

Fitness to Study Policy

1. Policy Statement

- 1.1 The purpose of the Fitness to Study policy is to ensure an appropriate response by the University in exceptional circumstances where:
- a) A student has not engaged with support, support measures have not resolved concerns, or where there is deemed to be sufficient risk to the student or others that they may not safely remain at the University. The Policy reiterates the University's commitment to supporting students and lays out the framework for how concerns will be addressed in those cases where the range of supportive measures that the University may be reasonably expected to provide have been employed but have not satisfactorily resolved concerns.
 - b) A student intends to participate in University-related activities in the near future and there are outstanding concerns about a student's capacity to engage in the activity without adverse impact upon themselves or others, once the process of risk assessment and health screening have been completed.
- 1.2 It is anticipated that the majority of concerns can be resolved without recourse to this policy and that informal/formal support measures as outlined in the Mental Health Policy and via the Disability Support Service and the wider University Student Support teams should be considered in the first instance.
- 1.3 The policy aims to:
- Support students in their academic progression through to successful completion of their studies where possible and in their participation in the widest range of university activities. A positive approach from students and University staff towards the management of physical and mental health is critical to student engagement in the academic, collegiate, and wider student experience [Student Support & Wellbeing - Durham University](#).
 - Encourage all parties to engage in early intervention and support-planning and to take an active, collaborative and supportive stance where possible. Students should be involved in the active management of their own wellbeing, drawing appropriately upon the support services offered by the University.
 - Ensure the best interests of the student are always considered in relation to their personal situation. Decisions taken against the student's wishes will be made with transparency and openness, except where urgency or risk prevents this.
 - Enable the University to protect the health and wellbeing of the University community and its members as a whole.

2. Scope and Purpose

- 2.1 The Fitness to Study Policy is intended to apply to all University-registered students:
- In rare and exceptional cases where there are serious concerns about a student's wellbeing and where the range of supportive measures have not satisfactorily resolved concerns.
 - If a student's health, wellbeing or behaviour is impacting on their ability to engage with the requirements, Regulations, and responsibilities of university life as a whole.
 - If a student's health, wellbeing or behaviour is adversely impacting the University community, peers or staff.
 - If the University has received medical evidence which indicates a student is at imminent risk and/or is unable to safely engage with University activity.
 - In exceptional cases where a student intends to participate in University-related activities and the University holds information to suggest the student is not fit to engage in the activity, without potential adverse impact upon themselves or others.
- 2.2 The procedure below sets out how the University will assess fitness to study and the actions it will take to support all staff and students. The determination of a student's fitness to continue with their studies or to engage in a University activity will be based on the collation of the perspectives of all parties. In rare cases where there are concerns about a student's fitness to study the University may decide to suspend or to withdraw the student from their studies, or the student may not be authorised to participate in the planned University activity.
- 2.3 The University recognises that engaging in the process of determining fitness to study may be difficult. The student may seek support from their College Student Support Office and/or the Durham Students' Union. If concerns about a student are being raised by their College Student Support Office, the student may request access to alternative College support.
- 2.4 For students who are not resident in Durham, there are practical and reasonable limitations to the support that the University might be expected to provide. It may remain the case that 'fitness' issues need to be addressed, in the interests of the student's wellbeing and in the interests of our partner institutions.
- 2.5 This Policy also outlines the procedure for assessing fitness to return to study, after a concession has been granted on health grounds.

3. Policy Interaction

- 3.1 [The Mental Health Policy](#) sets out the University's commitment to support for students with ongoing mental health conditions and outlines a range of supportive measures that the University can provide. In the majority of cases, where there are concerns about a student's mental health it is advised that these concerns are initially addressed under the Mental Health Policy.

It is recognised that not all concerns affecting a student's fitness to study will relate to mental health. Some students may experience difficulties connected to a disability, long-term health condition, or other personal circumstances. In such cases, advice and support should be sought from the Disability Support Service, which can provide guidance on reasonable adjustments and ensure appropriate support is in place.

