University.

The outcomes of a case conference can include:

- **Fit to study and engage with the University experience** – with or without a Support Action Plan or conditions (See Stage 4 – Return to Study).
- **Not fit to study and/or engage with the University experience..** The student is suspended from the university for a defined period to allow time to seek help with presenting issues, for example medical treatment/intervention and recovery. At the end of the suspension students can request to resume studies and an occupational health assessment will be required (See Section 7 – Return to Study).
- **Not fit to study and/or engage with the University experience.** A recommendation will be made to the Vice-Chancellor via Student Governance to exclude the student from the programme of study. The student will be referred to relevant community support services and receive advice about future applications and study (See Section 8 future applications or study). Excluded students may appeal against a decision that they are not fit to study (see Student Appeal Against Exclusion or Expulsion Procedure).

9. Return to Study

Students will be encouraged to maintain contact with LJMU Student Advice and Wellbeing during their period of suspension, to advise of their progress and to facilitate a return to study when the student is well enough. The relevant member of SAW staff will be identified at the initial case conference.

Students should write to Student Governance at StudentGovernance@ljmu.ac.uk indicating their wish to return to University.

Normally, the student will be referred again to the Occupational Health Physician for assessment so students should allow a reasonable time for this to take place. With the student's consent, the Occupational Health Physician may need to contact their medical practitioner/consultant for updated information regarding their health issues/urrent condition.

Students should be aware that return to study may only be possible at certain times of the academic cycle depending on the programme being studied. Dependent upon the timing and period of suspension, return to study may only be possible at the start of a new academic year.

Students should be aware that due to modifications to modules and/or programmes during the student's suspension, it may not be possible for them to return to the same academic programme/profile.

Students should also be aware that there may be financial implications in relation to suspensions and returning to study and that they should contact Student Advice and

Wellbeing for advice.

Prior to returning to study, Student Governance will:

- Confirm in writing to the student that they are fit to resume and note any conditions of returning to study.
- If required arrange a Case Conference with relevant staff from SAW and the programme team and/or the student to discuss the support available and the student's return to study.

Advise the student that they are required to contact a named member of staff from the programme team to discuss the academic requirements and details of returning to the programme for example start dates, module choices, induction dates and relevant tutorial support.

- Advise the student that they are required to contact the designated contact within the Student Advice and Wellbeing Team to discuss and implement relevant support for example Disability Support, Individual Support Learning Plan, counselling and mental health, tuition fee and funding advice for example.
- Notify relevant staff when the suspension is lifted, in order to update University and administrative records.

Examples of conditions of returning to study can include:

- Maintenance of medical treatment.
- Compliance with medical advice.
- Regular contact with medical professionals.
- Specified contact with Student Advice and Wellbeing.

(The above list is not exhaustive and is dependent on individual circumstances).

Failure to adhere to the conditions or reoccurrences of concerns regarding conduct, behaviour or health and well-being may result in further consideration of such incidents under this policy or where applicable the Student Code of Behaviour and Disciplinary Procedures.

10. Further Applications to Study

If a student has been formally withdrawn from a programme of study by the Vice Chancellor, they may have the right to apply for a programme of study as a new applicant when they believe they are fit to study and engage in the student experience i.e. their health and well-being circumstances have changed or are managed.

Applications from former students should consider the programmes available at the time of application and seek specialist advice in relation to the relevant support services and any funding implications prior to application.

Students who have been formally withdrawn from the University under this policy are

required to declare this on application. Failure to disclose this may result in an application being withdrawn or expulsion from the University under the Student Code of Behaviour and Disciplinary Procedures.

The University will consider such applications and declarations under this Stage 3 of this procedure

11. Amendments and Review of the Fitness to Study procedure

The University reserves the right to amend and review this procedure in light of operating experience and/or prevailing circumstances.

12. Advice

Students can obtain professional and independent advice from a qualified adviser at Liverpool John Moores Students' Union Advice Centre, telephone number 0151 231 4900 or email JMSUadvice@ljmu.ac.uk

Further information is available on the Liverpool John Moores Students' Union webpages at <https://www.jmsu.co.uk/advice>

13. The Office of the Independent Adjudicator

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Liverpool John Moores University is a member of this scheme. If a student is unhappy with the outcome they may be able to ask the OIA to review their complaint. Students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong at <https://www.oiahe.org.uk/students>.

A student normally needs to have completed the Disciplinary procedure before they can complain to the OIA. Liverpool John Moores University will send a student a letter called a "Completion of Procedures Letter" when they have reached the end of university processes and there are no further steps the student can take internally. If the student's appeal is not upheld, Liverpool John Moores University will issue the student with a Completion of Procedures Letter automatically. If the appeal is upheld or partly upheld the student can ask for a Completion of Procedures Letter if they want one.

Students can find more information about Completion of Procedures Letters and when they should expect to receive one at:

<https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.



**REFERRAL TO STUDENT ADVICE AND WELLBEING
Under Stage 2 of the Fitness to Study Policy**

1. This form should be used to refer a student to SAW if there are continuing concerns for their health, safety or wellbeing.
2. This form should **not** be used where the concerns are relating to behaviour or discipline. Please refer to Student Governance under these circumstances.
3. You should also submit any additional evidence i.e. medical evidence, statement from the student or staff members, applications for Personal Circumstances, deferred consideration, leave of absence.
4. Should further information be required, a member of SAW staff will contact you.
5. The form should be emailed to the Director of Student Advice and Wellbeing (y.turnbull@ljmu.ac.uk) with supporting evidence.

**REFERRAL TO STUDENT ADVICE AND WELLBEING
Under Stage 2 of the Fitness to Study Policy**

Student Name	
Student Id.	
Telephone Number	
Email	
Course	
School	
Year of study	
Reason for referral	
Academic Advice given (e.g. Personal Circumstances/LOA/DC /Special Mitigation)	
Actions taken	

Referred by		Date	
Signed			