

**UNIVERSITY OF BIRMINGHAM**

**CODE OF PRACTICE ON HEALTH, WELLBEING AND FITNESS TO STUDY**

**Index of Points**

1. Introduction
2. Primary Person
3. Supportive Person
4. Procedure
5. Immediate suspension
6. Return to study
7. Appeal

## 1. Introduction

- 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 (collectively referred to in this Code of Practice as “Students”). This Code of Practice does not apply to students registered on Fitness to Practise programmes (see section 1.6).
- 1.2 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).
- 1.3 If the subject matter of a concern which gives rise to action under this Code of Practice relates principally to:
  - 1.3.1 a Student’s academic studies or wider University life, a Primary Person will be nominated by the relevant College Wellbeing Manager;
  - 1.3.2 a Student’s University owned accommodation, a Primary Person will be nominated by the General Manager of Student Accommodation.

In either case, the Primary Person will be assisted in carrying out their role by the Student Wellbeing & Partnerships team under the direction of the Head of Student Wellbeing and Partnerships.

- 1.4 Concerns about a Student’s health and / or wellbeing can be raised by anyone, whether internal or external to the University, at any time during a student’s registration (using the HWFTS concern form). Once a concern has been raised, it should be referred to the relevant Primary Person for consideration. However, it is expected that concerns will be resolved informally at a local level by the relevant Primary Person and the relevant College Wellbeing Team before the Primary Person engages the procedures set out in this Code of Practice. As such, the Primary Person should notify concerns to the relevant College Wellbeing Team for informal consideration in the first instance. Concerns should be acted on promptly, as early intervention and support is likely to be in a Student’s best interests and reduces the potential for an issue to escalate
- 1.5 This Code of Practice is intended as a supportive procedure to be used when the University has a reasonable belief 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. There must be clear evidence or information to support this belief.
- 1.6 As stated above, this Code of Practice does not apply to students registered on Fitness to Practise programmes. Health and / or wellbeing concerns for students registered on 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.
- 1.7 Temporary exclusion or suspension from placement or from study should be dealt with in accordance with the procedures in Regulation 8.

- 1.8 If a concern is raised about a Student's health and / or wellbeing whilst they are on a placement or a study year abroad (arranged as part of their programme of study) the relevant Primary Person will liaise with the host / placement provider to assist in addressing the concern with the Student.
- 1.9 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.
- 1.10 This Code of Practice can continue across different academic years of a Student's programme of study.
- 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.
- 1.12 In the case of students based at the University's overseas campuses, working days will reflect national public holidays and any locally designated closed days.

## **2. Primary Person**

- 2.1 The Primary Person in the circumstances set out at paragraph 1.3.1 will normally be the relevant College Wellbeing Manager or, in the event of their unavailability, a suitable member of staff nominated by the relevant College Wellbeing Manager. The Primary Person in the circumstances set out at paragraph 1.3.2 will be a Customer Service Manager or designated most relevant member of staff as nominated by the General Manager of Student Accommodation.
- 2.2 Each 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.
- 2.3 The role of the Primary Person is a key one within the procedures set out in this Code of Practice. They will work alongside the Supportive Person (3.1) in encouraging the Student to engage and access the most appropriate support services. 2.4 Generally, the Primary Person will be the person responsible for engaging the procedures set out in this Code of Practice, outlining clearly to the Student the concerns presented to the Primary Person.
- 2.5 The Primary Person will facilitate the procedures set out in this Code of Practice, including communicating with the Student at the Level 1 (4.2) and where necessary at Level 2 and Level 3. They will also hold progress review meetings with the Student after they have been given sufficient time to access relevant support and/or address the concerns raised regarding their ability to engage effectively with study on their programme and/or participate in University life.
- 2.6 It will be the responsibility of the relevant Primary Person to escalate concerns to the next level of the procedures set out in this Code of Practice if actions have not been met and/or concerns regarding the Student's health and/or wellbeing persist.
- 2.7 The Primary Person will be the Student's main point of contact during the procedures set out below.

## **3. Supportive Person**

- 3.1 The Supportive Person in the circumstances set out at paragraph 1.3.1 will be the relevant Wellbeing Officer for the Student's School/College. The Supportive Person in the circumstances set out at paragraph 1.3.2 can be a member of the Student Wellbeing & Partnerships team or other relevant wellbeing member of staff.
- 3.2 A referral of the concern(s) raised via the University's 'Student Escalation Process' by the Supportive Person, normally after they have consulted with the Primary Person, will usually take place before the Primary Person engages the procedures set out in this Code of Practice.
- 3.3 Once such a referral has been made, the Supportive Person should work alongside the Primary Person in supporting the Student and encouraging them to access the most appropriate available services. The Supportive Person will provide all of the available information to the Primary Person who will then decide whether to engage the procedures set out in this Code of Practice.
- 3.4 If the Primary Person decides to engage the procedures set out in this Code of Practice, the Supportive Person will normally continue to be an available source of support to the Student, whilst the Primary Person will facilitate and manage the procedures set out in this Code of Practice and act as the Student's main point of contact.
- 3.5 The Supportive Person can attend progress review meetings with the Student to continue to encourage them to access any support offered in connection with and/or otherwise address the concern(s) raised.

