UNIVERSITY OF YORK

Support to Study/Attend Procedure
Approved by Student Life Committee June 2021

1. Support to Study/Attend Procedure
Support to Study/Attend relates to the ability of the student to meet their obligations and responsibilities as a member of the University community including their willingness to engage with the support services that are offered to them, and the extent to which the support services available are adequate to address the student’s needs.

2. Application of the procedure

2.1 The procedure applies to all students currently registered at the University of York, including those on a Leave of Absence, but with the exception of students studying with the Hull York Medical School (‘HYMS’).

2.2 The University recognises that where the successful completion of a programme would lead to the student being placed on the Register of a Professional, Statutory or Regulatory Body (‘PSRB’), the University’s relevant Fitness to Practise Policies and Procedures will normally be applied. These procedures can be run concurrently or sequentially, depending on whether the Fitness to Practise concerns require that study be suspended pending the outcome of any consideration. Where Fitness to Practise implications emerge for students who are in the Support to Study/Attend process they will be referred appropriately.

3. Context

3.1 The University is committed to fostering a supportive community of learning where students are able to participate fully in their academic studies and wider student experience. The University aims to provide a positive and supportive approach to the management of physical and mental health to support academic achievement and student experience. We expect our students to act responsibly and to behave in ways that do not compromise either their own wellbeing or that of other members of the University community. We also recognise that, in some circumstances, students may experience difficulties or have conditions that may require additional support in order for them to be able to meet their responsibilities.

3.2 The University provides a range of support services that help students in our academic community deal with aspects of student life that can inhibit learning. These support services do not equate to those provided by medical/therapeutic services such as those offered within the NHS, as the University is primarily an educational institution.

3.3 In applying this procedure we will keep the student at the heart of the process. Every effort will be made to involve the student at every stage and will communicate in a clear and timely fashion about how the process is being progressed. To support students through the procedure The University has created the role of independent facilitator who will ensure that students who are being considered under this procedure can feel confident and safe in seeking support from appropriate services.

HYMS Student are covered by the HYMS Fitness to Practise Policy (https://www.hyms.ac.uk/assets/docs/codes-of-practice/code-of-practice-on-fitness-to-practise-medicine.pdf)
3.4 The procedure enables the University to provide an appropriate and coordinated response to allow students to succeed in their academic goals.

3.5 The University recognises that there are sometimes circumstances where suspension or termination of the right to attend and/or study is in the best interest of a student and/or of the community.

3.6 This procedure describes how we will discharge our duty of care in response to concerns about students’ fitness to study and/or attend. It enables the University to respond appropriately to situations where there are substantial concerns about a student’s welfare and/or their impact on the safety or welfare of others.

3.7 This procedure can be applied on its own or in parallel with any other University policy or procedure. A student who is subject to the Support to Study/Attend procedure and who is being supported through it is not deemed to be exempt from any other process if they fail to comply with University Regulations.

3.8 This procedure is drafted bearing in mind the University’s legal duties under the Equality Act 2010 and the University’s obligations under relevant data protection legislation including the General Data Protection Regulation. It operates in conjunction with the University’s student support services and is intended to form part of the University’s commitment to an ethos of safeguarding and supporting students’ welfare and the student experience in general. It is also mindful of the University’s legal obligations and duties to its staff and third parties. It may operate in conjunction with other University policies and procedures, such as but not limited to the University’s Mental Health Policy, Disciplinary Procedure and guidelines, Dignity at Work and Study Policy and Exceptional Circumstances Affecting Assessment procedures. Information recorded as part of the Support to Study/Attend procedure will be shared and stored in accordance with the University’s procedures and processes relating to sensitive personal data².

4. WHEN SHOULD THE SUPPORT TO STUDY/ATTEND PROCEDURE SHOULD BE USED?

4.1 Where a student has a medical, psychological or emotional problem(s) which cannot be managed through voluntary engagement with appropriate support services, then this should be undertaken with reference to:
   A. their ability to meet the reasonable academic requirements expected of a student on the programme concerned; and/or
   B. their ability to meet the necessary social and behavioural requirements for a student within our academic community.

