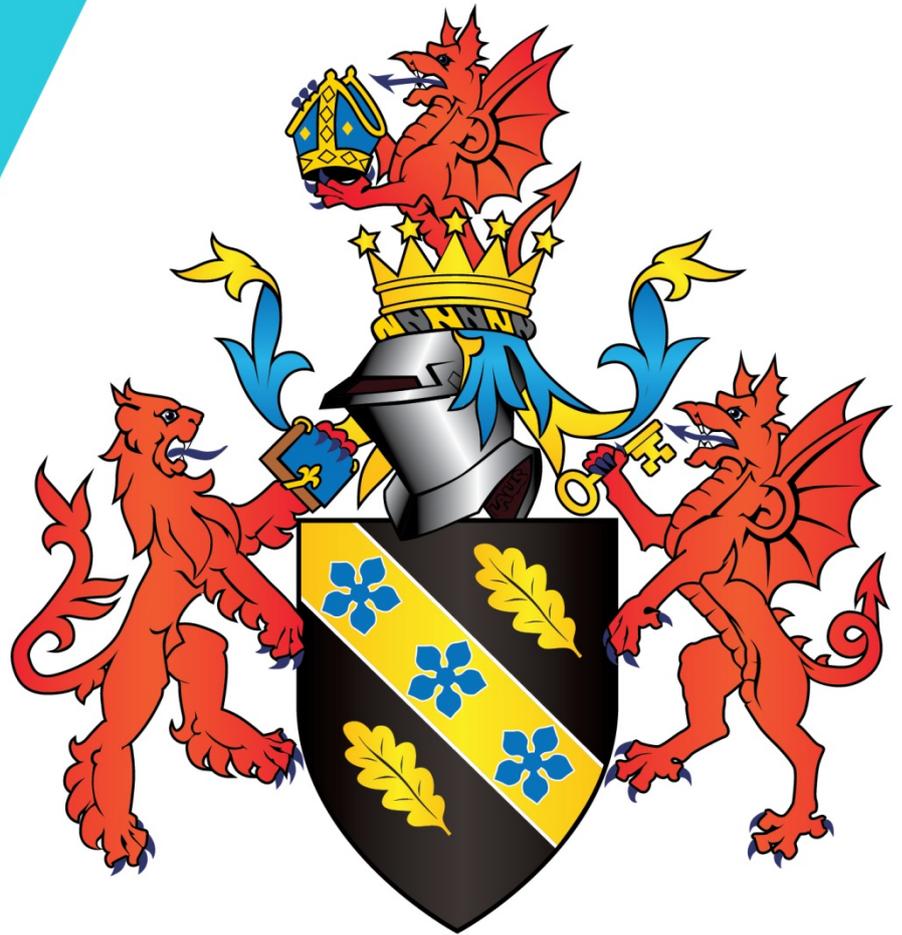




Prifysgol Cymru  
Y Drindod Dewi Sant  
University of Wales  
Trinity Saint David



# Support for Study Policy and Procedure

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## Support for Study Policy and Procedure

### 1. Introduction

- 1.1 This policy and procedure sets out the University's arrangements to be followed where concerns about a student's fitness to study at University have been raised.
- 1.2 The University is committed to support student wellbeing, takes a positive attitude to students' physical and mental health, and recognises that the wellbeing of students is critical to their learning, academic achievement and their wider student experience.
- 1.3 Support for Study procedures are likely to be instigated if, for example:
  - there is a progressive or sudden deterioration in a student's attendance, attention, quality of work, appearance, or behaviour that falls outside compensatory measures procedures or extenuating circumstances procedures;
  - If a student's participation in their studies is not enabling them to make progress with their studies or research and there is reason to believe that this is linked to their fitness to study or their support needs;
  - a student's support needs have become beyond the type of level of support which the University can reasonably be expected to provide;
  - a student's behaviour is adversely affecting the activities of the University or a placement provider and this is thought to be the result of an underlying physical or mental health issue;
  - a student is perceived to pose a risk to their own (or others') health, safety or wellbeing;
  - a student's behaviour is adversely affecting the teaching, learning, and/or experience of other students and is thought to be the result of an underlying physical or mental health issue;
  - a student's behaviour is having a significant impact on the working environment of staff of the University and is thought to be the result of an underlying physical or mental health issue;
  - a student repeatedly does not engage with agreed strategies to manage the impact of their health condition.
- 1.4 Support and guidance available for students who are subject to or involved with support for study cases is detailed at section 7 below. In addition, the Students' Union (UWTSDSU), which is independent from the University, provides support and representation for students and the University advises students to contact UWTSDSU when such matters arise. The University does not normally use legal professionals in the handling of support for study cases and does not expect that students will need to do so either. Representation of students by legal professionals will only be permitted in exceptional circumstances in the interests of fairness.