#### **4. Procedure – where there is no immediate serious risk to the Student or others**

##### **4.1 Introduction**

- 4.1.1 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 and / or others. It is possible for the Code to be implemented at any level (i.e. not just the level 1 procedure), progress through some or all of the levels, return to lower-level intervention, and / or be resolved at any level.
- 4.1.2 The process should start as soon as the University has reason to believe a Student's health and/or wellbeing is impacting on their ability to study and they are unable, or unwilling, to engage with support. This belief can arise from an acute incident, or from a series of events which when viewed together, give the belief that the Student is unable to manage their health and/or wellbeing effectively.

##### **4.2 Level 1 – Emerging/low level concerns**

- 4.2.1 The Primary Person should arrange a 'Level 1' meeting with a Student when a concern is raised about minor issues relating to a Student's health and / or wellbeing.
- 4.2.2 During the level 1 meeting the Primary Person should clearly outline the concerns raised, along with any specific information received by third parties. The Student should be given a reasonable opportunity to respond to the concerns raised, providing further information if required.
- 4.2.3 The date of a review meeting to take place in the future should be confirmed at this stage. The timescales of this review meeting will be down to the Primary Person, however

individual circumstances should be taken into consideration when setting a review meeting date.

- 4.2.4 During the review meeting the Primary Person, along with the Student, will assess whether the actions set have been met.
- 4.2.5 Those present at the level 1 meeting, and at the review meeting where considered appropriate by the Primary Person, shall be the Student, Primary Person, Supportive Person and a 'Friend' (as defined by Regulation 1). The meeting may be conducted remotely, where appropriate.
- 4.2.6 The Level 1 Health Wellbeing & Fitness to Study form should be used by the Primary Person when conducting the level 1 and review meeting.
- 4.2.7 The decisions available to the Primary Person are:
  - a. To take no further action
  - 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 referring the matter as a level 2 concern.
  - c. To refer the matter as a level 2 concern.
- 4.2.8 Confirmation of the Primary Person's decision and the reasons for it shall be sent to the Student.

### 4.3 Level 2 – Continuing/significant concerns

- 4.3.1 This procedure should be considered if the level 1 procedure has not resolved the concern or if the concern raised is too serious to be dealt with informally and/or through a level 1 procedure.
- 4.3.2 The concern should be referred to the Head of Student Wellbeing and Partnerships by the Primary Person (*healthwellbeingandfitnessstostudy@contacts.bham.ac.uk*) using the Health Wellbeing & Fitness to Study referral form. The Head of Student Wellbeing and Partnerships will convene a meeting with the Primary Person and Supportive Person to discuss the concerns raised and will decide whether to invite the Student to attend a level 2 meeting. If a decision is made to progress the case to level 2, unless considered by the Primary Person to be inappropriate or impractical in the circumstances, the Student should normally be given 10 university working days' notice of the level 2 meeting. The level 2 meeting will be arranged by the Head of Student Wellbeing & Partnerships, or nominee, and may be conducted remotely, where appropriate.
- 4.3.3 The level 2 meeting will normally consist of: Head of Student Wellbeing & Partnerships, Secretary (to record minutes and actions), Primary Person, Student and Friend of student (as defined by Regulation 1). The Supportive Person can also attend the meeting to support the Student and process, however this is optional.
- 4.3.4 The Head of Student Wellbeing & Partnerships may request medical evidence from the Student before the level 2 meeting. The Student may be invited to submit documents for

consideration and will normally be given copies of any documents seen by those at the level 2 meeting.

- 4.3.5 The outcome of the level 2 meeting is determined by the Head of Student Wellbeing & Partnerships, in consultation with the Primary Person. The Student will be informed in writing of the decision made at the level 2 meeting and the reasons for the decision.
- 4.3.6 The decisions available are:
- To take no further action is required.
  - 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.
  - To recommend that the Student take a Leave of Absence. If the Student does not agree to take 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.
  - To refer the case as a Level 3 serious/persistent concern.
- 4.3.7 Confirmation of the Head of Student Wellbeing and Partnerships' decision and the reasons for it shall be sent to the Student.

