

FITNESS TO STUDY PROCEDURES

1. Introduction

- 1.1 St Antony's College recognises that many students will encounter physical, mental and/or emotional challenges of varying kinds during their studies, and that both the causes of such challenges and their impact can vary significantly from individual to individual.
- 1.2 The College is committed to supporting student wellbeing and recognises that a positive approach to the management of physical, mental and emotional health is crucial to student learning and academic achievement. To this end, the College has in place a welfare support team that, in combination with the services provided by the University, provides for a wide range of sources of support and advice for students facing these challenges. The College also seeks to foster a supportive environment within which students feel able to seek help as appropriate, and which enables difficulties to be addressed and where possible resolved at the earliest opportunity.
- 1.3 However, there are occasional circumstances which give rise to sufficient concerns regarding a student's fitness to study and when all other procedures and options have been considered or exhausted. In these circumstances the College acts within the 'Fitness to Study Procedure' detailed in this document.
- 1.4 The University has its own Fitness to Study procedures (see <https://www.ox.ac.uk/students/welfare/fitness-to-study?wssl=1#>) which may apply where the College processes are not appropriate.

2. What is Fitness to Study?

- 2.1 Fitness to study relates to an individual's capacity to engage fully and satisfactorily as a student of St Antony's both academically and otherwise. It does not just relate to academic studies, it also relates to the student's ability to live independently and safely, without unreasonable detriment to their wellbeing and while maintaining appropriate standards of behaviour.
- 2.2 For the purposes of this College policy, and in line with the definition employed by the University, 'Fitness to Study' refers to a student's fitness:
- (a) to commence a distinct course of academic study; or
 - (b) to continue with his/her current course of academic study; or
 - (c) to return to his/her current or another course of academic study
- and his or her ability to meet:
- (d) the reasonable academic requirements of the course or programme; and
 - (e) the reasonable social and behavioural requirements of a student member (whether resident in college or not) without his or her physical, mental, emotional or psychological health or state having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or College staff.

3. When will the Fitness to Study policy be used?

- 3.1 The purpose of this policy is to provide a suitable and co-ordinated response by academic and professional support staff in circumstances where:
- (a) the situation is deemed to be urgent; and
 - (b) other internal procedures, such as the Student Code of Conduct, are not appropriate or have been exhausted; and
 - (c) all other avenues within the College and University (if appropriate) have been exhausted.
- 3.2 The Fitness to Study procedures are not an alternative to decanal or academic disciplinary action. These and other procedures (for example, fitness to practice) may also be initiated where appropriate. Similarly, a student's fitness to study may be considered notwithstanding that other procedures have been invoked. The College will, however, refrain from considering parallel procedures about the same substantive matter.
- 3.3 All matters dealt with under Fitness to Study procedures will take into account individual circumstances. Whilst it is anticipated that such cases will be exceptional, the College reserves the right to vary the process it follows when considering a matter in the interests of fairness and/or health and safety.
- 3.4 The Fitness to Study procedures are based on the premise that students should be involved in the management of their own wellbeing wherever possible. Should a student, however, be unwilling or unable to participate in the procedures, the College may nevertheless follow its Fitness to Study procedures where it is reasonable to do so.

4. Fitness to Study Procedure: Stage One – Informal Action

- 4.1 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. In urgent cases, at the College's discretion, stages 1 and 2 may be bypassed.
- 4.2 Concerns raised:
- (a) Concerns about a student's fitness to study can arise in several situations. College Advisors, members of the Welfare Team (the Warden, Bursar, Dean, Domestic Bursar and College Registrar), Senior Tutor, other students, and/or members of college staff may observe behaviour that suggests that a student's physical, mental or emotional health are compromising his or her fitness to study.
 - (b) Any member of college who has such concerns is encouraged to consult a member of the Welfare Team. The Welfare Team will consult about appropriate action, and may make discreet enquiries about the student's behaviour and academic performance. If the risk is deemed less severe, the Welfare Team may initially direct the student toward appropriate forms of support.
- 4.3 Initial response:
- (a) Should preliminary action in terms of support and guidance be unsuccessful, the Dean, along with the Registrar or Senior Tutor if deemed appropriate in consultation with the Dean, shall approach the student and explain, in a supportive and understanding manner, that concerns about their fitness to study have emerged. In the case of a

student with a disability, a support worker from the Disability Advisory Service may be involved in this meeting.