### 2. Purpose

- 2.1 The purpose of the policy is to provide an inclusive, supportive learning environment in which all students can flourish and fulfil their personal potential.
- 2.2. The policy also aims to ensure that Support for Study procedures are conducted in a fair and transparent manner and that the University exercises appropriate duty of care and complies with equal rights and other relevant legislation.
- 2.3 The policy is intended to be supportive rather than disciplinary in purpose.

### **3. Scope**

- 3.1 The policy applies to all students directly registered at the University of Wales Trinity Saint David.
- 3.2 For students registered at collaborative partnership institutions or at Constituent Colleges of the University, procedures from that institution are followed in the first instance. However, such students are entitled to submit an appeal to the University with respect to the outcome of their case. See section 15 of this policy.
- 3.3 Assessing a student's fitness to study includes a consideration of their wellbeing, both on and off the University premises (i.e. including University residential accommodation and during or in preparation for University related activities away from the University, e.g. on placements, field trips, study abroad / exchange, during a sandwich year or internship).
- 3.4. The policy is applicable to all students throughout their period of enrolment with the University, including those seeking to return to study and whose enrolment has previously been interrupted or suspended under this policy.

### **4. Relationship and interface with other policies and strategies**

- 4.1 There are a number of strategies, policies and procedures that are connected to the Support for Study Policy, including:
  - a. Mitigating Circumstances Policy;
  - b. Academic Misconduct Policy;
  - c. Fitness to Practise Policy;
  - d. Non-Academic Misconduct Policy;
  - e. The Strategic Equality Plan;
  - f. Student Emergency Contact Policy;
  - g. Student Health and Well-being Strategy;
  - h. Third Party Involvement Policy.
- 4.2 Before any formal procedures are instigated, the University will consider which procedure(s) are the most appropriate to be used.
- 4.3 The University will reassess this and may change or add procedures as appropriate. For example, where it becomes clear that there are underlying physical or mental health issues the Support for Study policy rather than the Non-Academic Misconduct Policy may be used for breaches of conduct. It may be the case that two policies are used in tandem (e.g. the Support for Study Policy and the Fitness to Practise Policy) or it could be the case that the Support for Study Policy is followed by procedures under the Fitness to Practise Policy.
- 4.4 Where two or more policies or procedures are applicable at the same time, normally one policy will be the primary policy in terms of process. Students will be informed which policy, policies and procedures are used in their case.
- 4.5 Reasonable adjustments will be made as appropriate in relation to the process and communicating the outcome for students who have disabilities or other health issues. Where students have not already formally declared a disability to the University prior to formal procedures being started, they are advised to make such a declaration as soon as possible during the formal processes so that it is possible to make reasonable adjustments as appropriate. The Student Services Department will make the decision in relation to the exact nature of any reasonable adjustments needed, in consultation

with the student and ensuring external advice is taken as appropriate. Formal processes may be suspended until reasonable adjustments have been put in place.

- 4.6 Procedures to be followed in relation to the admission of an applicant with a disability or serious medical condition are contained in the University's Admissions Policy.

## 5. Definitions

- 5.1 "Fitness to study" relates to a student's capacity to participate fully and satisfactorily as a student in relation to their academic studies and student life generally at the University. This policy aims to support students who experience significant difficulties to determine the most appropriate course of action to allow them to complete their studies in the future. This may include requiring the student to withdraw and allowing them to enrol at a future date.

- 5.3 The following generic fitness standards apply to all students:

- a) An appropriate awareness of their own health and safety and that of others;
- b) An appropriate awareness of the risk of physical danger to themselves and others;
- c) The ability to communicate effectively, appropriately, and professionally with fellow students, staff and other professionals (this would include alternative methods of communication, such as BSL or computer aided speech);
- d) The ability to undertake periods of study independently (using appropriate support mechanisms as required);
- e) The ability to attend and engage effectively and appropriately in lectures, tutorials and other learning activities, with appropriate adjustments as necessary;
- f) The ability to submit coursework within required academic timescales with appropriate adjustments;
- g) The ability to work as part of a group as required by an academic programme with appropriate adjustments;
- h) The ability to undertake assessment and engage effectively with the assessment process, with appropriate adjustments;
- i) Effective engagement with any support arrangements put in place.

