

FITNESS TO STUDY POLICY AND PROCEDURE

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FITNESS TO STUDY POLICY

1. INTRODUCTION

1.1 The University is a large community of people from different educational and cultural backgrounds. Students, staff, other people working with the University and members of the local community have the right to be treated respectfully within an inclusive and welcoming culture. The University is committed to ensuring a high quality student experience, where students thrive and reach their potential through collaboration with a diverse range of people.

A positive approach is taken by the University to encourage students to manage their health and well-being through the promotion of self-awareness, independence skills, and personal responsibility. However, it is recognised that, on occasion, concern(s) about the health and well-being of an individual student arise that can affect a student's learning, academic achievement and progression and wider student experience. This Policy, and associated Procedure, outlines an appropriate response to the consideration of situations where usual information, advice and guidance, has not alleviated concern(s) about a student. The aim is to work with the student to understand the nature of the concern(s), find a constructive way of addressing them, and therefore ensure that the University has provided reasonable support to enable the student to complete their studies. It is anticipated that the majority of issues could be resolved without recourse to this Policy.

1.2 Where in this process reference is made to any named University role, such references are to be read as including reference to their nominee.

2. PURPOSE

2.1 The purpose of this Policy, and associated Procedure, is to provide an appropriate mechanism for dealing with circumstances where there are concerns relating to a student's health and wellbeing, for example, where:

- a student poses a risk to their own health, safety and/or wellbeing and/or that of others;
- a student's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other students;
- a student's behaviour is (or is at risk of) adversely affecting the day-to-day activities of the University or a placement provider;
- a student's support needs fall outside the scope of the support and other services which the University can reasonably be expected to provide either directly or indirectly.

2.2 The Policy's Procedure has four levels:

- Level 1 Emerging/Initial concerns;

- Level 2 Continuing/Serious concerns;
- Level 3 Persistent/Critical concerns;
- Appeal Stage.

The Fitness to Study Procedure ('the Procedure') sets out the application of this Policy.

3. SCOPE

- 3.1 The scope of this Policy encompasses all students studying at Teesside University. Normally, students who are directly enrolled with the University and are studying a course delivered by a Collaborate Partner Institution, or are directly enrolled with a Collaborate Partner Institution, are subject to the regulations adopted by those institutions for fitness to study (or their equivalents) purposes.
- 3.2 This Policy is applicable to all students throughout their period of enrolment with the University, whatever their registration status, and includes students whose enrolment has previously been interrupted under the University's Extenuating Circumstances Regulations, have been Precautionary or Formally Suspended or Restricted, or who are seeking a Return to Study under this process.
- 3.3 This Policy is not concerned with academic progress, which is dealt with in accordance with the University's Academic Regulations. This Policy is also not about discontinuation, or expulsion, of students for misconduct, this is dealt with under the University's Student Disciplinary Regulations. This process may be invoked following an incident that has breached the University's Student Disciplinary Regulations, or other alternative University procedures, where it is believed that there may be an underlying issue such as pre-existing physical or mental health difficulty (or one subsequently disclosed by the student). In such cases, the University reserves the right to initiate this Policy, or other University processes, where appropriate. The University may refer the treatment of a student's case out of one process to another to secure an appropriate response on the facts of the case. In such cases, the Pro Vice-Chancellor (Learning & Teaching) ('the Pro Vice-Chancellor') (or nominee) will make the decision as to if/when cases should be transferred.
- 3.4 Where concern(s) have been expressed about the fitness to practise of a student following a course of study that, if completed successfully, would enable them to apply to be placed on the Register of a Professional Body, the University will normally deal with such matters under the terms of its Fitness to Practise Regulations. However, the University may if appropriate choose to initially address the concern(s) under the Fitness to Study process.

4. POLICY STATEMENTS

4.1 Definition:

Fitness to study is defined as a student's fitness to participate and to function in University life, without risk to the safety or well-being of themselves or others.

4.2 Raising a Fitness to Study Concern:

4.2.1 Any member of University staff who has a sufficient level of concern about a student's health, safety and/or mental well-being can raise a concern under this Policy. Students and third parties can also raise concerns however, they should inform a member of staff as students will not be expected to manage these situations.

4.2.2 In doing so, the member of University staff should have sufficient information to indicate concern(s) about the student's behaviour. Information of concern(s) may be provided by third parties (such as other students, relatives, health professionals or placement providers).

4.3 Application:

4.3.1 Concern(s) raised may relate to the presence of a diagnosed illness or disability, but this process may also be used when there is no diagnosed illness or disability, or no notification of such a diagnosis. Consideration of fitness to study should take account of possible reasonable adjustments that have been or may need to be implemented.