- (b) The student shall be made aware of the precise nature and causes of these concerns. The student shall be given the opportunity to explain his or her own views on the matter and be encouraged to think about using one or more of the support services offered by the University or College. It may also be appropriate to look into the possibility of applying academic arrangements or support to enable the student to study effectively, including making reasonable adjustments in the case of a student with a disability.
- (c) At this stage the Senior Tutor, as well as the College Advisor, shall be informed, if not already aware, that there are concerns about the student's fitness to study.

4.4 Intended outcomes:

- (a) 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 evidence shall lie with the student.
- (b) A review period shall be determined by agreement between the Dean and the Welfare Team, the Senior Tutor, and the student during which clear, observable and measurable goals for change shall be set. This review period will allow the student to seek advice and support from any appropriate services.
- (c) At the end of this period a meeting shall 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.
- (d) 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 shall move to the next stage of the procedure.
- (e) The informal discussions, advice and any undertakings made by the College or University and/or the student shall be documented for the benefit of the College, the University and the student, but shall be kept confidential. Copies of documents are to be kept by the Dean or Registrar.
- (f) A letter setting out what has been agreed shall be given to the student.
- (g) If a student is unable or unwilling to co-operate with the above process or modify their behaviour, they shall be informed that more formal action under **Stage 2** of this procedure may be considered appropriate.

5. Fitness to Study Procedure: Stage Two – Case Review Group

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

5.2 In Stage 2 the Dean shall be the point of contact with the student and with all other agencies and individuals. He or she shall keep records of the whole process. The Dean shall appoint a deputy if unavailable to act at any stage.

5.3 Information received at Stage 2 may also be used in the Stage 3 of this procedure.

5.4 Case Review Group

- (a) A meeting of a **Case Review Group** shall be convened by the Dean or the Senior Tutor, and made up of the Warden, Dean, Senior Tutor, Bursar, College Registrar, and

if needed the Domestic Bursar, and may include, if appropriate without disadvantage to the interests of the student, the Supervisor or College Advisor.

- (b) A representative from the Disability Advisory Service, or the College's designated link to the Counselling Services, may also attend for information and advice if felt appropriate by the Dean and the Case Review Group may consult with the College Nurse if it considers it appropriate.

5.5 Prior to the meeting:

- (a) Before the meeting, a medical assessment may be sought from the College Doctors or another qualified practitioner familiar with the Oxford University system and the spectrum of student difficulties.
- The student shall be encouraged to consent to this, and to authorise full disclosure of the results of any medical examination to the College of aspects relevant to study, as it will enable the College to address the student's difficulties in the most effective manner possible and to make an accurate assessment of risk.
 - The College recognises that any such information disclosed will constitute 'sensitive personal data' for the purposes of the Data Protection Act 1998 and it shall 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.
 - Should the student wish to furnish medical evidence from a practitioner of the student's own choosing, the College shall require that this evidence be reviewed by the College Doctor or another qualified practitioner.
- (b) The medical assessment is to be used to determine the following matters: (i) the nature and extent of any medical condition from which the student may be suffering; (ii) the student's prognosis; (iii) the extent to which it may affect his/her fitness to study and to manage the demands of student life; (iv) any impact it may have on or risk it may pose to others; (v) whether any additional steps could be taken by the College, in light of the medical condition, to enable the student to study effectively; (vi) whether the student will be receiving any ongoing medical treatment or support; (vii) whether the condition might be viewed as a disability within the terms of the Equality Act 2010.