In addition, students in University-managed accommodation should demonstrate:

- a) the ability to live independently (with appropriate support from internal and/or external agencies).

## 6. Responsibilities

- Council monitor the strategies and processes in place to ensure the health and wellbeing of students.
- Oversight of the health and wellbeing of students is the responsibility of Senate.
- Support for Study procedures are overseen on behalf of Senate by the Academic Office.
- Deputy Vice-Chancellors are responsible for making decisions in relation to the termination of studies of students.
- Case Officers fulfil a range of roles in relation to a Support for Study case, including undertaking a preliminary risk assessment, completing an investigation, and making a recommendation to the Student Case Review Group. A case may have more than one Case Officer, each with a specific role in relation to the case.
- A Senior Officer will undertake the review of a decision under section 20 below.

- Deans of Institutes and relevant Heads / Directors of Professional Services are responsible for ensuring that the procedures outlined in this policy are used appropriately in relation to any informal resolution (as outlined in section 8).

## **7. Support**

- 7.1 The welfare and wellbeing of its students is paramount to the University. The University has a range of support mechanisms in place to support students with physical or mental health issues. The Student Services Department offers a comprehensive range of support to students with both physical health issues, mental health issues, and specific learning difficulties. Counselling provision as well as specialist learning support provision are available.
- 7.2 Compensatory measures procedures for students with long-term impairments are outlined in the Mitigating Circumstances Policy.
- 7.3 Students are encouraged to seek appropriate practical and specialist support to manage and, where possible, mitigate the matters that give rise to concerns actioned under this policy.
- 7.4 The University will ensure that any student involved in Support for Study procedures will have access to support, information, and advice throughout the process, from the time when the formal procedures are instigated up until the time when the formal process has been concluded. Where appropriate the University will refer to and/or take advice from external support services to provide further specialised support. Support can take a range of forms depending on what is appropriate in each individual case. The formal process may be suspended until access to appropriate support has been arranged.
- 7.5 When Support for Study processes are instigated, consultation will take place with Student Services to make sure that the student's immediate and ongoing support needs are adequately considered throughout the process. In cases involving international students, International Registry will also be consulted in relation to visas and related requirements. See also section 10 ('Precautionary Action').
- 7.6 Students may decide that they would like a third-party representative or a supporting person to attend any meetings held as part of the Support for Study process.
- 7.7 The policy and procedure relating to third party representation, support and enquiries can be found in the Third Party Involvement Policy.

## **8. General Principles**

- 8.1 References in this policy to steps or actions by specific University post holders shall be read as including reference to their nominees. In addition, in order to avoid potential conflicts of responsibilities, other staff members may undertake tasks allocated to specific post holders.
- 8.2 All matters considered under this policy and set of procedures will be dealt with according to the individual's circumstances. Whilst seeking to ensure consistency of approach and application, the University reserves the right to vary the precise details of the procedure applied according to the circumstances of a particular case.

- 8.3 The student's views will, where possible and appropriate, form part of the considerations at all key stages of this set of procedures.
- 8.4 The student will be invited to any meeting, normally at least two days before the meeting. However, there may be circumstances where an urgent risk assessment or investigation is required and, in this case, a verbal invitation with less than two days' notice will be given.
- 8.5 Students will be provided with the option to attend meetings via electronic means or in person.
- 8.6 Where the student has communicated in response to a meeting notification that they are not able to attend such a meeting for a good reason, the University will normally rearrange the date of such a meeting.
- 8.7 The University reserves the right to proceed with any meeting in the absence of a student, subject to the student having been properly notified of the date and time of the meeting or in cases where the health of the student does not allow him/her to attend the meeting. The University may also deal with issues on the basis of written reports and/or statements in the absence of the student.
- 8.8 During the application of this policy the University reserves the right to adjourn any meeting and reconvene at a later date.
- 8.9 The University will, wherever possible, seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, students will be advised of the reasons for this. The student will also be advised about any delays to the process as appropriate.
- 8.10 The University reserves the right not to proceed with any Support for Study procedures if it is considered that there are insufficient grounds or evidence to do so.
- 8.11 The University will ensure that all written records related to the case are clear, accurate, and appropriate and will be stored appropriately.