4.3.2 Depending on a student's individual circumstances this Policy may be invoked at Levels 1 – 3 of the Procedure. In most cases, Levels 1 and 2 should be considered before escalation to Level 3. If the concern(s) are not remedied by the recommended and agreed actions at one level, the next level may be instigated or, if considered to be more appropriate, actions at the same level can be revisited. The student, after the conclusion of Level 3, has the right to submit a request for review of the decision reached. This will be considered at the Appeal Stage.

4.3.3 Whilst the University anticipates that such cases will be exceptional, nonetheless reserves the right at any level to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety. Should a student be unwilling or unable to participate at any level of the process, the University may, where it is felt reasonable to do so, deal with issues on the basis of written reports and/or statements in the absence of the student and/or their representative.

4.3.4 If the student has been given permission for an interruption of studies as defined in the University's Extenuating Circumstances Regulations whilst under consideration of this process, action as defined within the

Procedure can still be considered during the period of the student's interruption.

4.3.5 If concern(s) regarding fitness to study arises whilst the student is on placement, the University may consider alternative arrangements with the placement provider. If it is not possible for alternative arrangements to be made, the student's placement may be withdrawn and deferral or other adjustments may be considered such as Precautionary Suspension or Restriction (see paragraph 15.2 of the Procedure).

4.3.6 If a member of staff has concern(s) that a child, young person or vulnerable adult is being harmed or abused they should refer in the first instance to the University's Safeguarding Children and Working with Vulnerable Adults Policy and Procedure and consult with a Designated Safeguarding Officer for advice and guidance.

4.3.7 Where it is felt that there are critical concern(s) about the risk posed as listed below, then a Precautionary Suspension or Restriction should be considered (see paragraph 15.2 of the Procedure). In such cases, where deemed necessary, the University may need to contact relevant organisations/authorities for advice and support. This will be done in accordance with confidentiality and data protection considerations as outlined in appendix 2, paragraph 3.

- by a student's health and/or;
- a student's behaviour presents a significant or immediate risk to themselves or other members of the University community and/or;
- exhibits symptoms, reasonably attributable to physical or mental illness, to such an extent that they appear to be incapable of managing or regulating or administering their activities, property or affairs.

4.3.8 The standard of proof to be adopted during the application of this process will be 'on the balance of probability'.

4.4. Examples of Concerns:

Concerns about a student's fitness to study may present in a number of different ways. The following are some potential indicators that may warrant sufficient concern, particularly if the student has not engaged with advice from the School or Department, service provider, and/or appropriate University processes/communications. (This is not an exhaustive list).

- Change in mood or inappropriate behaviour (for example: aggressive, withdrawn, distressed or uncharacteristically irritable);
- Change in appearance or obvious signs of ill health (for example: dramatic weight loss or gain, ongoing poor personal hygiene, lack of self-care, significant lethargy or on-going signs of lack of sleep);
- Signs of significant self-harming, suicidal thoughts or attempts;
- Obvious signs of substance/alcohol misuse;

- A report to the University from an external organisation such as the Police, health professional or placement provider;
- Information about concerning behaviour from relatives and/or fellow students;
- Poor attendance and repeated interruptions of study;
- An unusually high number of extension applications, or Mitigating Circumstances applications;
- Rapid deterioration in academic performance;
- Failure to submit work or to comply with other requirements of the programme of study;
- Behaviour and/or health issues that makes the student's use of equipment/facilities potentially dangerous/disruptive to themselves and/or others;
- A pattern of demands, behaviour and/or communications which could be objectively deemed irrational, inappropriate and/or unreasonable.

5. POLICY ENFORCEMENT

Where a student does not engage and comply with the process in terms of providing information, or attending a meeting/hearing, without valid reasons, the matter may lead to escalation to Level 3 of the Procedure.

6. RELEVANT LEGISLATION AND RELATED DOCUMENTS

6.1 In responding to and managing situations, where a student's fitness to study is a concern, the University will adhere to its obligations under the Equality Act 2010 (including, in appropriate cases, its duty to make reasonable adjustments). In dealing with these matters the University will also adhere to its obligations under Data Protection Act 1998.

6.2 Reference is made in this Policy and Procedure to other University Regulations. The following documents can be found on the University's Regulation Repository page: www.tees.ac.uk/studentregulations.

- Student Disciplinary Regulations;
- Fitness to Practise Regulations;
- Extenuating Circumstances Regulations (Taught Components and Programmes);
- Extenuating Circumstances Regulations (Research Degree Programmes);
- Assessment Regulations;
- Safeguarding Children and Working with Vulnerable Adults Policy.