3.2 Where the level of risk requires an immediate response to protect the student and/or others, the University will consider applying precautionary measures, such as a suspension on health grounds under the [General Regulations](#) to ensure that any recognised risks can be mitigated, pending a Fitness to Study Meeting. The precautionary measures taken will be proportionate and appropriate to the circumstances. Requirements of a suspension may include but are not limited to:

- Not being able to attend University premises and/or learning and teaching activities,
- Not being able to reside in University owned/managed accommodation,
- Not being able to engage in any University-related activity.

Students will receive a letter which will outline the conditions of the suspension. Students have the right to appeal a suspension within 14 days of the date of the letter. Students can do this by e-mailing student.cases@durham.ac.uk.

Any precautionary measures put in place pending a Fitness to Study Meeting will be reviewed by the meeting panel.

3.3 If there are concerns about a student's academic progress, this should be dealt with in accordance with the University's [Academic Regulations](#). Where there are academic concerns and it is suspected or known that mental health or other disability or conditions may underlie these, but may not meet the criteria to escalate under the Fitness Study Policy, departments should consider implementing other support measures or adjustments.

3.4 Any concerns about misconduct will be dealt with under the University's [General regulations](#).

There may be times when the University holds information about the health of a student that suggests the above procedures are not appropriate. Where it is suspected that a student's misconduct is known or suspected to be the result of an underlying mental health or other medical condition or disability, the University reserves the right to initiate this policy, where appropriate.

Disciplinary action may be put on hold while students are undergoing assessment or treatment for mental and/or physical health conditions.

3.5 Students on courses that involve elements of professional training or accreditation are subject to their Department or relevant professional body's Fitness to Practice Policies which may take precedence over this Policy. These procedures, which include profession-specific requirements and Codes of Conduct, operate outside the scope of this policy.

3.6 If it is unclear what policy should be initiated, The Director of Student Experience will jointly determine with other relevant Heads of Service, which policy would be most appropriate.

4. Roles and Responsibilities

4.1 The Policy is owned by the Education Committee which is supported in its administration by the Student Conduct Office.

- 4.2 The Fitness to Study Standing Group is responsible for implementing and reviewing the policy. The Terms of Reference for the Fitness to Study Standing group are presented in Appendix 2.
- 4.3 All University staff are responsible for being aware of and understanding the Fitness to Study Policy.
- 4.4 Students are responsible for engaging with the Fitness to Study process and, with support, taking an active role in the management of their health and wellbeing where possible.
- 4.5 University staff who have concerns about a student's fitness to study are expected to consult with the Mental Health Advice Team if the concerns relate to mental health, or with Disability Support for any other health or disability-related concerns. Where it has been agreed that the level of risk or complexity exceeds the capacity of University support services, the relevant support service will escalate concerns to senior management within the Student Experience Directorate.
- 4.6 The decision to convene a Fitness to Study meeting will be made by the Head of the Counselling and Mental Health Service and Head of Disability Support, or delegates, and ratified by the student's Faculty Deputy Executive Dean.
- 4.7 The Head of the Counselling and Mental Health Service or Head of Disability Support will provide guidance on the membership of the meeting. The procedure for arranging a Fitness to Study Meeting is outlined below.
- 4.8 An Authorised University Officer (AUO) in consultation with the Academic Registrar or delegated nominee and the student's College/Department/other relevant Authorised University Officer may suspend a student's studies on health grounds pending the Fitness to Study meeting, under the [General regulations](#).

5. Procedure

- 5.1 The Policy contains three procedures for assessing fitness to study:
 - 5.2.1. To address concerns about fitness to engage in current University activity.
 - 5.2.2. To consider the fitness to engage in a future University activity.
 - 5.2.3. To assess fitness to return to study.
- 5.2.1 Fitness to engage in a current University activity
 - a) Concerns about a student's current fitness may be raised by the student, their peers, their College, academic Department or Faculty, or external services such as the NHS. If a student is engaged in offsite activity, concerns may be raised by a partner institution or an employer.
 - b) A final review should be undertaken by the Mental Health Advice or Disability Support team to ensure that all reasonable supportive measures have been explored, and that any additional appropriate adjustments have been considered.
 - c) A Fitness to Study Meeting will be convened to provide clarity and transparency where there are ongoing concerns about a student's fitness to study. The purpose of the meeting will be to consider the concerns presented and to provide

the student with the opportunity to respond to those concerns in order to enable the panel to reach an appropriate decision, action plan or other outcome.