## **9. Stage 1: Informal Intervention**

- 9.1 Initial concerns regarding a student's fitness to study will normally be dealt with informally by the academic department in the first instance.
- 9.2 Guidance for Stage One: Informal Intervention can be found here
- 9.3 Any outcomes of informal intervention should be recorded and shared with the Academic Office.
- 9.4 If the informal intervention at stage one is unsuccessful or the student fails to attend or comply with the action plan, a stage two intervention may be appropriate.

## **10. Stage 2: Cause for Concern Procedures**

- 10.1 Before starting stage 2, the Academic Support Tutor should meet with student support and carry out an assessment of the students concerns. Advice can also be sought from the Academic Office. For issues raised in a non-Academic fitness concerns, advice should be sought from the Academic Office before proceeding with Cause for Concern procedures.

- 10.2 Stage Two concerns will normally be dealt with by the academic department working in cooperation with Student Services. An appropriate member of staff shall be agreed to coordinate the stage 2 procedures.
- 10.3 Guidance for Stage Two: [Cause for Concern Procedures can be found here](#)
- 10.4 Possible outcomes from the Cause for Concern procedure may include:
- 10.4.1 **End Cause for Concern process** – student has made good progress and has engaged with the support identified so no further action is required.
- 10.4.2 **Set another review date** – the student has made attempts to engage but further action is necessary to address the concerns raised. Student is provided with additional time to access and engage with the necessary support.
- 10.4.3 **Refer to formal Support for Study procedures** – the student has not engaged with the action plan at all or it has become apparent that the support needs of the student are beyond what can be offered by the relevant services within the University.
- 10.5 If the student responds positively to intervention methods and support in relation to a cause for concern, there would normally be no need for further action. If a student fails to respond positively or refuses to cooperate formal procedures, the lead will be expected to discuss with the Academic Office whether to proceed to Stage 3: Formal Procedures or to notify the next appropriate examination board that the student is not engaging.

## 11. Stage 3: Formal Support for Study Procedures

- 11.1 It is usually expected that Stages 1 and 2 of the Support for Study procedures are completed before instigating formal procedures. However, where there is a significant level of risk involved, formal Support for Study procedures may be instigated immediately.
- 11.2 The Academic Office will inform the student in writing as soon as appropriate and possible after the decision has been made to start formal procedures. The reasons for the decision to commence formal procedures will be explained to the student and a copy of this policy (and any other relevant policies) will be provided.
- 11.3 The formal Support for Study procedures consist of the following stages:
- Appointing a Case Officer
  - Risk Assessment
  - Precautionary Measures/Action
  - Investigation
  - Conclusion of Formal Procedures and Outcome

## 12. Appointing a Case Officer

- 12.1 Formal Support for Study investigations are conducted by an appropriately independent member of the University who will be appointed as a Case Officer.
- 12.2 Care will be taken that the Case Officer appointed is impartial and not implicated. The Case Officer is normally a member of University staff, but could, in exceptional circumstances, be external to the University.

- 12.3 The student will be advised of the identity of the Case Officer, and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom the University may consult about the case.
- 12.4 If there are any concerns in relation to the Case Officer, parties are asked to express those concerns in writing to the Academic Office. The Academic Office will consider any such concerns and identify whether a different Case Officer should be appointed.

### **13. Risk Assessment**

- 13.1 A risk assessment shall take place early in the process to assess whether the student poses a risk to:
- their own health, safety and/or wellbeing,
  - the health, safety, and/or wellbeing of others,
  - University property or any other settings associated with University activities (e.g. placement settings), and/or
  - the reputation of the University.
- 13.2 Risk assessments are normally undertaken by the Case Officer but may also be undertaken by an appropriate Senior Officer of the University, particularly in relation to cases with urgent, high-level risks including but not limited to:
- where the student is at risk of serious harm;
  - where the student's mental health is at risk;
  - where the student displays significant distress;
  - where the issues are highly sensitive and;
  - where there is an ongoing threat of serious disruption to other students or the University's activities
- 13.3 The initial risk assessment will normally be completed within seven days. Additional time may be needed to consider and approve a set of reasonable adjustments and support arrangements, particularly where external evidence is required.
- 13.4 The student will, where possible and appropriate, be consulted as part of the risk assessment to represent their views in relation to their part of the assessment.
- 13.5 The risk assessment includes considerations of the support arrangements that need to be put in place for all parties involved.
- 13.6 The risk assessment will be used to determine whether any precautionary action is required to minimise risk, prevent harm or disruption to the learning process, and to protect the health and wellbeing of the student concerned and others around that person whilst support for study processes are conducted

### **14. Consideration of Precautionary Action**

- 14.1 Where a risk assessment highlights the need for precautionary action to be taken, the precautionary action must be reasonable and proportionate. This may include the imposing of certain conditions, a suspension from studies, or exclusion from any or all University grounds and/or facilities pending the outcome of the support for study proceedings. The suspension and/or exclusion may be qualified or partial where appropriate and will be for a fixed term.