4.2 The Support to Study/Attend procedure may be applied when, allowing for any adjustments required under equality legislation:

   A. There are significant concerns about a student’s ability to fulfil academic progress requirements without serious detriment to their own physical or mental health or the safety and wellbeing of other members of the University community;
   B. Other support processes within the University have been offered and have been exhausted;
   C. A student has been detained under a section of the Mental Health Act, taking into account considerations of capacity and the student’s involvement in the Support to Study/Attend procedure.

² https://www.york.ac.uk/records-management/dp/your-info/students/
4.3 The procedure has two stages of intervention –

- Stage 1: informal case review and support planning; and
- Stage 2: formal case review and support planning which may result in a referral to the Vice Chancellor (or their delegated officer) for a decision to suspend a student from study or to terminate their registration.

4.4 The procedure, the details of which are described below, can be invoked at any of the above stages. If a case is sufficiently serious or urgent as to require immediate referral without consideration at stages 1, stage 2 can be entered directly. We would expect this to happen only in very exceptional cases. At any of these stages, in the event of crisis where it is determined that a student cannot safely attend the University, the Registrar may permit a precautionary exclusion pending the arrangements being made to convene a panel. In this event, the student will have the normal access to appeals under regulation 7.

4.5 A referral to the Support to Study/Attend procedure can be made by any of the following:

- a student instigating the procedure (for themselves)
- the relevant Academic Department via its Head of Department or Head of School or relevant Chair of Board of Studies (often prompted by the student’s Supervisor) or their delegate
- a Senior member of College Staff
- a member of the Student and Academic Services Directorate Management Team or their Deputy
- a departmental student support officer or equivalent.

4.6 Other members of the University, including fellow students, may raise concerns via the Head of Department or College to which the student of concern belongs.

4.7 A referral for consideration for a student to be considered under the Support to Study/Attend procedure should be completed on the Support to Study Referral Form. A decision can be taken to invoke the procedure by any member of the Student and Academic Services Directorate Management Team, or their deputies. In reaching a decision, they may wish to discuss the case with appropriate colleagues if the circumstances are unclear. The decision will be recorded centrally.

4.8 A Support to Study/Attend facilitator (the ‘Independent Facilitator’) will be appointed as a primary point of contact for the student. The facilitator will be allocated from a list of facilitators approved by the Director of Student Life and Wellbeing, and will not be a member of the student’s department.

4.9 Students may access independent advice and support during the procedure, for example from the advice services at York University Students’ Union (YUSU) and/or the Graduate Students’ Association (GSA). However no legal representative may attend or represent the student or the University at any stage of this procedure. For the avoidance of doubt, the formal rules of evidence shall not apply to the procedure. The student will be able to submit information or documents to inform the process at any stage.

5. PROCEDURE

5.1 STAGE 1 – review and support planning
Ongoing and/or significant concern about a student’s health, well-being, behaviours, safety and/or ability to study.
5.1.1 This stage of the process should be initiated when the student’s department or college have raised concerns with the student and the expected improvements to engagement in support and student have not taken place. It can also be initiated if the concerns raised are too serious to be dealt with informally (for example if there is a clear risk of harm to self or significant harm or disruption to others). In these cases, a Support to Study/Attend Process will be initiated at Stage 1.

5.1.2 The student will be informed of the concerns and will be invited to attend a meeting (with a minimum of five working days’ notice) with a Support to Study Panel Chair (from a list approved by the Director of Student Life and Wellbeing), at least one representative from the student’s academic department, and one from the student’s college.

5.1.3 Where relevant, colleagues from support departments will be invited in an advisory capacity. A Facilitator (normally a member of College staff) will be identified and will carry out the roles in respect of record keeping and convening meetings and acting as an independent point of communication between the student and those who are considering the case.

A. The student can, if they wish to, be accompanied by a representative of YUSU or GSA advice services. In exceptional circumstances and by prior agreement, students may be accompanied by another member of the University or other appropriate supporter.

B. During the meeting:
   i. the concerns about support to study/attend will be outlined to the student, who will have an opportunity to respond.
   ii. A written action plan will be produced:
   iii. A review period will be agreed

C. After the meeting the written action plan is shared with the student and all invited to attend.

5.1.4 At the review meeting the action plan will be revisited and the outcome should be documented and indicate whether the situation has been resolved. The outcome of this review meeting should be conveyed to the student in writing.