#### **4.4 Level 3 - Serious/persistent concerns**

- 4.4.1 This procedure should be considered if the Level 1 and / or Level 2 procedure has not resolved the concern; or if the concern raised is too serious to be dealt with informally and / or through those procedures.
- 4.4.2 Serious or persistent concerns should be referred to the Assistant Director of Student Services (Wellbeing and Partnerships), by the Head of Student Wellbeing and Partnerships, who will convene a meeting of the Academic Registrar Advisory Panel (herein referred to as "the Panel"). The Panel will discuss the circumstances of the concern and make a recommendation to the Academic Registrar on what, if any, action should be taken to best support the student.
- 4.4.3 The Panel should normally include:
- The Assistant Director of Student Services (Wellbeing and Partnerships) (or nominee) (Chair)
  - The University Medical Officer or their nominee
  - The Primary Person from Level 1 where the case has escalated through the procedure,
  - Any relevant member(s) of Student Support
  - The Welfare and Communities Officer (or nominee) of the Guild of Students
  - Additional members who may be required e.g. a member of Campus Services, or the Student's Personal Academic Tutor, or Wellbeing Officer if they are not already included as the Supportive Person.
  - A secretary to take notes and advise the Panel.
- 4.4.4 The Student will normally be advised in writing that a concern has prompted a Panel meeting. The Assistant Director Student Services (or nominee) will decide if the Student

should be invited to attend the Panel meeting. If permitted to attend, the Student may be accompanied by a Friend (as defined in Regulation 1). The meeting may be conducted remotely, where appropriate.

- 4.4.5 Whether or not the Student is invited to the Panel meeting, the Student will normally be invited to submit representations and documents for consideration at the Panel meeting.
- 4.4.6 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 may proceed on the basis of the information available at the time.
- 4.4.7 The Panel will discuss the circumstances of the concern and make a recommendation to the Academic Registrar on what, if any, action should be taken to best support the Student. The Academic Registrar will consider the recommendation, any advice of the University Medical Officer or their nominee, any representations made by the Student and will decide the action to be taken, giving reasons for the decision.
- 4.4.8 The outcome of a Level 3 concern may be one or more of the following:
- a. No formal action is required.
  - 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 (which can take place remotely, where appropriate). 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 implement a forced Leave of Absence (LoA)
  - f. 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.
  - g. 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.
  - h. To withdraw the Student from the University.
  - i. Any other action considered to be appropriate and proportionate.
- 4.4.9 A report summarising the Academic Registrar's decision and the reasons for it, as well as the Student's right to appeal, shall be sent to the Student.

## **5. Immediate suspension due to immediate serious risk to the Student and/or others**

- 5.1 The Academic Registrar, normally in consultation with the University Medical Officer or their nominee and appropriate members of the University, may with immediate effect suspend a Student from their programme of study and / or the University and / or attending a placement, a field trip or a year abroad, and/ or debar the Student from using some of all of the University's facilities or from entry to the whole or part of the University's land and premises, where they have the reasonable suspicion that the Student is an immediate danger to themselves or other persons with whom they may come into contact. There is no right of appeal against this decision.



5.2 The Primary Person should refer any concerns which might give rise to such a suspicion via the 'Student Escalation Process'. The concerns will then be triaged by the Student Wellbeing & Partnerships team who in turn will notify the Assistant Director of Student Services (Wellbeing and Partnerships), Director of Student Affairs and Academic Registrar.

5.3 Following the imposition of any such suspension, the concern will be dealt with as a Level 3 concern. The suspension will normally remain in place unless and until it is discontinued by a decision of the Academic Registrar as part of the Level 3 procedure..

## **6. Return to study**

6.1 In order to return to the University following either a suspension or a Leave of Absence of an unspecified duration recommended and/or implemented by the University under section 4, a Student will be required to submit to the Primary Person (who will then forward it to the Assistant Director of Student Services (Wellbeing and Partnerships) or nominee) appropriate medical evidence of their fitness to study at least 20 University working days before the date of their intended return.

6.2 The University Medical Officer or their nominee may be asked to consider any medical evidence and to advise the Academic Registrar about whether the concern(s) giving rise to the suspension and/or Leave of Absence (as appropriate) has been sufficiently addressed or managed to enable the Student to return to the University.

6.3 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.

6.4 Following consideration of the relevant information and documentation, the Academic Registrar will decide whether or not permit the Student to return to the University. The Student will be informed of the Academic Registrar's decision in writing as soon as possible and normally within 15 University working days of the date of the decision. The Student will also be informed of the right to appeal against that decision.

6.5 In advance of their return to the University a Student should normally be invited to attend a meeting with the Primary person (which can be held remotely where appropriate). This meeting is intended to give the Student the opportunity to discuss managing their health and wellbeing on their return.

## **7. Appeal**

7.1 A Student may submit an appeal to the Pro-Vice-Chancellor (Education) (or nominee) against a decision made by the Academic Registrar within 15 University working days of the date of the letter advising the Student of the decision. Immediate suspension from study under Section 5 cannot be appealed.

The grounds for appeal are:

7.1.1 That there is new material evidence/information that, for good reason, was not available at the time the decision was made.

7.1.2 That there was a procedural irregularity.

- 7.2 The Pro-Vice-Chancellor (Education) may consult with relevant members of Staff and/or the University Medical Officer or their nominee, in order to reach a decision on the appeal. The Student will normally be provided with copies of any advice from the University Medical Officer or their nominee 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.
- 7.3 The Pro-Vice-Chancellor (Education) may decide either:
- 7.3.1 To refer the case back to the Panel. The Pro-Vice-Chancellor (Education) may make recommendations as to the Panel membership.
  - 7.3.2 To reject the appeal.
- 7.4 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.