- 14.2 Precautionary measures involving a total suspension from studies must be approved by an Associate Pro Vice-Chancellor or Deputy Vice-Chancellor
- 14.3 Precautionary action taken by the University should not be considered a determination of the student's fitness to study nor should it be considered a disciplinary action.
- 14.4 When precautionary measures are put in place the student will be informed of these by the Academic Office and the reasons for the set of measures will be explained. A meeting may be convened to explain precautionary measures.
- 14.5 The student may appeal against the precautionary measures imposed,<sup>1</sup> by submitting a written request stating the reason for the appeal to the Academic Office within seven days of the date issued on the notice of the precautionary measures following the procedure in section 20 for review of outcome.
- 14.6 Whilst the precautionary measures are in place, the student may request a review of the suspension, exclusion or set of conditions if there is a relevant change to their circumstances. This request should be made in writing to the Academic Office, following the procedure in section 20 for review of outcome.
- 14.7 If the student fails to comply with any precautionary measures, the precautionary measures will be reviewed and may result in further precautionary measures being imposed.
- 14.8 Precautionary measures will be reviewed at regular intervals determined by the individual circumstances of the case.

## **15. Procedures for investigation**

- 15.1 The purpose of the investigation is to gather all information necessary to establish the facts in relation to Support for Study concerns, to recommend whether or not a case needs to be referred to a Formal Panel, and to enable an informed and reasoned decision which takes into account fully the health and wellbeing of the student and any others within the University community.
- 15.2 To this end, the Case Officer will seek to collate and evaluate evidence in relation to the student's fitness to undertake study, interview relevant parties, consult on support needs, question discrepancies and make findings of fact on the balance of probabilities.
- 15.3 The student will be informed about the attendance at any meetings of any members of staff other than the Case Officer and, if held, of the members of a Formal Panel.
- 15.4 The student will be informed of the scope and remit of the investigation.
- 15.5 As part of an investigation, the Case Officer will consult with the student to explain the concern, identify any support needs that the student may have, allow the student the opportunity to respond to the concerns, and provide the Case Officer with any independent medical evidence that they wish to be taken into account.
- 15.6 Any witnesses are normally also met as part of an investigation. To aid the investigation, all involved parties will be asked to indicate if there are any relevant witnesses that need to be consulted.

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<sup>1</sup> Where action has had to be taken in order to mitigate against urgent risks, it may not be possible to appeal against the full set of precautionary measures.

- 15.7 Witnesses will be asked to sign their witness statement and will be asked to give written consent for their evidence to be used and identity disclosed at a Formal Panel where required.
- 15.8 As part of an investigation, normally all parties are interviewed separately. All parties will be informed how their evidence will be used and shared so that they understand the process and give informed consent.
- 15.9 The Case Officer will also consult with other University staff, external professionals and other persons, as appropriate.
- 15.10 No meetings will be recorded, and the University does not allow for any meetings to be recorded covertly. Notes or minutes will be provided for each meeting held. All relevant parties will be asked to sign/confirm any statements.
- 15.11 The entire investigation is normally concluded within 40 days of the support for study processes being commenced.
- 15.12 Once the investigation has been completed, the Case Officer will submit their investigative findings to the Academic Office and make a recommendation as to whether the case is complex or non-complex
- 15.13 A case is considered complex where:
  - 15.13.1 The statements provided during the investigation are contradictory or inconclusive
  - 15.13.2 The student does not engage with the Case Officer
  - 15.13.3 The level of risk is high
  - 15.13.4 The potential consequences for the student are serious
- 15.14 Where the Case Officer is not clear whether the Support for Study concern should be classified complex or non-complex, the Case Officer will refer the case to the Student Case Review Group, providing details of the investigation, in order for a final decision regarding the classification to be made.