If concerns are ongoing and progress is being made the case will continue to be reviewed.

If, following review, the concerns have been resolved, the case will be closed.

5.1.5 If support at Stage 1 does not address the concerns, for example the student does not agree to the action plan or engage with the support services offered; the panel will review the known risks to the student and any risks that might be posed to the broader community and determine in the case warrants escalation to Stage 2.

5.1.6 A record of the decision to move to Stage 2, and any communications with the student in relation to the case, should be maintained by the Facilitator and kept on the case file.

5.1.7 If the student is too unwell or declines to attend the Panel meeting, the meeting may instead take place as a ‘professionals meeting’. The format enables an action plan to be formulated ‘in absentia’ in relation to the next steps to be taken. The action plan would then be communicated to the student in writing. This may include escalation to Stage 2 as outlined in 5.1.5.

5.1.8 In the event that a student’s engagement with the process has not produced the desired results, or the student fails to engage, the panel will examine potential risks to the student and the broader community. If the student does not pose any tangible risk to themselves or others, the case
will be closed, and the student informed. The student will be reminded that they can self-refer to
the process in the event that they decide that it is a useful structure for them.

5.2 STAGE 2 – Formal stage
Serious or persistent concern about a student’s health, wellbeing and/or behaviours, safety and/or
ability to study and cope at University or where there are considered to be serious concerns about
risk to the student and/or others.

5.2.1 The formal stage of a Support to Study/Attend case will be overseen by a Support to
Study/Attend Panel (the ‘Panel’). The Panel’s membership will comprise at least two representatives
as appropriate from Student Life and Wellbeing and/or Student Services. The Panel will operate fairly
and seek to avoid bias, placing the welfare of the student at the heart of their considerations. They
will seek to provide the student who is the subject of the procedure the opportunity to express their
views and to provide information that they wish to have taken into account in the consideration of
their case. The Independent Facilitator will ensure that the reasons for decisions taken under the
procedure are communicated clearly to the student.

5.2.2 The role of the Panel is to consider whether the student is fit to undertake their studies and
meet the assessment requirements of their programme and whether they will be able to do so
without risk of harm to themselves or others.

5.2.3 The Panel will take care to avoid undue delay, allowing that exact timescales may depend on
the individual circumstances in each case.

5.2.4 In addition to Panel members, the meeting should involve:

- the student
- the Facilitator
- a representative of the student’s department
- A representative of the Student’s College

5.2.5 The meeting may also involve:

- if requested by the student, a person chosen by the student to accompany and support them
  [such as a representative from YUSU or GSA]. The supporter is present to provide support to
  the student; they cannot ‘speak for’ or ‘represent’ them, but may speak to the student or ask
  clarifying questions.
- Members of professional staff from within the Student and Academic Services Directorate
- the University Medical Adviser if appropriate
- Others deemed relevant by the Panel
- Others requested by the student and agreed by the Panel.

5.2.6 No legal representative may attend at this or any other stage of this procedure. For the
avoidance of doubt, formal rules of evidence shall not apply, but students can submit information or
documentation to the panel at any time.

5.2.7 The meeting will hold a discussion of the case and will, where possible, agree actions which will
be captured in an enhanced written action plan, shared with the student, to include:

- a date for review
- support for the student
• agreed measures relating to the student adhering to the action plan and engaging with the procedure
• consequences of the failure of the action plan, e.g. actions arising which may include recommendation for an agreed Leave of Absence, suspension, termination of studies or the student’s failure of their programme.

5.2.8 At the review meeting the outcome should be documented and indicate whether the situation has been resolved. The outcome of this review meeting should be conveyed to the student in writing. If, following review, the concerns have been resolved, the case will be closed. If following review concerns remain but progress is being made the case may continue at this stage or may be stepped down to Stage 1 if risks have reduced. This decision is made by the Panel Chair in consultation with the Panel.

5.2.9 Minutes and agreed outcomes from the meeting will be recorded centrally, and may be referred for consideration under any other relevant University procedure. The student will be informed of any such referral.

