

**Fitness to Study and Engage in the Student Experience Policy**

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| **Responsibility for Policy:** | Registrar and Chief Operating Officer |
| **Relevant to:** |  All LJMU staff and students except those students studying at an academic partner |
| **Approved by:** | Academic Board, 9 June 2021 |
| **Responsibility for Document Review:** | Stuart Borthwick, Student Governance and Yvonne Turnbull, Student Advice and Wellbeing |
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| **Next Review Date:** | September 2025 |

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| **RELEVANT DOCUMENTS** |
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| **RELATED POLICIES & DOCUMENTS** |
| * Programme Guide
* Student Code of Behaviour and Disciplinary Procedures
* Disability Policy
* Occupational Health procedures
* Student Appeal Against Exclusion or Expulsion Procedure
* Fitness to Practise Procedure
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# 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 to 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 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 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 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 procedure. Where there are disciplinary concerns the disciplinary aspect of a student’s case may be paused during the Fitness to Study process and then resumed once the student has returned to study. However, the University reserves the right to proceed with a disciplinary investigation while a student is on a leave of absence or is being considered under fitness to study procedures.

Where a student has not positively responded to or engaged in supportive interventions, the University may withdraw a student from their programme of study but will only do so after a Case Conference has explored all possible ways of encouraging the student to engage in the process. The University also reserves the right to withdraw a student after a Case Conference has determined that the student is unfit to study (see Section 9). The University may withdraw a student deemed unfit to study irrespective of their academic progress or current level 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.

This policy is applicable to all students studying at LJMU and applies to any concerns raised on campus or off campus e.g. in the community, within halls of residence or on placement.

# 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 their target award.
	+ 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 in study 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 including its staff.
	+ 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.

# Expectations

LJMU expects students 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 classes, with 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; and
	+ Engage with relevant support services and the fitness to study process when required to do so by the University e.g. attending Occupational Health appointments, meetings with SAW, completion of paperwork, adherence to Support Plans and Assessments of Risk (SPAR).

# 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-](https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice) [policy/student-governance-privacy-notice](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-](https://www.ljmu.ac.uk/~/media/files/ljmu/students/saw-privacy-confidentiality-statement.pdf?la=en) [statement.pdf?la=en](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 will 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.

# Stage 1 – Emerging 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 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 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 for the deferral of assessment. 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.

When appropriate to do so, 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 or member of the management team) for advice, which may include progression to stage 2 or 3 of this procedure (dependent on circumstances).

Where it has been deemed appropriate for a student to be escalated to stage 2 of the process the relevant Faculty staff should liaise with SAW regarding the process for the stage 2 referral. SAW will check that the Faculty have considered all reasonable adjustments prior to the referral. Faculty staff must also inform the student that they are being referred to SAW.

# Stage 2 – Continuing Concerns

If a student’s health, safety, well-being or behaviour continues to cause concern, relevant Faculty staff should complete a referral to SAW, noting their concerns and that the referral is being made under stage 2 of the fitness to study procedures.

Following an 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:

1. 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.
2. A Case Conference (see Section 9) with members of staff from SAW and the student’s programme team to discuss needs and ongoing support.
3. Agreeing a Support Plan and Assessment of Risk (SPAR) with the student. This may include accessing internal support and/or referral to relevant external services. The SPAR will also include agreed review dates.

The student will be advised of the possible consequences of not adhering to the SPAR. This may include further discussion and the potential for referral to stage 3 of the fitness to study procedure, or referral to the disciplinary procedure or the Fitness to Practise procedure.

1. 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 of, 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 and/or the Student Advice and Wellbeing team which would normally involve a referral to the LJMU Occupational Health Unit.

# 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 SPAR, the matter may be escalated to Stage 3 of the procedure via SAW and Student Governance.

Staff from SAW or the Faculty can make a direct referral to Student Governance under stage 3 of the procedure. 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 attempts to resolve the matter at Stage 1 and 2. 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 a leave of absence and whether further information is required such as an occupational health assessment.