## **16. Concluding Formal procedures**

- 16.1 If the Case Officer's recommendation that the case is non-complex is confirmed by the Student Case Review Group, it will make a decision in relation to the outcome.
- 16.2 If the recommendation from the Case Officer that the case is non-complex, the Academic office will confirm the outcome to the student in writing, normally within seven days of the Student Case Review Group.
- 16.3 If the recommendation from the Case Officer that the case is complex is confirmed by the Student Case Review Group or the Student Case Review Group cannot agree on an outcome (in non-complex cases), the case will be referred to a Formal Panel. The decision to proceed to a Formal Panel will be communicated to the student in writing, normally within seven days of the Student Case Review.
- 16.4 The date, membership, and format of the Formal Panel will be communicated to the student in advance of the proceedings, normally not less than 14 days in advance of the meeting.
- 16.5 Any documentation for the meeting of the panel will be circulated to members of the Formal Panel, the student, and the Case Officer, normally not less than seven days in advance of the meeting.

- 16.6 The Formal Panel will be formed and will operate in accordance with the procedures outlined in appendix SC15.
- 16.6 Where a Formal Panel cannot reach an agreement, the University will appoint an appropriately qualified person to review the case and make a decision about the outcome of the case. This decision will be final.
- 16.7 Following the meeting of the Formal Panel the student will be formally notified of the outcome in writing within seven days of the conclusion of the meeting of the Formal Panel.

## **17. Outcomes of the Support for Study procedures**

- 17.1 The following range of outcomes is associated with the University's support for study procedures:
- a. implementation of appropriate support arrangements and/or reasonable adjustments for the student;
  - b. a time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed and any obligations on the part of the student (e.g. in respect of their conduct, engagement with studies, engagement with support arrangements, or support that they should seek); A recommendation to the student that they take a period of voluntary absence from the relevant area of activity as appropriate (e.g. student accommodation);
  - c. A decision that the student is not able to or cannot stay in University-managed accommodation whilst studying at the University;
  - d. A decision to withdraw the student from any current placement, overseas study or other University related activity;
  - e. A decision that the student is not able to participate in a particular aspect of their studies (e.g. a study abroad placement);
  - f. Recommending that the student changes study mode to the University's regulations for a change of mode of study (e.g. the recommendation could be that the student continues their studies on a part-time basis);
  - g. Recommending that the student transfers to a different programme subject to the University's regulations for transfer to a different programme;
  - h. Imposing on the student a formal interruption of study for a stated period of time and / or exclusion of specified University facilities/activities, with or without conditions for any subsequent return to study or readmission to those facilities/activities.
  - i. Termination of the student's studies at the University.
- 17.2 Although, in considering the outcome of Support for Study procedures, implications for the student more broadly will be considered (e.g. the student's statutory financial support, visa status), the health and wellbeing of the student and others within the University community are paramount for the University.
- 17.3 Outcomes will be communicated as appropriate to relevant staff only. The Director of Student Services and the relevant Learning Support Manager will be informed of the outcomes so that the student can be supported to engage with the outcomes of the procedures.

- 17.4 The decision to terminate the student's studies at the University permanently will need to be approved by a Deputy Vice-Chancellor, with notification given to the Chair and Clerk of Council.

## **18. Non-Engagement with Formal Support for Study Procedures**

- 18.1 If a student does not engage with the University following notification that formal Support for Study procedures will begin, the University reserves the right to continue with the investigation in the absence of student engagement.
- 18.2 In the event that a student does not engage with the outcomes of the Support for Study procedures, the case will normally be further considered by the Student Case Review Group and a suitable course of action will be determined.
- 18.3 Where a student persistently fails to engage with the outcome, or where there is a high level of risk, the case will be referred to the Associate Pro-Vice Chancellor (Academic Experience), who in conjunction with relevant senior staff members, will determine a suitable course of action based on the circumstances of the case.

## **19. Return to study**

- 19.1 Students will be encouraged to remain in contact or retain contact with a named member of staff during their period of suspension, to advise of their progress, and to facilitate a return to study when the student is well enough.
- 19.2 For interruption of study regulations see Mitigating Circumstances Policy: Interruption of Study.
- 19.3 A student who wishes to return to study (following an imposed or voluntary suspension of study or an interruption of study) must submit a formal written request to the Academic Office at least two months prior to the end of their suspension/interruption of study.
- 19.4 The University will determine whether the student is permitted to return to study. In doing this a Case Officer will be appointed who will seek to establish whether the student is fit to resume their studies, what support and/or reasonable adjustments need to be put in place, and whether any conditions need to be placed on the student's return.
- 19.5 To reach an appropriately informed decision, a Case Officer will (among other things):
- consult with relevant University staff and/or other external professionals;
  - require the student to meet with staff from the Student Services Department or other staff or external professionals, as appropriate;
  - require the student to produce satisfactory medical and other evidence of their fitness to study from recognised professionals (a GP, consultant, qualified mental health specialist) who have sufficient knowledge of the student.
- 19.6 The Student Case Review Group will consider the recommendation of the cases office and make a decision. The student will be notified by the Academic Office whether a return to study is permitted or declined in writing, normally within 21 days of the student's request to return to study.
- 19.7 If a return to study is declined and, as a result, the decision is taken to terminate the student's studies at the University permanently, the decision will need to be approved by a Deputy Vice-Chancellor, with notification given to the Chair and Clerk of Council.