7. DISSEMINATION AND COMMUNICATION PLAN

University staff will have the opportunity to obtain training, advice, and support from professional staff in Student and Library Services (SLS) to enable them to facilitate their role under this process.

8. APPENDICES LIST

Appendix 1: Fitness to Study Meeting/Hearing/Committee Arrangements;

Appendix 2: General Principles

Appendix 3: Dealing with Emergency Situations

FITNESS TO STUDY PROCEDURE

9. STRUCTURE OF THE PROCEDURE

This Procedure sets out how the University may respond to instances where a sufficient concern is raised regarding a student's fitness to study, and the type of action that the University may take.

10. IDENTIFICATION OF THE APPROPRIATE LEVEL

- 10.1 Where it is suspected that the student's behaviour may be related to an on-going or emerging mental health or physical health problem/illness, professional staff in Student and Library Services (SLS) should be consulted for advice and guidance. In the first instance it may be appropriate to establish whether reasonable adjustments are in place/could be arranged or whether additional information, advice and guidance could be appropriate to meet the student's needs. Where it is perceived that an issue may require immediate intervention paragraph 15 of the Procedure may be followed to avoid any unnecessary delay or risk.
- 10.2 To assist in determining the appropriate level of the Procedure to be implemented, and to ensure a fully informed judgement about how to appropriately manage risks, the relevant designated member of staff should normally, in the first instance, carry out a risk assessment.

11. LEVEL 1: EMERGING/INITIAL CONCERNS

- 11.1 Where a member of staff has fitness to study concerns about a student's behaviour they should inform and provide information to the Dean of the School/Director of the Department who will decide whether to initiate these proceedings. The relevant Dean of the School/Director of the Department will then nominate a member of staff to address the issues in accordance with the Procedure.
- 11.2 The student should be notified in writing, that they are invited to attend a Level 1 Fitness to Study Meeting ('the Level 1 Meeting') in accordance with the process set out in appendix 1.
- 11.3 The notice of the Level 1 Meeting does not preclude further communication with the student regarding any other specific concerns which subsequently arise and will be considered at the meeting.
- 11.4 The Level 1 Meeting should be held as soon as is practicable after the concern(s) are raised and will be conducted in a sensitive and supportive manner. To allow the student to obtain appropriate advice and support, the student should normally be notified of the meeting at least 2 days in advance of the Level 1 Meeting.

- 11.5 In consideration of the case, the member of staff may reach the following outcomes:
- 11.5.1 The matter has been resolved and no further action is required;
- or
- 11.5.2 Produce an action plan for completion within a set period of time (normally a maximum of 3 months), where possible with the agreement of the student, setting out actions to be taken to address the issues, by whom, a completion date for any actions, and how and when a review of the action plan will be undertaken. A copy of the action plan should be sent to the student and a copy held on the student's file. If appropriate, and with the student's consent, the action plan may be sent to staff who can assist the student with the implementation and/or completion of the plan. For further information on the process for review meetings/action plans see appendix 1;
- or
- 11.5.3 Refer the case to be dealt with under other more appropriate procedures, for example the Fitness to Practise Regulations or Student Disciplinary Regulations.
- or
- 11.5.4 Refer the case to Level 2 of the Procedure.

12. LEVEL 2: CONTINUING/SERIOUS CONCERNS

- 12.1 Level 2 of the Procedure is a more formal intervention to be used when attempts to move forward positively at Level 1 have not been successful, or the student's conduct or circumstances indicates that serious concerns about a student's safety and/or well-being to themselves or others is required. It shall normally be initiated by the Dean of the School/Director of the Department. It is recommended that the relevant School/Department requests support and/or advice from professional staff in SLS.
- 12.2 A Level 2 intervention normally comprises a meeting with the student. The Level 2 Fitness to Study Meeting ('the Level 2 Meeting') will normally comprise of:
- An Associate Dean or Head of Department/Deputy with no prior involvement in the case;
 - One other member of the School/Department with no prior involvement in the case.

