

# Regulations on Fitness to Study

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AU-RSC-20-3974-A

Applicable to students in all Stages/Years of programmes

2021-22

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## Regulation Summary

These regulations set out the University's provisions for situations where an individual student may demonstrate behaviour which causes concern for their own wellbeing or the wellbeing of the wider University community, including:

- Who may raise concerns regarding a student's Fitness to Study.
- Meetings and membership of the Fitness to Study Group.
- Potential decisions of the Fitness to Study Group, including precautionary exclusion.
- Processes for a student's return to study.

## Related Regulations, Policies, and Guidance

Students enrolled on some programmes within the College of Health & Life Sciences are also covered by the University's [Regulations on Fitness to Practise](#). Details of affected programmes can be found within those regulations.

[Precautionary Exclusion Risk Assessment Forms](#) can be accessed on the University webpages.

## Version Control

Ref No	Version	Responsible Officer	Approved by	Approval Date	Effective Date
AU-RSC-18-1869	A	Adam Hewitt	OLTC	Jun 2019	Sep 2019
AU-RSC-19-2823	A	Adam Hewitt	ULTC	Jun 2020	Sep 2020
AU-RSC-20-3974	A	Adam Hewitt	ULTC	Jun 2021	Sep 2021

## Fitness to Study Provisions

- 1 These provisions cover situations where an individual student may demonstrate behaviour which causes concern for their own wellbeing or the wellbeing of the wider University community. Such behaviour may be attributed to, for example, a medical condition, mental illness or taking (or failing to take) prescribed medication. Intervention under these provisions may also be appropriate in the case of a student who fails to recognise that they are suffering from a communicable disease and/or fails to notify the University of their condition as soon as it is practicable to do so. In these circumstances the University may decide that the student will benefit from the University's direct intervention and support. These provisions are intended to provide a framework to help the student out of their difficulties whilst also protecting the student, the public and the University community. It is expected that these provisions will only be brought into action when informal interventions are inappropriate or have failed. It is hoped that the majority of cases will be resolved at the informal stage and that the student recognises that any such intervention has been made from a supportive and positive standpoint with the intention of helping the student progress successfully with their programme of study.
- 2 The University will at all times take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Mental Capacity Act, the Human Rights Act, the Equality Act and the general rights and expectations of student confidentiality.
- 3 These provisions are not part of the [University Disciplinary Process](#) in their initial stages. It is only when these provisions have failed to achieve a satisfactory and jointly owned outcome with the student that the student may then come under Disciplinary procedures and/or [Fitness to Practise](#) procedures where appropriate.
- 4 Any student subject to these provisions is encouraged to seek advice and support from the University student support services and/or Aston Students' Union Advice and Representation Centre (ARC).
- 5 The University reserves the right to invoke its general and/or other regulations and disciplinary procedures, including in cases where behaviour which causes concern is in contravention of the [Regulations on Student Discipline](#) but is not directly attributable to a known medical condition or disability.
- 6 These provisions will be invoked in cases where the student has been offered, or has been advised to seek, specialist support and has refused to engage with the appropriate support mechanism or has failed to do so as soon as is practicable; or has engaged and the student's behaviour continues to cause concern.
- 7 Where possible the University will seek to obtain the student's written consent to invoking these provisions. The University reserves the right to apply a precautionary exclusion, as described in Section B3 of the [Regulations on Student Discipline](#), until such time as the student can demonstrate that their behaviour will no longer cause the University concern.
- 8 When deciding whether to invoke these provisions the University will evaluate:

- i) where the potential for successful study by the student is being adversely affected by this behaviour
- ii) where behaviour is disruptive to the self and/or others in the University community
- iii) where behaviour represents risk to the self and/or others in the University community
- iv) where a student places unreasonable demands on staff, other students or University resources.

In all of the above instances these provisions will be invoked whether the student is initially aware/recognises the effect of their behaviour or not.

- 9 Concern may be raised about a student's behaviour by another student, family member, member of the public, members of university staff, a medical or a law professional, placement provider or any other person whom the student comes into contact with. The student may also be the instigator of concern if they indicate to anyone of the above who then reports to the University, something that may indicate a reason to invoke these provisions.
- 10 Concern may be raised if there is a significant change in the student's behaviour that may indicate a need to question their current fitness to study.
- 11 These provisions may be invoked following an incident that has breached the [Disciplinary Regulations](#) but where it is believed that there may be an underlying issue.
- 12 These provisions will only be invoked when informal approaches to the student have failed or a member of staff believes that the situation is so serious that immediate action should be taken. The Chair of the Fitness to Study Group will have the final decision on whether these provisions should be invoked for any specific situation.
- 13 Informal approaches will include discussions with members of staff including but not exclusively: the student's Personal Tutor, a Head of Department, a member of academic teaching staff, a member of University administrative staff, a member of University Student Support Services. The aim of these informal approaches will be to agree a reasonable way forward, to include agreed timescales that will seek to resolve any behaviour that may be causing concern. Students may be referred to University Student Support Services, medical or other intervention as part of these discussions and it will be expected that such advice will be followed. Should this advice not be followed then these provisions may be invoked. During the informal approach the student must be made aware of the specific areas of behaviour that are causing concern. These meetings must be documented and the information stored confidentially in the student's record.
- 14 If the informal stage is not successful these provisions will be invoked and a meeting of the Fitness to Study Group will be convened. The membership of the Group is divided into two categories, the permanent members and the invited members. The invited members will be chosen in line with the specific needs of the case.