The Fitness to Study Meeting will be convened by a College Principal, a Head of Department, or their delegated representatives.

- d) The Head of the Counselling and Mental Health Service or Head of Disability Support will provide guidance on the membership of the meeting, which will depend on the nature of the case under consideration. It will include all of the following:
- The Director of Student Experience or a nominated representative who will chair the meeting
 - At least one of the following:
 - A senior representative from the Counselling & Mental Health Service and /or a senior representative from Disability Support
 - A senior representative from the student's College
 - A senior representative from the student's Faculty
 - A representative of the student's academic Department(s).
- e) The Head of the Counselling and Mental Health Service or Head of Disability Support may also invite other parties in an advisory capacity; this may include
- A representative from the Academic Quality Service, if specialist input on University Regulations is required.
 - An external health practitioner who is involved in supporting the student if the health practitioner is willing and the student agrees to them being present. The presence of an external health practitioner is not a formal requirement for the meeting.
 - External stakeholders, who may be invited on a case-by-case basis to attend the meeting or part of the meeting, or to submit evidence with consideration to medical privacy. Any external stakeholder attending the meeting will be subject to the provisions of data protection legislation.
 - A relevant member of University staff from the Mental Health Advice Team or Disability Support Service where they have provided support to the student and contributed relevant evidence.
- f) The University does not normally permit legal representation at a Fitness to Study Meeting. However, the University will consider requests by the student for legal representation. The decision as to whether to permit legal representation will be taken by the University Secretary (or the University Secretary's nominee) and will be at the University's sole discretion.
- g) The student will be invited to attend the meeting and may be accompanied by a member of the University community. This may include a student currently registered at the University, a current, substantive or honorary member of staff of the University, or a Support/ Sabbatical Officer of the University Students' Union. The student may invite an external medical practitioner currently involved in their care or a family member (one person only) to attend. The role of the

accompanying person is to provide support to the student through their presence. They will not be expected to contribute to the meeting, nor to speak on behalf of the student, unless the need for such a role arises from the condition of the student, at the discretion of the chair of the meeting.

- h) Students will normally be given seven days' notice of the date of a meeting but in view of the severity of an individual case, shorter notice may be appropriate.
- i) Appropriate effort will be made to allow the student to attend; however should a student be unable and/or unwilling to attend, or leave before the meeting has finished, the Fitness to Study Panel may decide to proceed as normal where it is reasonable to do so. In such circumstances, the University may deal with the concerns based on written reports and/or statements in the absence of the student.
- j) The student will be invited to submit any relevant evidence to the meeting. The responsibility for gathering medical evidence will rest with the student and any personal data that they share with the University will be held securely and confidentially in line with data protection legislation.
- k) Decisions may be informed by contemporaneous medical evidence prepared by an appropriately qualified medical practitioner; however it will ultimately be the University's responsibility to interpret and assess the evidence, taking into consideration the context of University life and the impact on academic progress, or the context of the activity. There may be occasions where medical evidence is not available or applicable, or the student may not provide it. A lack of medical evidence would not in itself prevent the University from proceeding with the meeting and from deciding about a student's fitness to study. The University will consider evidence in line with local and national guidelines and protocols from the National Health Service, the National Institute for Health and Care Excellence or Higher Education Occupational Physicians/Practitioners guidance, for example 'Fitness to study for Students with Severe Eating Disorders'. Guidance on medical evidence can be found in Appendix 1.
- l) The outcomes of a Fitness to Study Meeting may be:
 - No further action.
 - An action/support plan, where possible with the agreement of the student. This may include formal monitoring of the student's condition, the specification of evidence required, and a date set to reconsider the situation.
 - A Grace Period of up to three weeks, a concession to suspend studies or a withdrawal from studies.