- 12.3 The Secretary of the Level 2 Meeting should notify all parties, including the student, in writing, that they are required to attend a Level 2 Meeting as a result of concern(s) being raised about a student's fitness to study in accordance with the process set out in appendix 1.
- 12.4 The Level 2 Meeting should be held as soon as is practicable either after serious concern(s) are raised or interventions at Level 1 have not been successful. To allow the student to obtain appropriate advice and support, the student should be provided with this information at least 3 days in advance of the Level 2 Meeting.
- 12.5 The notice of the Level 2 Meeting does not preclude further communication with the student regarding any other specific concerns which subsequently arise and will be considered at the meeting.
- 12.6 The format of the Level 2 Meeting is outlined at appendix 1, and the following outcomes may be reached:
- 12.6.1 The matter has been resolved and no further action is required;
- or
- 12.6.2 Produce an action plan for completion within a set period of time (normally a maximum of 3 months), where possible with the agreement of the student, setting out actions to be taken to address the issues, by whom, a completion date for any actions, and how and when a review of the action plan will be undertaken. A copy of the action plan should be sent to the student and a copy held on the student's file. If appropriate, and with the student's consent, the action plan may be sent to staff who can assist the student with the implementation and/or completion of the plan. For further information on the process for review meetings/action plans see appendix 1;
- or
- 12.6.3 Refer the case to be dealt with under other more appropriate procedures, for example the Fitness to Practise Regulations or Student Disciplinary Regulations.
- or
- 12.6.4 Refer the case to Level 3 of the Procedure.

13. LEVEL 3: PERSISTENT/CRITICAL CONCERNS

- 13.1 Level 3 is the formal intervention stage. Normally, in most cases, escalation to this level will follow attempts to address concern(s) through Levels 1 and 2 and the student has been unable to achieve the activities identified in earlier agreed action plans and significant concern(s) remain. However, in some cases, it may be appropriate to proceed directly to Level 3, for example:
- There is information/evidence of significant adverse impact upon, or risk to the student or others;
 - The circumstances presented raise particularly serious issues as to the student's fitness to study successfully;
- 13.2 At Level 3, a Fitness to Study Level 3 Hearing ('Level 3 Hearing') will be convened. The Level 3 Fitness to Study Panel ('Level 3 Panel') will normally comprise of:
- A Pro-Vice Chancellor with no prior involvement in the case;
 - A Dean of a School/Director of a Department with no prior involvement in the case;
 - An elected member of the Students' Union.
- 13.3 If the case has been dealt with at a previous level, a representative from the relevant School/Department is also expected to attend to outline the case, and provide any documentation relevant to the case. They can be accompanied by a 'friend'. This information should be circulated to all parties normally 14 days before the date of the hearing.
- 13.4 The Secretary of the Level 3 Hearing should notify all parties, including the student, in writing, that they are required attend as a result of concern(s) being raised about a student's fitness to study in accordance with the process set out in appendix 1.
- 13.5 The Level 3 Hearing should be held as soon as is practicable either after the critical concern(s) are raised or interventions at previous levels have not been successful. To allow the student to obtain appropriate advice and support, the student should be provided with this information normally 14 days in advance of the Level 3 Hearing. Where the Chair requires a shorter period of notice to be given, the reasons for this will be explained to the student.
- 13.6 The notice of the Level 3 Hearing does not preclude further communication with the student regarding any other specific concern(s) which subsequently arise and will be considered at the Level 3 Hearing.
- 13.7 The format of the Level 3 Hearing is outlined at appendix 1.
- 13.8 Once the Level 3 Panel has heard the case, they will determine whether the student's fitness to study is impaired, or may become impaired, and any actions to be taken. Such actions may include, but are not limited to, one or more of the following outcomes:

- 13.8.1 The matter has been resolved and no further action is required;
 - 13.8.2 Produce an action plan for completion within a set period of time (normally a maximum of 3 months), where possible with the agreement of the student, setting out actions to be taken to address the issues, by whom, a completion date for any actions, and how and when a review of the action plan will be undertaken. A copy of the action plan should be sent to the student and a copy held on the student's file. If appropriate, and with the student's consent, the action plan may be sent to staff who can assist the student with the implementation and/or completion of the plan. For further information on the process for review meetings/action plans see appendix 1;
 - 13.8.3 The case to be referred to other more appropriate procedures, for example the Fitness to Practise Regulations or Student Disciplinary Regulations;
 - 13.8.4 Requirement for student to sign a protocol/modified behaviour agreement;
 - 13.8.5 Withdrawal of specific facilities and/or resources for such period as is considered appropriate, including notice to quit University Halls of Residence;
 - 13.8.6 Reasonable restrictions on communication with named students or members of staff, either verbally or via written or electronic or other means;
 - 13.8.7 Report to any relevant professional or statutory body (which may in some instances be mandatory);
 - 13.8.8 Recommend to the Vice-Chancellor that the student be Formally Suspended or Restricted from the University for a stated period of time, with or without conditions for any subsequent return to study;
 - 13.8.9 Recommend to the Vice-Chancellor that the student be expelled from the University.
- 13.9 All relevant parties should be informed, in writing, of the decision including the reasons for the Level 3 Panel's findings, and any sanctions imposed and the right of appeal of the decision in accordance with the timescales set out in appendix 1. In cases where the Level 3 Panel recommend Formal Suspension, Restriction or Expulsion the decision will only be communicated to the student by the Chair of the Level 3 Panel once endorsement from the Vice-Chancellor has been obtained.