5.6 The meeting:

- (a) The student shall normally be given at least 5 working days' notice of the convening of a Case Review Group meeting and informed of the purpose of the meeting. This period may be shortened in urgent situations on the advice of the Welfare Team.
- (b) The student shall also be provided with any documents that will be considered by the Group and asked to provide any documentation he or she may wish the Group to consider, in good time for the meeting.
- (c) The student shall have the right to attend the Case Review Group meeting and may be accompanied at the meeting.
- By an OUSU sabbatical officer, a fellow student, one of the St Antony's Junior Deans, or another current member of the University as an advisor.
 - A parent shall not normally be allowed to attend as an advisor, except at the College's discretion.
 - A designated support worker, if required, may accompany disabled students.
 - The student shall notify the Dean at least 24 hours in advance of the meeting if they are to be accompanied and by whom.
- (d) The purpose of the meeting shall 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.
- (e) The Case Review Group shall order its proceedings at its own discretion and may call witnesses, including University Student Support Services staff working with the student, and institute enquiries to assist its deliberations.

5.7 At the **close of the meeting**, the Case Review Group may, dependent on its nature and outcome make one of the following decisions:

- (a) No further action is required.
- (b) To formally monitor the student's progress for a specified period of time.
- (i) In this case an action plan shall 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.
- (ii) Regular review meetings with the student shall 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.
- (iii) The student shall 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.
- (c) To recommend that special academic arrangements or support are put in place.
- (i) Such recommendations shall be agreed with the student's department and by the student and approved by the relevant University authority.
- (ii) The student shall 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.
- (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.
- (e) To refer the case to the Warden, to be considered under Stage 3 of this procedure. This decision 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 the student's suspension of study or banning or medical withdrawal may be the appropriate course of action, or where a particular course of action has been recommended but the student does not agree.

5.8 The decision of the Case Review Group, together with a concise record of the meeting, shall be sent to the student as soon as possible and no later than 5 working days from the date of the meeting, and a copy kept on the student's personal file. A copy of this documentation shall also be sent to the student's faculty or department where relevant.

6. Fitness to Study Procedure: Stage Three – Fitness to Study Panel

6.1 Stage 3 of the procedure shall only be implemented:

- (a) following a referral from a Stage 2 Case Review Group, or
- (b) if in the opinion of the Dean (having consulted as appropriate) initial concerns have been raised which are sufficiently serious as to warrant the consideration of the student's suspension of studies or banning or medical withdrawal (including, but not limited to, if the student poses a potential threat to the health and safety of him- or herself or others, or to the efficient working of the institution).

6.2 In stage 3 the Dean shall be the point of contact with the student and with all other agencies and individuals. He or she shall keep records of the whole process. The Dean shall appoint a deputy if unavailable to act at any stage.

6.3 The Fitness to Study Panel:

- (a) The Fitness to Study Panel shall be chaired by the Warden (or the Sub-Warden if the Warden is unavailable or by another Governing Body (GB) Fellow nominated by the Warden if the Sub-Warden is unavailable), with four other GB Fellows of the College.
- (b) These members shall be drawn by the Chair from a pool of eight GB Fellows who have agreed to sit on the Panel. The Panel shall include both male and female members.
- (c) Should any member of the Panel be the student's supervisor or College Advisor or otherwise have an interest in their case, she or he shall be replaced by another member of the pool (or a member of the GB co-opted by the other members of the Panel in the event that there is no member of the pool available).
- (d) The Panel shall normally require the participation of five members but outside of full-term, in cases of urgency, special arrangements may need to be made including reducing the number of members to not less than three.

6.4 Prior to the meeting:

- (a) The Chair shall fix a date for a meeting of the Panel to hear the case and shall invite the student to attend to discuss the concerns and all relevant issues.
- (b) Whenever possible the student shall be given at least 5 working days' notice of the meeting of the Panel. This period may be shortened in urgent situations on the advice of the Welfare Team.
- (c) The student shall be informed of the purpose of the meeting.
- (d) The student shall also be provided with any documents to be considered at the meeting and asked to provide any documentation he or she may wish the Panel to consider, in good time for the meeting.