The outcome of the meeting should be communicated to the student within 5 working days of the Fitness to Study Meeting. Where possible the student, their College and their academic Department will be informed of the outcome of the Fitness to Study Meeting on the same day. Student Registry will be informed to ensure that the student's record is appropriately updated.

A record of the Fitness to Study meeting will be taken and shared with the student and attendees in writing after the meeting. The record will include the rationale for determining the outcome of the case and the reasons for rejecting the other

possible outcomes. If the meeting has proceeded without medical evidence any outcome of the meeting should formally note and reflect its absence.

- m) Following the meeting, the student will normally be offered the chance to meet with their College Assistant Principal to ensure that the impact of the outcome on the student in terms of their College accommodation, finances and other related wellbeing issues is discussed and considered.

5.2.2 Fitness to engage in a future University activity

- a) The University seeks to support students to engage in the widest range of activities. The process of assessing fitness to engage in prospective activity is designed to encourage students to participate in the planning and preparation for their activity to support their safety, wellbeing and successful engagement. This procedure only applies to activities organised by the University or in its name, or if the opportunity to engage in this activity is only open to registered students. Assessment of fitness to engage in a prospective activity is ordinarily conducted through the processes of:
- Preparation of a risk assessment for the specific activity.
 - A Health Declaration form, completed with reference to the risk assessment.
- b) Assessment for a prospective activity may be necessary even if there are no current concerns about a student's fitness to engage in their current University activity, for example studying on their current course whilst resident in Durham. There may be distinct features of the activity that require consideration which should be addressed within the risk assessment and health declaration processes, for example:
- A period of residence abroad, and hence away from current or potentially-needed medical healthcare interventions.
 - A period of residence away from existing interpersonal support structures or extended periods of lone working.
 - A period of residence in a high-risk environment, as defined by the Health and Safety Offsite and Travel guidance.
 - A context in which the reasonable adjustments in place at the University are not replicable.
 - Responsibility for others.
- c) This procedure will apply if, after the risk assessment and health declaration processes have been completed, there are outstanding concerns about a student's capacity to engage in the activity without adverse impact upon themselves or others. In the majority of cases, the evidence for consideration will be:
- The evidence supplied by the student as part of the risk assessment and health declaration processes, and any associated medical evidence;
 - A summary of the concerns raised by University staff, along with any supporting evidence. This may include information from the Mental Health Advice Team, Disability Support Service or Occupational Health.

- d) All evidence will be shared with the student in the interests of transparency and the student will have the opportunity to respond to those concerns. Medical evidence will be interpreted for the context of the prospective activity.
- e) If this procedure identifies serious concerns about a student's fitness to engage with a prospective University activity, and the student declines the option of an adjustment, the case will be considered via a Fitness to Study meeting as set out above. The assessment of fitness for a prospective activity will be with reference to a specific start date. If the student is assessed as not fit to engage on the proposed date, the assessment will specify the earliest date at which the student may request to be re-assessed.

Right of Appeal (5.2.1 and 5.2.2)

- a) A student has the right to appeal against the outcome of a Fitness to Study Meeting. However, the reason for appeal must be due to one (or more) of the following:
 - New evidence is available which was not reasonably available at the time the original decision was made.
 - Evidence of procedural irregularity.
 - Evidence of bias.
 - The outcome is disproportionate in relation to the concerns.
- b) The purpose of the appeal is to ascertain whether the decision was reached in accordance with the University procedures, and in the light of all relevant information.
- c) Any appeal must be made in writing to student.cases@durham.ac.uk within fourteen days of the date of the student being advised in writing of the outcome of the Fitness to Study meeting.
- d) If the above appeal criteria have been met, the decision will be reviewed by a Deputy Executive Dean from a Faculty different to the student's and who was not involved in the Fitness to Study meeting.
- e) To ensure the Deputy Executive Dean has a clear understanding of the original outcome they may consult with the chair of the Fitness to Study Meeting or their delegate.
- f) Students may seek support in using the Appeals procedure from their College Student Support Office or the Students' Union.