14. APPEAL STAGE

- 14.1 A student may appeal the decision of the Level 3 Hearing, or the Vice-Chancellor's decision to Formally Suspend, Restrict, or Expel a student. Unless paragraph 14.3.1 applies, the Appeal Stage will not normally consider the issues afresh and will only consider the appeal on certain grounds set out in paragraph 14.3.
- 14.2 Submitting an Appeal:**
- 14.2.1 A student must submit an appeal, in writing, on a Fitness to Study Appeal Form ('Appeal Form') (available from www.tees.ac.uk/studentregulations) to the Office of Student Complaints, Appeals and Regulations (OSCAR) within 10 days of the publication of the Level 3 Panel and/or Vice-Chancellor's decision to Formally Suspend, Restrict, or Expel a student.
- 14.2.2 Only in exceptional circumstances will an appeal be accepted after the 10 day cut-off date, and only then if made within 3 months of the formal publication of the Level 3 Panel and/or Vice-Chancellor's decision. If a student submits an Appeal Form late they must enclose with their application a separate written explanation for the late submission. The decision on whether, exceptionally, to accept a late appeal will be at the discretion of the University Secretary whose decision is final and not subject to further review. If the appeal is declined at this stage, the student will be issued with a 'Completion of Procedures' letter.
- 14.3 An appeal may be made on one or more of the following grounds:
- 14.3.1 That the decision of the Level 3 Fitness to Study Panel and/or Vice-Chancellor was inconsistent with and/or unsupported by evidence;
and/or
- 14.3.2 That there was a material procedural irregularity by the Level 3 Fitness to Study Panel which has prejudiced the student's case;
and/or
- 14.3.3 That additional material information has come to light since the decision of the Level 3 Fitness to Study Panel and/or Vice-Chancellor, which could not reasonably have been expected to have been produced at the time of the consideration of case by the Level 3 Fitness to Study Panel.
- 14.4 It is expected that students will provide documentary evidence (where appropriate) to support their case at the same time as their Appeal Form. Where the submission of supporting documentary evidence is not possible, due to circumstances outside the student's control, the form should be submitted with a clear statement that information will follow, normally within

20 days. If no subsequent supporting information is received, OSCAR will process the appeal based on the available documentation.

- 14.5 Students are advised to retain a copy of their Appeal Form and any supporting documentation. Documents supplied as part of the appeal process will not be returned. Where photocopies of documents are submitted, the student may be required to provide OSCAR with sight of the original documents in order to verify their authenticity. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated at their own cost.

14.6 Initial Consideration of an Appeal:

- 14.6.1 Receipt of the Appeal Form will normally be acknowledged by OSCAR within 3 days of its receipt.
- 14.6.2 OSCAR, upon receipt of the Appeal Form, shall conduct an initial screening of the application to assess whether it complies with the criteria set out in paragraphs 14.2 and 14.3, namely that it has been made on time, includes the relevant information, and is made on the permitted grounds. If the relevant information is not provided then OSCAR will return the appeal to the student asking that he/she provide the necessary information. The student will have 5 days to provide this information to OSCAR. If it does not meet the criteria set out in paragraphs 14.2 and 14.3, or it appears that the appeal is incomplete, frivolous or vexatious, OSCAR will forward the appeal to the University Secretary who may dismiss the appeal in accordance with paragraph 14.6.5 (i).
- 14.6.3 Where the appeal complies with the criteria set out in paragraphs 14.2 and 14.3, OSCAR will request the Chair of the Level 3 Panel provide a written report ('the Chair's Report') to OSCAR within 14 days of receipt of the Appeal Form.
- 14.6.4 The Chair's Report must normally contain:
- A copy of all documentation considered by the Level 3 Hearing;
 - The letter informing the student of any decision of the Level 3 Hearing and/or Vice-Chancellor;
 - A copy of the Minutes of the Level 3 Hearing;
 - Any other information/statement which may assist in reaching a decision.
- 14.6.5 On receipt of the Chair's Report, OSCAR will forward the case to the University Secretary who will make an initial determination whether:
- (i) The appeal is incomplete, out of time, misconceived, frivolous or vexatious, and should be dismissed, in which

event the student will be issued with a 'Completion of Procedures' letter;

- (ii) An Appeal Committee should be convened to consider the case in accordance with paragraph 14.7 of this Procedure.