The membership of the Group will be composed of:

Chair – Executive Dean of a College that is not the College the student is studying with  
Director of Student and Academic Services  
Head of Security

Invited members may include:

The relevant Associate Dean from the appropriate College  
Student's Personal Tutor  
Member of University Counselling Staff  
Member of University Student Services Staff

The membership of each meeting of the Group will be determined by the Chair.

- 15 Before the meeting of the Fitness to Study Group, the Chair of the Group, where appropriate, may require access to medical evidence/supporting evidence to be put before the Group which should be sought preferably with the permission of the student.
- 16 In some circumstances a medical or other form of assessment may be required of the student. This assessment will be used to determine the following:
  - The nature and extent of any medical condition from which the student may be suffering
  - Their prognosis
  - The extent to which the medical condition and/or prognosis may affect their 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 University in light of the condition to enable the student to study effectively
  - Whether the student will be receiving any ongoing medical treatment or support
- 17 In cases where evidence may be required concerning prescribed medicines that are relevant to the case, the medical evidence provided must be from the prescribing healthcare professional.
- 18 The student will be asked to authorise full disclosure to the University of the results of any appropriate medical evidence. The University will act in line with its procedures and current legislation to ensure that all confidential data is stored and used appropriately. Should the student refuse to undertake a medical examination the University may either continue with these provisions based on the information already in its possession or may seek to find other corroborating evidence.
- 19 Any such medical assessment that incurs a cost for the student that they would not have otherwise incurred will be refunded by the University at the discretion of the Chair of the Fitness to Study Group.
- 20 The student will be informed of the date and purpose of the meeting of the Fitness to Study Group and given at least seven working days' notice. The student will be

provided with any documents that will be used by the Group to reach its decision. The student will be given the opportunity to provide any further information.

- 21 The student may be accompanied and/or represented by a Students' Union representative (the Union will represent the student through the Advice and Representation Centre according to the terms of the ARC's Charter), a fellow student, a family member or a support worker. A student with disabilities may additionally be accompanied by their support worker if required.
- 22 The purpose of the meeting will be:
- To make the student aware of the nature of the concerns that have been raised
  - To hear and consider the student's views
  - To agree the best way forward
  - To ensure that the student is fully aware of the possible outcomes if difficulties remain
- 23 The Fitness to Study Group may decide on one or more of the following:
- That no further action is required at this time.
  - To monitor formally the student's progress for a specified period of time. An action plan will be agreed with the student as the basis for this monitoring which will include regular review meetings with a nominated member of University staff. Should the student co-operate with the agreed Plan but not progress satisfactorily the student will be invited to attend a further meeting of the Group.
  - To recommend a variation to the student's programme of study, including but not exclusively changing mode of study to part-time, taking a leave of absence or transferring to a different subject area. In these circumstances any financial implications will be discussed fully with the student before a final decision is made.
  - Suspension of a student's placement.
  - To request a precautionary exclusion under Section B3 of the University [Regulations on Student Discipline](#) pending further investigations by nominated person/s.
  - To refer the case to the [University Disciplinary Board](#) and/or to include the [Fitness to Practise Committee](#) where necessary.
- 24 Should the student not co-operate with any Plan agreed by the Fitness to Study Group by failing to undertake agreed actions and/or failure to attend review meetings, the Chair of the Fitness to Study Group will decide whether:
- The student will be required to attend a further meeting of the Fitness to Study Group.
  - This case will be referred for the student to be given a precautionary exclusion under Section B3 of the University's [General Regulations](#).
  - The case is to be referred to the [University Disciplinary Board](#) and/or whether to include the [Fitness to Practise Committee](#) as necessary.

- 25 Following a precautionary exclusion, the decision as to whether the student is able to return to study will be made by the Vice-Chancellor or nominee (the nominee would usually be a member of the University Executive Group such as the Deputy Vice Chancellor), in consultation with the Chair of the Fitness to Study Group. Students will only be allowed to return to study if the University is satisfied they are now fit to resume their studies with a reasonable chance of success.
- 26 Should the student not be deemed fit to resume their studies after one complete academic year has elapsed from the beginning of the precautionary exclusion, the Vice-Chancellor or nominee (the nominee would usually be a member of the University Executive Group such as the Deputy Vice Chancellor) will decide whether the student will be allowed to re-enrol or be withdrawn permanently.
- 27 The Fitness to Study Chair, in conjunction with the Vice-Chancellor or nominee, (the nominee would usually be a member of the University Executive Group such as the Deputy Vice Chancellor), will decide whether other third parties need to be informed of any behaviour that has been considered by the Group. Such third parties may include statutory services and family members. The University will at all times take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Mental Capacity Act, the Human Rights Act, the Equality Act and the general rights and expectations of student confidentiality.
- 28 The student may appeal against the decision of the Fitness to Study Group through the Senate Appeals Committee procedure in writing within fourteen days of receiving the written decision of the committee.



Fitness to Study Flowchart