6.5 The meeting:

- (a) The student shall have the right to attend the Panel and to make oral representations and may be accompanied at the meeting.
 - By an OUSU sabbatical officer, a fellow student, a member of the Welfare Team other than the Dean, or another current member of the University as an advisor.
 - A parent shall not normally be allowed to attend as an advisor, except at the Panel's discretion.
 - A designated support worker, if required, may accompany disabled students.
 - The student shall notify the Chair of the Panel at least 24 hours in advance of the meeting if they are to be accompanied and by whom.
- (b) The purpose of the meeting shall be to consider the evidence available, including the student's perception of the concerns, raised in order:
 - (i) to determine whether the objectives of stage 2 have been met by the student;
 - (ii) to determine whether the College has put in place reasonable adjustments to enable the student to continue to study.
- (c) If the matter has not been considered at stage 2 because of the severity of the situation, the Panel may also take any actions which would otherwise have been considered at Stage 2.
- (d) The Panel shall regulate its proceedings as it thinks fit and may call witnesses and institute enquiries to assist its deliberations and may request further medical assessments of the student's fitness to study.
- (e) It shall also consider any previous assessments of the student's fitness to study.

(f) The Chair shall ensure that all parties have access to all documents.

6.6 At the close of the meeting:

(a) The Chair shall obtain a collective decision from members of the Panel.

(b) The decision may include one or more of the following:

- (i) To formally monitor the student's progress for a specified period of time.
 - In this case the Panel shall 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 are 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 shall be informed of the consequences of any breaches of the action plan.
- (ii) That, following consultation with the academic Department, and subject to the approval of the relevant University authority, special academic arrangements are to be put in place - or an interruption of studies is to be agreed. The student shall be informed of the consequences should these arrangements fail to remedy to the College's satisfaction the concerns identified.
- (iii) To recommend that the College exercises its statutory power to require the student to suspend or to ban the student or to require his or her medical withdrawal.
- (iv) Any other action considered to be appropriate and proportionate.

6.7 Any decision regarding suspension, banning or medical withdrawal shall be communicated by the College Registrar to the University and to any support services who have been involved with the student.

6.8 Communication with student:

- (a) The student shall be notified by the Chair of the decision, with reasons, as soon as possible and no later than 10 working days of the meeting of the Panel.
- (b) Communication of the decision to the student shall normally be undertaken in person in the Warden's Office and shall be immediately confirmed in writing.
- (c) Support shall normally be made available to the student at the time, preferably from a member of the Welfare Team or the student's College Advisor.

6.9 If the student does not agree with the decision the Panel may choose

- (a) to refer to the University's Fitness to Study Panel for a recommendation on how to proceed, or
- (b) to stand by its decision based on the information gathered during this and preceding levels of intervention.

6.10 If the student is dissatisfied with the decision, he or she may seek a review. The process to be followed is set out below in (8).

7. Return to Study

7.1 After a suspension of study following a decision of the Case Review Group or the Panel, the student may make a request to the College for permission to return to the course.

- 7.2 The Dean, in consultation with the Welfare Team and relevant medical professionals (including but not limited to the College Doctors), shall identify the issues of concern that the College may have in respect of the student's fitness to study.
- 7.3 The Dean shall also contact the relevant medical professional for an assessment of the student's ability to manage the demands of returning to studying at Oxford University, drawing attention to the nature and extent of the student's previous problems and the College's concerns about them.
- 7.4 The student shall be permitted to return only if, after receiving medical or other specialist advice about the likely impact of the student's condition on his or her fitness to study, the Panel is satisfied that the student is fit to study and able to comply with any conditions imposed on their return.
- 7.5 In cases where the College has any continuing concerns about the individual's fitness to study, it may require a second medical or specialist opinion.
- In this case a student may be asked to submit themselves for medical examinations by doctors or other specialists, including the College Doctor or a consultant, nominated by the College, at the College's expense to allow the situation to be properly evaluated.
- 7.6 In any case where a student has been permitted to return to study following the implementation of the Fitness to Study procedure, the College shall 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.
- 7.7 This initial meeting shall include the student's College Advisor; the Senior Tutor; a member of the Welfare Team; where applicable, a member of the Disability Advisory Service, and shall take advice from supervisors and taught-course tutors.
- (a) At this initial 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.
 - (b) 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 agencies, who have agreed to help implement the plan and that any necessary support from agencies external to the College is put in place.
 - (c) The Senior Tutor should make arrangements for monitoring that the support plan is being delivered and accepted.