14.7 Fitness to Study Appeal Committee:

- 14.7.1 The Appeal Committee shall consist of 3 members, drawn from a pool of staff members appointed by the University and nominees of the Students' Union, who have had no prior material involvement with the student, or previously participated in the case under consideration.
- 14.7.2 The Chair of the Level 3 Hearing is required to attend the Hearing to outline the case to the Appeal Committee, and they may be accompanied by a 'friend'. The student is also expected to attend the Appeal Committee and may also be accompanied by a friend.
- 14.7.3 The Appeal Committee should be held as soon as is practicable after it has been agreed that the case should be considered at an Appeal Committee. To allow the student to obtain appropriate advice and support, the student should be provided with this information at least 14 days in advance of the Hearing.
- 14.7.4 The Secretary of the Appeal Committee should notify all parties, in writing, that they are invited to attend an Appeal Committee in accordance with the process set out in appendix 1.
- 14.7.5 At least 5 days before the Hearing, the student and the Chair of the Level 3 Hearing should confirm to OSCAR who will be attending as their 'friend'.
- 14.7.6 The format of the Hearing is outlined at appendix 1.

14.8 Decision of the Fitness to Study Appeal Committee:

- 14.8.1 The decision of the Appeal Committee will be by majority decision.
- 14.8.2 After consideration of the available evidence relating to the case, the Appeal Committee may reach any of the following decisions:
 - (i) Dismiss the appeal;
 - (ii) Reverse the decision of the Level 3 Fitness to Study Panel and/or Vice-Chancellor and substitute its own

decision from one or more of the outcomes referred to at paragraph 13.8 as it thinks appropriate;

- 14.8.3 All parties will normally be informed, in writing, of the decision made by the Appeal Committee within 14 days of the hearing. A 'Completion of Procedures' letter will also be issued. The decision of the Appeal Committee is final.

15. EMERGENCY SITUATIONS

15.1 Immediate response:

Where a student's behaviour presents a significant or immediate risk to themselves or other members of the University community, for example, behaviour of critical concern(s) that may reasonably be attributable to physical or mental illness, professional staff in Student and Library Services (SLS) can assist with consideration of appropriate and immediate action (see appendix 3).

15.2 Precautionary Suspension or Restriction:

15.2.1 Where it appears that the student is incapable of managing or regulating or administering their behaviour, activities, property or affairs, for example behavior of critical concern(s) reasonably attributable to a physical or mental illness, the relevant Dean of the School/Director of the Department may refer the matter to the Pro Vice-Chancellor who will undertake a risk assessment which may result in action as follows:

- (i) A requirement that the student complies with specific conditions, for example agreeing not to contact another student(s) or member(s) of University staff.
- (ii) A Precautionary Suspend or Restriction of the student.

15.2.2 Precautionary Suspension normally involves a total prohibition on attendance at or access to the University and from any participation in University activities, apart from where it is deemed appropriate to maintain contact with a member of staff providing advice and support (which may be subject to qualification, such as permission to attend for the purpose of an examination).

15.2.3 Precautionary Restriction involves the withdrawal of the right of access to specified land, buildings, facilities or services of the University, the exact details of which will be specified in writing. This would allow a student to undertake study remotely or to permit the student to attend the University to sit an examination or submit an assessment.

- 15.2.4 Precautionary Suspension should be used only where restriction from specified activities or facilities would be inadequate.
- 15.2.5 Any Precautionary Suspension or Restriction of a student should be temporary and made on the basis of risk and is not a determination under this process regarding a student's fitness to study. It should only be imposed, if necessary, for example to protect the student, fellow students, member(s) of staff or the University community. It is not a punishment, and should not be confused with 'Formal Suspension or Restriction', which is a possible outcome of this Procedure at Level 3 (see paragraph 13.8.8).
- 15.2.6 A student shall not be Precautionary Suspended or Restricted unless he or she has been given the opportunity to make brief oral representations to the Pro Vice-Chancellor this can be written or oral representation and in such cases the student may be accompanied by a friend. In cases of great urgency, the Pro Vice-Chancellor is empowered to Precautionary Suspend or Restrict a student with immediate effect, provided that the matter is reviewed within 7 days.
- 15.2.7 Where the Pro Vice-Chancellor makes the decision to Precautionary Suspend or Restrict a student pursuant to paragraph 15.2.1 (ii) the reasons why this action is being taken should normally be communicated to the student outlining the reasons for the decision and providing notice of the student's right of appeal as soon as possible. The Pro Vice-Chancellor will also provide a report, in writing, to the Vice-Chancellor, the President of the Students' Union, the relevant Dean of the School/Director of the Department concerned notifying them of the reasons for the suspension or restriction, as soon as possible. Furthermore, at the same time, any relevant University personnel will normally be informed of any Precautionary Suspension or Restriction in place.
- 15.2.8 The student may appeal the decision to Precautionary Suspend or Restrict them by submitting a written request stating the reason for the appeal to the Vice-Chancellor within 10 days of receipt of the notice of Precautionary Suspension or Restriction.
- 15.2.9 The Vice-Chancellor will consider the appeal by way of a review of the relevant paperwork and may take action as follows:
- (i) uphold the original decision and confirm the terms of the Precautionary Suspension or Restriction;
 - (ii) uphold the original decision but reduce or restrict the terms of the Precautionary Suspension or Restriction;

