UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON HEALTH, WELLBEING AND FITNESS TO STUDY

Index of Points

1. **Preamble**

2. **Indicators**

3. **Procedure – where there is no immediate risk to the student or others**

4. **Immediate suspension due to immediate serious risk to the student and/or others**

5. **Return to study**

6. **Appeal**

1. Preamble

1.1 This Code of Practice applies to Registered Students, Students on Leave of Absence, Students with Thesis Awaited Status and External Students on all modes of study e.g. distance learning, part time or full time, as well as Students on a placement or a year abroad, but not Students following Fitness to Practise programmes (See paragraph 1.6). Throughout the Code of Practice the term 'Student' will be used.

1.2 All references in this Code of Practice to the Director of Academic Services and College Administration, Pro-Vice-Chancellor (Education), University Medical Officer, Assistant Director Student Services – Student Support and other positions identified by title, include their nominee.

1.3 The University has an obligation to provide a safe learning environment for all Students, but ultimately each Student is responsible for managing their own health and wellbeing. The University is committed to supporting Students and recognises the importance of a Student's health and wellbeing in relation to their academic progression and wider University life (such as living with other Students, socialising and participating in University sports and activities).

1.4 This Code of Practice is intended as a supportive procedure to be used when a Student appears to be unable or unwilling to manage their health and wellbeing, and the University has good reason to intervene. The use of the procedure may be prompted by a reasonable suspicion that a Student's ability to study on their programme and/or participate in University life is or may be compromised as the result of health and/or wellbeing issues. This suspicion may be due to concerns that may include (but are not limited to) the following:

- That a Student's health and/or wellbeing is significantly affecting their academic performance and/or ability to study;
- That a Student's health and/or wellbeing is significantly affecting their ability to engage with other aspects of University life, e.g. living with other Students, participating in University sports and activities;
- That a Student's health and/or wellbeing is adversely affecting, or is a possible danger to, the health or wellbeing of themselves or others with whom they come into contact;
- That a Student's behaviour presents a potential risk to themselves or others, or results in unreasonable demands being placed on Staff, Students or others.

1.5 The procedure set out in this Code of Practice is intended to operate in conjunction with and not replace the University's Personal Tutor or Welfare Tutor systems or other Support mechanisms available to Students.

Other Codes of Practice and procedures that should be considered include:

- Code of Practice on Leave of Absence Procedures
- Code of Practice for Personal Tutoring and Academic Feedback
- Code of Practice on Reasonable Adjustments for Students
- Disability and Learning Support and Mental Health Advisory Service Disclosure and Consent Protocol.

- Regulation 8 – Student Conduct
- Code of Practice on Procedures for Misconduct and Fitness to Practise Committees.
- Code of Practice on Attendance and Reasonable Diligence.
- Code of Practice on Extenuating Circumstances.

1.6 Health concerns for students following Fitness to Practise programmes should be dealt with by the relevant Code of Professional Conduct and Fitness to Practise and by the relevant College Fitness to Practise Committee in accordance with the Code of Practice on Procedures for Misconduct and Fitness to Practise Committee. Temporary exclusion or suspension from placement or from study should be dealt with in accordance with the procedures in the Regulations of the University – Section 8 – Student Conduct.

1.7 Staff may contact the Student Conduct Office for advice and guidance about using this procedure.

1.8 If a concern is raised about a Student's health and wellbeing whilst they are on a placement (arranged as part of their programme of study) the University will liaise with the placement provider to assist in addressing the concern with the Student.

1.9 If a health and wellbeing concern is raised whilst a Student is on a study year abroad (arranged as part of their programme of study), the University will liaise with the host institution.

1.10 Action taken under this Code of Practice does not preclude and may be taken in conjunction with, or at the same time, as other relevant action available to the University including disciplinary action.

1.11 The University may continue to act in accordance with this Code of Practice notwithstanding that a Student fails to, or does not engage with, any of the procedures set out below.

2. Indicators

2.1 It is not possible to provide an exhaustive list of circumstances that may give rise to a concern about a Students health and wellbeing, but some indicators may include:

- Deterioration in a Student's physical or mental health;
- Changes in a Student's appearance, or behaviour, which suggests a deterioration in their mental or physical health;
- A pattern of behaviour or communication which appears irrational or extremely inconsistent;
- A pattern of unreasonable demands which appear irrational, inappropriate or inconsistent.