- 19.8 If a return to study is permitted, conditions may be imposed as part of this return. The University will work together with the student in respect of any support arrangements that need to be put in place in advance of the return to study.
- 19.9 A return to study meeting is held within the first week of the student's return to study to ensure that the student will transition successfully back to study. An action plan will be drawn up which will detail any conditions imposed and any support identified.
- 19.10 Procedures outlined in this section will also apply in the case of any student that is allowed to repeat a year of study on medical grounds by an Examining Board.

## **20. Review of Outcome**

- 20.1 If the student is dissatisfied with the outcome of the formal stage, they may be able to request a review.
- 20.2 A request for a review may only be made on one or more of the following grounds:
- 20.2.1 irregularities in the conduct of the procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
  - 20.2.2 the existence of new material evidence which the student was unable, for compelling reasons, to provide earlier in the process.
  - 20.2.3 that evidence is available to show that the outcome reached at an earlier stage was unreasonable. In this context, unreasonable shall be taken to mean that the outcome was not a possible conclusion which a similar hearing or process of consideration might have reached.
- 20.3 A request for review of the outcome must be received on the required form not later than 14 days after the notification of the outcome.
- 20.4 Simple notice of a desire to request a review by the student within the above deadline shall not be deemed to constitute a formal request for review and shall not be accepted.
- 20.5 A request for review received after the above deadline will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the request for review was not submitted in a timely manner.
- 20.6 Where a request for review is deemed out of time, the University will issue a Completion of Procedures Letter on request, noting the reason why the request for review was not considered and advising the student that they may be able to take their outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 20.7 If no request for review is received within 14 days, the University will assume that the student does not wish to request a review. Where the student subsequently requests a Completion of Procedures Letter, the University will issue a Completion of Procedures Letter, noting that the student did not engage with the request for review procedures in a timely manner and advising the student that they may be able to take their outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 20.8 A suitable senior officer shall review the request to ascertain if the request has been made on permissible grounds and if a clear case has been made. They may refuse any request which is not based on the grounds stated above or in which it is apparent that no clear case to review the complaint outcome has been made. The student shall be informed by means of a Completion of Procedures Letter that the request for review has been rejected and that the original outcome stands. The student will be advised

that they may be able to take their complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.

- 20.9 If it is determined that the request has been made on permissible grounds and that a clear case for reviewing the outcome has been made, the senior officer shall consider the request.
- 20.10 In reaching a decision, the senior officer shall base their decision on the evidence of the student's submission together with any further evidence which they consider relevant. This review stage will not usually consider the issues afresh or involve a further investigation. No meeting will be held as part of the review process. A Formal Panel can only be held if the matter has been referred back to the formal stage for reconsideration.
- 20.11 The senior officer shall be empowered to take one of the following decisions:
- 20.11.1 to uphold the outcome;
  - 20.11.2 to refer the matter back to a Formal Panel;
  - 20.11.3 to offer a modified outcome.
- 20.12 The decision of the senior officer shall be final, and the matter shall, therefore, be regarded as closed. There shall be no further discussion of the decision of the senior officer with the student or any other person. There shall be no right to request a further review of the outcome.
- 20.13 The decision of the senior officer shall be communicated to the student, normally within 28 days of receipt of the request for review by a revised outcome letter. If the review of outcome is rejected, the student will be advised, by means of a Completion of Procedures letter, that they may be able to take their outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 20.14 If on receipt of the revised Outcome Letter, if the student is dissatisfied with the outcome, the student may request a Completion of Procedures Letter be issued which will advise the student that they may be able to take their outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.