5.2.3 Return to Study

- a) Where the outcome of a Fitness to Study Meeting is that a concession is recommended, further evidence will be requested from the student prior to restarting study to confirm fitness to return to study. The requirements will be outlined in the student's concession letter. Return to study guidance for students and medical practitioners can be found here: [Guidance on the Return to Study process \(cloud.microsoft\)](#)

- b) Students who are suspended on the grounds of ill-health will only be allowed to resume their studies once the University is satisfied that they are fit to do so.
- c) The student will be informed of the evidence required to return to study at the start of the concession or suspension. It will be made clear to the student whether evidence of their engagement with any medical treatment is a requirement to return but this may not be a condition in all cases.
- d) As part of the return conditions the student may be required to engage in an assessment with the Mental Health Advice Team who will then produce a summary report and recommendation which will be sent to the student's Faculty for ratification.
- e) Where students are found not fit to return to study, or where the decision is uncertain, the report and recommendation will be considered by the relevant Head of Service, with ratification by a chair of the Fitness to Study panel pool.
- f) The student may appeal to the Academic Registrar who will review the decision to ensure that a reasonable assessment was reached:
 - In accordance with the University policy; and
 - In the light of all relevant information.

Guidance on the Return to Study process can be found [here](#)

- a) Students are limited to a maximum of two consecutive concessions as stated in the University [Core Regulations](#) (25). If a student requires to suspend their studies beyond this point, they will be required to withdraw and advised to reapply when they are able to do so, should they wish to return.
- b) A key period of assessing the evidence for return to study is August and September, before the beginning of the academic year. All relevant dates will be communicated to students at the time of their concession or suspension.

6. Equality and Diversity

By nature of this policy, some students engaging with the Fitness to Study process will have a mental health or physical disability. The implementation of the Policy will therefore be regularly reviewed to ensure the University upholds its commitment to avoiding discrimination against students in these categories. The University does this through the Fitness to Study Standing Group which looks at Fitness to Study case outcomes and the broader policy framework. To ensure that equality issues remain at the forefront of the Group's considerations, membership includes a representative from the Equality, Diversity and Inclusion Unit who advises and guides the work of the Group and the broader application of the Policy.

7. Related Information and Appendices

[Mental Health Policy](#)

[Fitness to Study staff guidance.](#)

[Return to Study Guidance](#)

[Appendix 1-Medical evidence.](#)

[Appendix 2- Terms of reference for Fitness to Study Standing Group](#)

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Approved by Education Committee
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8. Further Information

Contact for further information:

Counselling & Mental Health Service (cmh.service@durham.ac.uk)

Disability Support Service (disability-support@durham.ac.uk)

Appendix 1: Guidance on Medical Evidence regarding Fitness to Study

Medical evidence for some conditions is straightforward. Other chronic medical conditions characterised by a pattern of relapsing and remitting can have a variable and individual impact upon students' capacity to engage with their studies and wider university life. It is important that medical evidence meets the need of the University, as reasonably determined by the University and at its sole discretion, to make appropriate decisions with regards to student support.

When is evidence needed?

The University reserves the right, in response to concerns, to make a request for medical evidence which details the current impact of that condition upon a student's capacity to engage with their studies and university life. This includes students who are going on a year abroad or participating in other University offsite activity.

Medical evidence may be requested for a range of University processes. It may be requested if there are concerns that a student is **unwell** and has not yet engaged with health services. The role of evidence is explained in each policy framework.

Medical evidence may be required at the point of a return to study from a residence concession on health grounds to evidence fitness to return. It may require demonstration of engagement with support or treatment during the out-of-residence period and to outline any need for ongoing engagement with treatment.

Who can provide medical evidence?

Medical evidence can be provided by the student's General Practitioner or other Registered Medical Practitioner, or another Registered Professional. When completing medical evidence, details of professional qualifications and any accrediting body are required. Evidence solely from counsellors, psychotherapists or other allied health professionals can be considered if supplementing required core evidence.

There are likely to be international differences in services. It remains the responsibility of the student and their supporters to identify the appropriate equivalent service to provide evidence. Students are responsible for the provision of a verified translation into English of any medical evidence. Advisers from the Mental Health Advice and Disability Support teams can help students to identify and access UK-based health services.