3. Procedure – where there is no immediate serious risk to the Student or others

3.1 Introduction

3.1.1 Concerns should be acted on promptly, as early intervention and support is likely to be in a Student's best interests and reduce the potential for an issue to become more complex.

3.1.2 This Code of Practice identifies 3 levels of intervention which may be appropriate depending on the perceived level of risk to the health and wellbeing of the Student or others. It is possible for a matter to begin at any level, progress through some or all of the levels, return to lower-level intervention or be resolved at any level.

3.1.3 Where there are concerns about serious immediate risk to a Student and/or others, the procedure for imposing an immediate suspension in accordance with paragraph 4.1-4.3 should be considered in the first instance

3.1.4 The Head of School, the Director of Residential and Environmental Services, and the Head of Institutional and College Support will nominate appropriate members of Staff who would act as 'Primary Person' in their School, Accommodation Services and Student Support respectively. Once a concern has been raised about a Student's health and/or wellbeing, it should be referred to the relevant Primary Person to consider and take appropriate action under this Code of Practice.

3.2 Level 1 – Emerging/low level concerns

3.2.1 This low level of intervention should be considered when a concern is raised about minor issues relating to a Student's health and wellbeing.

3.2.3 The designated Primary Person will contact the Student to make them aware of the concern and allow them the opportunity to respond. The Primary Person should normally attempt to resolve the concerns in discussions with the Student. It may be appropriate for the Primary Person to consider procedures such as those referred to in paragraph 1.5 above and/or to advise the Student to engage with any support services provided by the University. The Primary Person may hold a review meeting with the Student after they have been given sufficient time to access any support and/or address the concern. The Primary Person should be aware of the Protocol on Disclosure of a Disability and action that may need to be taken in light of information and/or medical evidence provided by the Student.

3.3 Level 2 – Continuing/significant concerns

3.3.1 This level of intervention should be considered if low level intervention has not resolved the concern or if the concern raised is too serious to be dealt with informally.

3.3.2 The concern should be referred to the Student Conduct Office. The Student Conduct Office will convene a case conference to discuss the concern about the Student. This will normally include the Primary Person, any relevant members of the School and Student Support, and will normally be chaired by the Assistant Director of Student Services-Student Support. The Assistant Director of Student Services –

Student Support will decide whether to allow the Student to attend the case conference. If the Student is allowed to attend the case conference they will normally be given notice of the date and informed that they may be accompanied by a Friend (as defined in Regulation 1).

3.3.3 The Student will normally be notified that a case conference will be held. Any such notification will be sent from the Student Conduct Office.

3.3.4 If it is not possible or practicable to convene the case conference, its discussions may take place by correspondence or by video conference.

3.3.5 Medical evidence may be requested from the Student before the case conference. The Student may be invited to submit documents for consideration and will normally be given copies of the documents seen by those at the case conference.

3.3.6 The Student will be informed in writing of the decision made at the case conference and the reasons for the decision.

3.3.7 The decisions available are:

(a) No formal action is required. However, where appropriate, consideration may need to be given to the Protocol on Disclosure of Disability and to the Code of Practice on Reasonable Adjustments in light of new information and/or medical evidence received under this process.

(b) To implement a Support Plan, which should detail any steps that the Student will need to take and any support to be provided by the University. Regular review meetings will be scheduled to take place with a nominated member of staff who may be the Primary Person. The Support Plan will also detail what will happen if the requirements are not being met by the Student, which will normally involve treating the matter as a Level 3 concern.

(c) To recommend that the Student take a period of Leave of Absence in accordance with the Code of Practice on Leave of Absence. If the Student does not agree to take a Leave of Absence or does not submit or proceed with the appropriate application, the case should be treated as a Level 3 serious/persistent concern.

(d) To refer the case as a Level 3 serious/persistent concern.

3.4 Level 3 - Serious/persistent concerns

3.4.1 A concern should be treated as serious or persistent if:

- earlier intervention at Level 2 has not resolved the concern;
- at a previous level it has become apparent that the concern is significantly more severe than originally anticipated (e.g. if an emerging concern needs to be treated as a serious concern), or
- the concern is so serious that treating it as a Level 1 or Level 2 concern would not be appropriate.