## **21. Completion of Procedures and Independent Review**

- 21.1 Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the effective date of the Completion of Procedures Letter. The effective date of a Completion of Procedures Letter will normally be the date on which it is issued. Where a request for review is deemed out of time or where a Completion of Procedures Letter is requested more than 30 days after the notification of the final decision, the effective date of any Completion of Procedures Letter will normally be the date upon which the final decision was made. Full details of the procedure will be available from the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **22. Confidentiality parameters**

- 22.1 The University will be mindful of the sensitive and confidential nature of issues relating to a student's physical and/or mental health and its obligations in this respect under relevant data protection regulations and the Equality Act 2010.
- 22.2 All parties will be reminded of the confidentiality associated with the procedures outlined above. Information associated with the case will be disclosed to as few people as possible.

- 22.3 Witnesses will not normally be able to give evidence confidentially. Where witnesses indicate that they would like to give their information confidentially, normally their evidence will not be relied on.

## 23. Standard timelines

- 23.1 Throughout the policy, standard timelines are mentioned for key stages of the process. The University will, wherever possible, seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, the students and any other relevant parties will be advised of the reasons for this. Processes may need to be suspended.

Key stage	Standard time-line
Invitation to meetings	Notice provided not less than 2 days
Completion of the initial risk assessment process	Within 7 days of the start of the risk assessment process
Submission of appeal against precautionary measures	Within 7 days of the date issued on the notice of the precautionary measures
Completion of investigative process	Within 40 days
Notification of the outcomes of non-complex fitness to study concerns	Within 7 days of the decision of the SCRG to confirm that the case is non-complex
Proceed to panel notice for complex fitness to study concerns	Within 7 days of the decision of the SCRG to confirm that the case is complex
Information about the format of the panel, membership, date and venue	Notice provided not less than 14 days in advance of the meeting
Circulation of any documentation associated with the meeting of the panel	Notice provided not less than 7 days in advance of the meeting
Notification in writing of the outcome of a panel meeting	Within 7 days
Completion of the formal process	Within 80 days of the allegation made against the student
Appeal against an outcome	Within 14 days of the date of the notification of the outcome
Notification of the receipt of the appeal	Within 7 days
Notification of the outcome of an appeal	Within 28 days of the appeal being received

## 24. Monitoring

- 24.1 A Student-facing Policies overview report will be submitted annually to Senate by the Associate Pro Vice-Chancellor (Academic Experience). This report will also monitor the effectiveness of the suite of policies.

## 25. Resource implications

Implication	Detail
Finance	<i>Training for all University members of staff associated with fitness to study procedures (e.g. Case Officers, Chairs of Formal Panels, staff providing support, senior members of staff, minute takers)</i>
Staff	<i>No additional resource anticipated.</i>
Assets	<i>There are no identified asset costs.</i>
Partners	<i>Consideration will be given to the application of this policy across the dual-sector group.</i>
Timescales	<i>Once approved the policy will be implemented immediately. The policy will be regularly monitored to ensure ongoing compliance with relevant legislation.</i>
Leadership	<i>APVC (Student Experience)</i>

## 26. Impact Assessment

Implication	Impact considered (Yes/No)	Impact Identified
Legal	Y	<i>The policy conforms with:</i> <ul style="list-style-type: none"> <li>• <i>Contract and consumer law</i></li> <li>• <i>Negligence (duty of care)</i></li> <li>• <i>The Human Rights Act 1998</i></li> <li>• <i>The Equality Act 2010</i></li> <li>• <i>Health and Safety at Work Act 1974</i></li> <li>• <i>Natural Justice (fairness)</i></li> </ul> <i>Data Protection Act 2018 (and GDPR)</i>
Contribution to the Strategic Plan	Y	<i>The policy aligns with the values expressed in the Strategic Plan.</i>
Risk analysis	Y	<i>Policy compliance will mitigate the risk of escalation because of deteriorating physical or mental health of students.</i>  <i>It will also mitigate against complaints to the OIA and ICO.</i>
Equality	Y	<i>The policy will ensure adherence to provisions of the Equality Act 2010.</i>
Welsh language	Y	-
Environmental and sustainability		<i>None identified.</i>
Communication / Media / Marketing		<i>The policy will be made available to staff and students via Hwb.</i>

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## 27. Document version control

Version No.	Reason for change	Author	Date of Change
0.1	Draft policy	MP	26.10.16
0.2	Feedback following APC	MP	10.11.16
0.3	Feedback following Senate	MP	23.11.16
0.4	Annual review of policy	MP	21.11.2018
0.5	Annual review of policy	KE	25.08.2020
0.6	Annual review of policy	CP	15.09.2021