The University may decide to place a student on a Leave of Absence when it is in the student’s own interests. The decision to enforce a leave of absence 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 an enforced leave of absence is not a disciplinary sanction but is to allow a period of time for a full assessment of the circumstances.

The leave of absence 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 leave of absence and any associated terms and conditions, via the Student Governance office. The leave of absence will be subject to review at regular intervals.

For example, a student may be put on an enforced Leave of Absence 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.

# Return to Study

Students will be encouraged to maintain contact with LJMU Student Advice and Wellbeing during the period of their leave of absence, to advise of their progress and to facilitate a return to study when the student is well enough.

Students should write to Student Governance at StudentGovernance@ljmu.ac.uk indicating their wish to return to University. Student Governance will then consult with Student Advice and Wellbeing on this.

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/ current condition. The Occupational Health report will be used as guidance for staff at the Case Conference (see Section 9) but will not be used as a definitive decision.

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 the leave of absence, 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 leave of absence, it may not be possible for them to return to an identical programme of study.

Students should be aware that there may be financial implications in relation to leave of absences and returning to study and that they should contact Student Advice and Wellbeing for advice regarding this.

Prior to returning to study, staff from Student Advice and Wellbeing, or Student Governance, will action the following:

* Obtain a copy of the Occupational Health Report and seek further advice from the OH practitioner if applicable.
* Arrange a Case Conference with relevant staff from SAW, Student Governance, the programme team and/or the student to determine if a Return to Study is appropriate and discuss the support available (see Section 9).
* Determine whether a referral to another University procedure is required e.g. Student Code of Behaviour and Disciplinary Procedure or Fitness to Practise Procedure.
* Advise the student (in writing) of the decision of the Case Conference. If a Return to Study is approved the Student will be referred to Stage 2 of the Fitness to Study procedure.
* SAW will put in place a Support Plan and Assessment of Risk (SPAR) if applicable (see Stage 2) and the student will be advised of this.
* Advise the student that they are required to contact a designated contact within the Student Advice and Wellbeing Team to discuss and implement any relevant support for example disability support, an Individual Student Learning Plan (ISLP), counselling and mental health, tuition fee and funding advice for example (if applicable).
* The programme team will put in place an Academic Plan detailing the academic requirements and details of returning to the programme, (for example start dates, module choices, induction dates and relevant tutorial support) and the student will be advised of this.
* Student Governance will contact Registry Services in order to update University and administrative records (if applicable).

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 the 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 or the Fitness to Practise Procedure.

The University is able to convene a Case Conference and withdraw any student who does not return from a leave of absence within two calendar years. When a student is withdrawn from study under this procedure, they will be informed of any opportunity to apply to return to the University.

# Case Conference.

A case conference may be arranged at any time, with relevant staff and support services, but more specifically in anticipation of, or following a return to study (Section 8). This can include members of the SAW team, SAW Disability Team, Mental Health Support Services, Student Governance, Health and Safety department, representatives from the programme team and partner accommodation providers and any other specialist where applicable.

A case conference will be chaired by the Director of Student Advice and Wellbeing (or nominee) or the Assistant Academic Registrar for Student Governance (or nominee) and arranged and facilitated by staff from either Student Advice and Wellbeing or Student Governance.

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 SPAR or conditions (See Section 8 Return to Study).
	+ **Referral to another procedure** – for example the Student Code of Behaviour and Disciplinary procedure or the Fitness to Practise procedure.
	+ **Not fit to study and/or engage with the University experience.** The student is placed on an enforced leave of absence from the university to allow time to seek help with presenting issues, for example medical treatment/intervention and recovery. At the end of the leave of absence students can request to resume studies and an occupational health assessment will be required (See Section 8 – 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 withdraw the student from the University. The student will be referred to relevant community support services and receive advice about future applications and study (See Section 10 further 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).

# Further Applications to Study

If a student has been formally excluded from the University by the Vice Chancellor, they may have the right to apply to 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 being managed effectively.

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 Stage 3 of this procedure.

# 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.

1. **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>

1. **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**.**](http://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.](http://www.oiahe.org.uk/providers/completion-of-procedures-letters)