3.4.2 It may be appropriate to proceed directly to this level if:

- A Student's health and/or wellbeing is significantly affecting their ability to engage with their studies, placement and/or other aspects of University life;
- A Student's health/or wellbeing is adversely affecting, or is a possible danger to, the health, or wellbeing of themselves or others with whom they come into contact.

3.4.3 Serious or persistent concerns should be referred to the Student Conduct Office.

3.4.4 The Assistant Director of Student Services – Student Support should normally convene a meeting of the Director of Academic Services Advisory Panel ("the Panel").

3.4.5 The purpose of the Panel meeting is to discuss the circumstances of the concern about the Student in order to make a recommendation to the Director of Academic Services, who will then decide what, if any, action should be taken.

3.4.6 The Panel should normally include:

- The Assistant Director of Student Services - Student Support (Chair)
- The University Medical Officer
- The Primary Person from Level 1 where the case has escalated through the procedure, or the Student's Personal Tutor, or Welfare Tutor if they are not already included
- Any relevant member(s) of Student Support
- The Vice President (Welfare) of the Guild of Students
- Additional members who may be required e.g. a member of Hospitality and Accommodation Services
- A secretary to take notes at the meeting.

3.4.7 The Student will normally be advised in writing that a concern has prompted a Panel meeting. The Assistant Director Student Services –Student Support will decide if the Student will be invited to attend the Panel meeting. Where the Student is invited to attend, they will be informed that they can be accompanied by a Friend (as defined in Regulation 1).

3.4.8 The Student will normally be invited to submit representations and documents for consideration at the Panel meeting.

3.4.9 If unable to attend the meeting, the University Medical Officer may provide advice in writing.

3.4.10 If it is not possible or practicable to convene a meeting of the Panel, its discussions may take place by correspondence or by video conference.

3.4.11 Where the Student has not engaged, is not able to engage and/or has not provided medical or other evidence as requested, the Panel meeting will proceed on the basis of the information available at the time.

3.4.12 Following the Panel meeting, the Assistant Director of Student Services-Student Support will provide the Director of Academic Services and College Administration with a summary of the discussions, including the advice of the University Medical

Officer, and a recommendation on the decision to be made in accordance with para 3.4.15 below.

3.4.13 The report summarising the recommendation to the Director of Academic Services and College Administration should normally be sent to the Student. The Student will normally be invited to submit written representations within 10 University working days of the date of the letter enclosing the report.

3.4.14 Once the deadline for receipt of representations has expired, the Director of Academic Services and College Administration will consider the recommendation, the advice of the University Medical Officer and any representations made by the Student and will decide the action to be taken, giving reasons for the decision. If required the Director of Academic Services and College Administration may seek further advice from the University Medical Officer.

3.4.15 The Director of Academic Services and College Administration may decide on one or more of the following:

(a) No formal action is required. However, the Director of Academic Services and College Administration may recommend that consideration may need to be given to the Protocol on Disclosure of Disability and to the Code of Practice on Reasonable Adjustments in light of new information and/or medical evidence received under this process.

(b) To implement a Support Plan, which should detail any steps that the Student will need to take and any support to be provided by the University. Regular review meetings will be scheduled to take place with a nominated member of staff. The Support Plan will also detail what will happen if the requirements are not being met by the Student, which will normally involve further consideration of the matter by the Panel.

(c) Where the option is available, and with the Student's consent, to transfer them to an alternative mode of study, for example part-time or distance learning.

(d) To suspend the Student temporarily from the University for a specified or unspecified period subject to regular review.

(e) To debar the Student temporarily from use of some or all of the University facilities or from entry to the whole or part of University premises for a specified or unspecified period subject to regular review.

(f) To suspend the Student temporarily from attending a placement, a field trip or a year abroad for a specified or unspecified period subject to regular review.

(g) To withdraw the Student from the University. This decision would only be made where it has been concluded that there is no reasonable prospect of the Student re engaging with their studies and/or wider University life.

(h) Any other action considered to be appropriate and proportionate.