8. Reviews and Appeals

- 8.1 If the student is not satisfied with any decision made in accordance with the College's Suspension of Study or Fitness to Study Procedures, then he or she shall have the right to seek a review which shall be conducted by the College's **Appeals Panel**.
- (a) In Fitness to Study cases where the Warden has chaired a Panel the Appeal Panel shall be chaired by the Sub-Warden with four other members of the Governing Body. The Appeals Panel shall include both male and female members.

- (b) The Members of the Fitness to Study Panel shall not be members of the Appeals Panel (although members of the pool from whom the Panel was drawn may be included on the Appeals Panel).
- (c) The student's tutors and any other interested persons shall not be included in the Appeals Panel.
- (d) In the absence of the Sub-Warden there shall be five members of the Appeals Panel who will appoint one among their number to act as chair.
- (e) The Appeals Panel may regulate its proceedings as it sees fit.

8.2 The student shall set out the case for review in writing to the Chair of the Appeals Panel within five working days of the communication of the Fitness to Study Panel's decision. The student's case shall set out any alleged procedural unfairness or failures in the reasoning underlying the decision in question.

8.3 The Chair of the Appeals Panel shall copy the student's appeal to the Chair of the Fitness to Study Panel or the Senior Tutor, as the case may be, who shall respond in writing to the Chair of the Appeals Panel within five working days. The Chair of the Appeals Panel shall then copy that response to the student.

8.4 Appeals Panel Meeting:

- (a) The Chair of the Appeals Panel shall convene a meeting of the Appeals Panel giving the student at least five working days' notice of such meeting, unless the student agrees to shorter notice being given.
- (b) The student shall be told in writing of the time and venue of the meeting.
- (c) The student shall have the right to attend the Panel and to make oral representations and may be accompanied at the meeting.
 - By an OUSU sabbatical officer, a fellow student, a member of the Welfare Team other than the Dean, or another current member of the University as an advisor.
 - A parent shall not normally be allowed to attend as an advisor, except at the Panel's discretion.
 - A designated support worker, if required, may accompany disabled students.
 - The student shall notify the Chair of the Panel at least 24 hours in advance of the meeting if they are to be accompanied and by whom.
- (d) In the event that the student does not attend the hearing, the Appeals Panel may proceed in his or her absence.
- (e) Without prejudice to the Appeals Panel's right to regulate its proceedings, the following procedure shall normally be adopted:
 - (i) The Appeals Panel shall consider the basis of the student's appeal and the response of the Chair of the Fitness to Study Panel or Senior Tutor, as the case may be.
 - (ii) The Appeals Panel can confirm or amend the decision of the Fitness to Study Panel in question and shall issue its decision in writing.

8.5 The College's procedures with regard to the matter shall be complete when the Appeals Panel's decision has been issued.

8.6 Should the student remain dissatisfied, the matter may be taken to the Office of the Independent Adjudicator for Higher Education (see www.oiahe.org.uk/). Application forms and guidance notes shall be made available from the College Registry.

9. General Considerations

- 9.1 In operating these procedures the College shall take account of all relevant legislation such as the Data Protection Act 1998, the Mental Capacity Act 2005, the Human Rights Act 1998, the Equality Act 2010, and the general rights and expectations of a student of confidentiality in line with the General Data Protection.
- 9.2 In cases where Stages 2 or 3 of the Fitness to Study Procedure have been invoked, the Chair shall 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.
- 9.3 The College acknowledges that as a result of implementing this procedure it will receive sensitive personal 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 in accordance with the College's legal obligations in this regard.
<http://www.sant.ox.ac.uk/about-st-antonys/how-we-use-your-data>