- (iii) overturn the original decision and remove the Precautionary Suspension or Restriction.

16. RETURN TO STUDY

16.1 Following a voluntary interruption:

Where a student has voluntarily interrupted their studies, in accordance with the University's Extenuating Circumstances Regulations, and wishes to return, but there is a fitness to study concern(s) they may be required to attend a meeting/hearing under this process.

16.2 Following a Precautionary Suspension or Restriction or Formal Suspension and Restriction:

Following a period of absence from the University under any Level of this process, students will only be allowed to return to study if the University is satisfied they are now fit to resume participation in their studies without risk to themselves or others. The decision as to whether the student is able to return to study will be made by the Pro Vice-Chancellor. In such cases, the student may be required, in the first instance, to attend a Level 2 Meeting or Level 3 Hearing and/or provide information that considers their ability to participate in and function in University life without risk to the safety or wellbeing of themselves or others. This information should be submitted, in writing, to the Pro Vice-Chancellor to assist in determining whether the student is able to resume their studies.

- 16.3 It is normally expected that an interruption of study is available for a maximum of two years in total over the programme of study or up to the length of time for maximum registration. As such, after a maximum period of two years Precautionary Suspension, or voluntary interruption during this process, a designated member of staff will contact the student to discuss the likelihood of their fitness to return to study in the near future. An update on the case will be provided to the Pro Vice-Chancellor who will consider the status of the student. Should the Pro Vice-Chancellor conclude the student is not fit to resume their studies they may make a recommendation to the Vice-Chancellor to expel the student in accordance with paragraph 13.8.9. If a decision has been taken to expel the student, the student will have the right of appeal in accordance with paragraph 14.

16.4 Following a decision of a Fitness to Study Appeal Committee

If the Appeal Committee, in accordance with paragraph 14.8.2 (ii), reverses the decision of a Level 3 Panel it shall normally prescribe the terms of the student's reengagement with their studies.

17. THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)

At the conclusion of the University's internal processes connected with these regulations, the student shall be issued with a 'Completion of Procedures'

letter of internal proceedings in the manner prescribed by the Office of the Independent Adjudicator for Higher Education (OIA). A student who is of the opinion that their case is unresolved may apply to the OIA for reconsideration of the case under the rules of its scheme within 12 months of the issue of the 'Completion of Procedure' letter. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>.

APPENDIX 1

FITNESS TO STUDY MEETING/HEARING/COMMITTEE ARRANGEMENTS

1. Meeting/Hearing with a student:

When a meeting/hearing is arranged for a student, the following process below should be followed.

- 1.1 The student should be notified, in writing, that they are required to attend a meeting/hearing as a result of concern(s) being raised about their fitness to study, and provide them with a copy of the Fitness to Student Policy and Procedure, and any other documentation relevant to the case.
 - 1.2 The notification should also explain:
 - The Level of the Fitness to Study Procedure the concern(s) will be addressing;
 - Date, time and venue of the meeting;
 - The nature of the concern(s), and that the matter is to be managed under the Fitness to Study Policy and Procedure;
 - Where the student can obtain advice and support;
 - As outlined in the procedure, the name of the staff member(s) who will be present at the meeting/hearing;
 - How to inform the University of any reasonable adjustments required to attend the meeting/hearing owing to a disability and/or specific learning difficulty;
 - The meeting/hearing will proceed in their absence should they fail to provide reasonable explanation for their absence or fail to communicate with the University in any way.
 - 1.3 At a Level 3 Hearing, the student should also be informed that they have the right to provide the Secretary, normally within 7 days before the date of the Level 3 Hearing, any information which they wish to put before the Level 3 Panel and where this should be sent.
 - 1.4 A Clerk and/or Secretary may also be in attendance as a note taker and to provide advice on Procedure at any Level 2 or 3 meetings/hearings, or Appeal Committee.
 - 1.5 A Chair may also invite other attendees to any meeting/hearing who, in their opinion, can contribute to a possible solution such as a representative from Student and Library Services (SLS) or another relevant service, if appropriate. In such cases, the student should be informed in advance of the meeting/hearing who will be in attendance.
- #### 2 Points for discussion:
- 2.1 Examples of possible points which may be considered and discussed with the student are as follows:
 - Remind the student that fitness to study is essential for successful completion of their studies, and the student has an essential role to co-operate with this process;