5.2.10 If the student is too unwell or declines to attend the Panel meeting, the meeting will instead take place as a ‘professionals meeting’. The format enables proposals to be formulated ‘in absentia’ in relation to the next steps to be taken. These next steps would then be formally communicated as soon as practically possible to the student.

5.2.11 If support at Stage 2 does not address the concerns, for example the student does not agree to the action plan or engage with the support services offered; the panel will review the known risks to the student and any risks that might be posed to the broader community and determine if the case warrants a recommendation of an enforced leave of absence or withdrawal from the programme of study. The students will be able to submit information or documentation to inform the process at any stage.

5.2.12 In the event that a student’s engagement with the process has not produced the desired results, or if the student fails to engage, the panel will examine the potential risks to the student and the broader community. If the student does not pose any tangible risk to themselves or others, the case will be closed, and the student informed. The student will be reminded that they can self-refer to the process in the event that they decide that it is a useful structure for them.

5.2.13 Exceptionally, an enforced Leave of Absence or Withdrawal may be considered, where:

a. There are serious concerns about a student’s mental or physical ability, or behaviour which we have reason to believe to be the result of an underlying physical or mental health difficulty and there is a significant impact on the health, safety or wellbeing of themselves or others and which compromise their ability to live, study or work in the University environment;

b. A student refuses or is unable independently to engage with the range of support with which we expect them to connect (for example in situations where they themselves do not recognise that they are not fit to study and/or to attend). The University requires this independence to ensure that all our students have the opportunity to attain the degree or qualification for which they are studying;

c. Other avenues are not appropriate or have been exhausted. Typically the procedure will be applied where it can be demonstrated that all other reasonable adjustments have been made or exhausted and concerns remain.
5.2.14 In the event that the Panel determine that the student is unable to safely attend the University either temporarily or permanently, a recommendation will be made to the Vice-Chancellor or their delegate for enforced Leave of Absence or Withdrawal from the programme. This recommendation will be made by the Director of Student Life and Wellbeing or the Academic Registrar and will be informed by the evidence provided by the Panel Chair who will provide a balanced written summary of the facts pertinent to the case from both the student and University perspectives.

6. RETURN TO STUDY PLAN

6.1 In the event that a student's registration is suspended or a Leave of Absence is agreed as the result of the Support to Study/Attend process, they will be required to demonstrate that they are fit to return to study. In order to fulfill this obligation, the University requires certification from the University Medical Advisor with regards to the student’s physical/mental health and level of functioning. This is expected to follow a full consultation in which the student and the Medical Advisor discuss the reasons for the Leave of Absence/suspension, the student’s current state of health, and the coping strategies the student expects to employ in their return to study. It is recognised that the University’s Medical Adviser may also need to contact other professionals involved in the student’s care to form a clear view of the student's ability to return to study. Awaiting this certification should not preclude planning for a return.

6.2 Decisions regarding a student’s return to study following either a Leave of Absence or suspension of studies should be made by the panel with the student’s involvement where possible. If the student is not able to be present or involved, the student must be informed in writing of any proposals with relevant records held centrally to ensure oversight of the process. The panel may, if necessary, request further information or opinion as regards a student’s fitness to return.

6.3 A named coordinator for the Return to Study Plan should be designated from the Academic Department who will be provided with advice and guidance from a relevant Student Support Service staff member overseen by the Director or Deputy Director.

6.4 The Return to Study Plan will normally outline what the University proposes to provide in the following areas:
   i. academic support for the transition period and thereafter
   ii. disability transition support
   iii. Open Door Team case management support
   iv. accommodation advice and support
   v. College transition advice and support.
   vi. YUSU and the GSA

7. APPEAL PROCESS

7.1 Appeals will follow the procedure outlined for appeals against disciplinary suspensions, exclusions or terminations under Regulation 7. Complaints about the process should be raised with the Independent Facilitator in the first instance, and through the informal complaints process in the event that a satisfactory resolution cannot be found.

GOVERNANCE FRAMEWORK

8.1 This procedure will be subject to approval and reviewed by Student Life Committee. An annual report will be produced for Student Life Committee.