3.4.16 The Student will be informed of the Director of Academic Services and College Administration's decision in writing as soon as possible and normally within 5 University working days. The Student will also be informed of the right to appeal that decision.

4. Immediate suspension due to immediate serious risk to the Student and/or others

4.1 The Director of Academic Services and College Administration may suspend a Student with immediate effect where they have the reasonable suspicion that the Student is an immediate danger to themselves or other persons with whom they will come into contact. In order to make this decision the Director of Academic Services and College Administration will consult with the University Medical Officer, and where necessary appropriate members of Staff from Student Support and/or the Student's School/College.

4.2 There is no right of appeal against this decision.

4.3 If a Student is suspended with immediate effect the Assistant Director Student Services - Student Support will convene a meeting of the Panel to consider the matter and make recommendations to the Director of Academic Services and College Administration in accordance with Level 3 (para. 3.4.4 – 3.4.16) above. The Panel meeting will be convened as soon as is practicable, but it is possible that it may take some weeks for the Panel meeting to be scheduled. The immediate suspension will be subject to the regular review of the Director of Academic Services and College Administration, and the Student will have the right to make representations. The immediate suspension will normally remain in place until the Director of Academic Services and College Administration has reached a decision based on the Panel's recommendations.

5. Return to study

5.1 In order to return to the University following a suspension, a Student will be required to submit appropriate medical evidence. If a Student has been suspended for a specified period of time, medical evidence should be submitted at least 20 University working days before the end of the suspension period. Where the Student has been suspended for an unspecified period medical evidence may be submitted at any time.

5.2 The University Medical Officer will be asked to consider any medical evidence submitted by or on behalf of a Student and to advise the Director of Academic Services and College Administration about whether the concern has been sufficiently addressed or managed to enable the Student to return to the University, or whether the suspension should continue for either a specified or unspecified period.

5.3 The University Medical Officer's advice will be considered by the Director of Academic Services and College Administration who will decide whether the Student can return to the University or whether the suspension should continue for either a specified or unspecified period. The Student's School will be consulted in relation to any academic or programme-related factors that need to be considered for the Student's return to the University, for example, if the Student has missed a significant amount of the programme and/or the programme has changed during the period of suspension, it may be appropriate for the Student to return to an earlier stage of the programme.

5.4 The Student will be informed of the Director of Academic Services and College Administration's decision in writing as soon as possible and normally within 15

University working days of receipt of the medical evidence. The Student will also be informed of the right to appeal against that decision.

5.5 A Student suspended under this Code of Practice should normally be invited to attend a meeting with an appropriate member of Student Support before they return to study. This meeting is to give the Student the opportunity to discuss preparing for and managing their health and wellbeing on their return.

6 Appeal

6.1 A Student may appeal to the Pro-Vice-Chancellor (Education) against a decision made by the Director of Academic Services and College Administration under paragraph 3.4.15 or paragraph 5.3 above. The appeal should be submitted within 15 University working days of the date of the letter advising the Student of the Director of Academic Services and College Administration's decision.

The grounds for appeal are:

(a) That there is new material evidence/information that, for good reason, was not available to the Panel and/or the Director of Academic Services and College Administration at the time.

(b) That there was a procedural irregularity.

6.2 The Pro-Vice-Chancellor (Education) may consult with relevant members of Staff, for example, Student Support Staff and/or the University Medical Officer, in order to reach a decision. The Student will normally be provided with copies of any advice from the University Medical Officer or University Staff to the Pro-Vice-Chancellor (Education) and be given the opportunity to make representations in response, before the Pro-Vice-Chancellor (Education) makes a decision.

6.3 The Pro-Vice-Chancellor (Education) may decide either:

(a) To refer the case back to the Panel. The Pro-Vice-Chancellor (Education) may make recommendations as to the Panel membership.

(b) To reject the appeal.

6.4 The Student will be informed in writing of the decision made by the Pro-Vice-Chancellor (Education) as soon as possible, normally within 20 University working days.

Documents to accompany this Code of Practice (but do not form part of the Code of Practice)

- Health, Wellbeing & Fitness to Study Concern Report Form
- Health, Wellbeing & Fitness to Study Level 1 Meeting Form
- Health, Wellbeing & Fitness to Study Level 1 Follow Up Meeting Form