What evidence is needed?

Given the individual nature of health conditions and the circumstances of a request for evidence, the University cannot produce specific guidance on what constitutes medical evidence. However general advice is offered below. Students will be informed at the point of request of the evidence required.

The transition to higher education and independent living can present additional challenges for students with some conditions, and medical evidence will form the basis of both assessment of capacity to engage in study, and for ongoing support within the University.

The Mental Health Advice Team and Disability Support Service is available throughout the academic year to provide assistance and advice on individual requirements.

Guidance for Medical Practitioners for Fitness to Study

'Fitness' in the context of the University's Fitness to Study Policy refers to:

- Fitness to engage independently in study and wider university life without compromising their own wellbeing or that of others;
- Fitness to maintain an appropriate level of health and wellbeing, such that they are not a risk to themselves or others;
- Fitness to be resident in a College community without adverse impact on peers or staff.

Colleges provide a stimulating academic community with an element of pastoral support, but this living situation is not comparable to living with parents or supporters. A student will need the capacity to manage communal living, possibly with shared kitchens or bathrooms, but it is not necessarily the case that other adults will be available to support the student. College staff are available only within working hours as listed on each College's website. The College may or may not offer catered accommodation. Students may be living independently or in a shared house with peers. Please check the student's particular situation.

Undergraduate and postgraduate study is by its nature demanding. The University provides academic support through departments and through the provision of specialist support services, but these services cannot replicate the provisions more appropriately offered by health services. Students are often keen to resume their studies as soon as possible, but we encourage medical practitioners to consider the scale of the investment that students are making in their higher education when assessing their fitness to return.

With the exception of a minority of students aged under 18, students at Durham University are autonomous adults living either in College residential communities or living externally in private accommodation.

Cost of medical evidence

The University recognises that securing medical evidence may involve financial cost to a student. Although the Student Support Fund would be unable to support a direct payment for medical evidence, if the requirement for such evidence meant that the student was placed in financial hardship, that expenditure would be taken into consideration when assessing eligibility for hardship support. Advice on Student Support funding is available online and via the College Student Support Office. Medical evidence may have already been provided to the College or Disability Support Service. Further requests for information on a student's medical condition will ask for evidence that is additional to that already provided and/or to provide an update on the current impact of their condition.

Appendix 2: Fitness to Study Standing Group Standing Orders (Membership and Terms of Reference)

Fitness to Study Standing Group Standing Orders and Terms of Reference

Standing Orders

Membership

- Director of Student Experience or their delegated nominee (chair)
- The Head of the Counselling & Mental Health Service
- The Head of the Disability Support Service
- The Head of Occupational Health
- A representative from each faculty to be nominated by the Faculty Deputy Executive Dean (or nominated alternatives if those members of staff are unable to attend)
- A representative from the International Office
- Up to three (3) co-opted members, at least two (2) of which will be from College Student Support Offices. Co-opted members will serve for a period of up to three (3) years.
- A representative from the Equality, Diversity and Inclusion Unit, in a non-decision-making, advisory capacity on developments in policy and procedure.
- Students' Union Community Officer and a representative of postgraduate students nominated by Durham Students' Union.

Invitation to attend meetings

Other members of the University will be invited to attend the Standing Group for relevant agenda items, for example, representatives from Student Immigration & Funding or representatives from Health & Safety. Local medical practitioners may also be invited to attend meetings for policy development and review.

Secretariat

The Secretary of the Fitness to Study Standing will normally be a member of the Chief Operating Officer Division.

Meetings

The Group shall normally meet once per year

Terms of Reference

The Standing Group shall:

- (a) Develop, monitor and assess the implementation of the Fitness to Study Policy;
- (b) Develop and monitor the training and guidance given to Colleges and Faculty offices regarding concessions and the assessment of medical evidence;
- (c) Consider and develop the frameworks necessary to assess students' capacity to engage in off-site activity;
- (d) Act as a channel of communication and consultation between Education Committee, the Wider Student Experience Committee and specialist services on issues of fitness to study.