- An explanation of the concern(s) being raised. If necessary/ appropriate, provide clear examples including the impact/potential impact of their behaviour on themselves and/or others;
- Clarification of what is expected of the student and their personal responsibilities (for example to be respectful of others);
- Provide the student with the opportunity to give their perspective on the concern(s);
- Consideration of what would be helpful in order to support the student minimise the concern(s) including signposting the student to any relevant University support service, or external support service, that they may benefit from and recording this in the action plan;
- If an action plan is already in place, go through the plan identifying any actions which have been completed or are requiring on-going consideration by the student;
- Agree a date to meet to undertake a review of the action plan with the student, and who needs to be in attendance at the meeting. The length of time between the meeting, and the review should be agreed by all parties, taking into account relevant academic and personal factors but should normally be within 3 months;
- If appropriate, an explanation that a continuation of the same or any additional concern(s) could result in further action.

3 Format of a Level 2 Meeting/Level 3 Hearing/ Hearing:

3.1 The following format should normally be followed:

- The Chair will invite all those present to introduce themselves and will outline the procedure of the meeting;
- The representative from the relevant School/Department will present the case calling any witnesses;
- Members of the Panel may ask questions of the representative and any witnesses;
- The student and/or friend may ask questions of the representative and any witnesses via the Chair;
- The Chair will ask the student and/or friend to present their response and present any witnesses;
- Members of the Panel may ask questions of the student and/or friend and any witnesses for clarification purposes;
- The representative may ask questions on any representations made by the student and/or friend and any witnesses via the Chair;
- The representative will sum up their case;
- The student and/or friend will sum up their response;
- The Chair will ask the student and/or friend and the representative to leave the meeting whilst deliberations take place;
- The members will consider the case in private and reach a decision in accordance with the Procedure;

3.2 The format for the Appeal Stage will normally be as follows:

- The Chair of the Appeal Committee will outline the procedure of the meeting to all parties;

- The Chair of the Appeal Committee will ask the student and/or friend to present their Appeal and any witnesses;
 - The Chair of the relevant Level 3 Panel may ask for clarification on the representations made by the student and/or friend and any witnesses;
 - Members of the Committee may ask questions of the student and/or friend and any witnesses;
 - The Chair of the Appeal Committee will ask the Chair of the relevant Level 3 Panel to respond to the appeal and present any witnesses;
 - Members of the Appeal Committee may ask questions of the Chair of the relevant Level 3 Panel and any witnesses;
 - The student may ask for clarification on any representations made by the Chair of the relevant Level 3 Panel and any witnesses;
 - The Chair of the relevant Level 3 Panel will sum up their case;
 - The student and/or friend will sum up their response;
 - The Chair of the Appeal Committee will ask the student and the Chair of the relevant Level 3 Panel to leave the meeting;
 - The Panel will consider the evidence in private and reach a decision in accordance with the Procedure.
- 3.3 This process may be varied by the relevant Chair, and he/she has the right to impose reasonable time limits on any aspect of the meeting (for example where a decision is unable to be reached without further information, it may adjourn for up to 30 days and defer its decision). If a decision cannot be agreed a majority verdict may be reached.
- 3.4 For monitoring purposes, the Chair of a Level 2 Meeting or Level 3 Hearing may ask the relevant School/Department to identify a staff member to provide the Chair with regular updates on the student's progress of the action plan requirements for review. If the Level 3 formal action plan has not been successful, Level 3 of the Procedure may be invoked again to determine the outcome.
- 4. Action Plans and Review Meetings:**
- 4.1 Where it is determined, at any of the Levels of the Procedure that an action plan is appropriate, the action plan should clearly allocate any tasks for the student and set an equally clear timetable. The action plan may include referring the student to specific sources of support available at the University and to outside agencies if appropriate in order to identify support arrangements and/or reasonable adjustments to be put in place for the student;
- 4.2 In addition, a review meeting, normally within 3 months, should be arranged with the student.
- 4.3 At a Review Meeting staff member(s) may wish to consider and discuss with the student, the following:
- Explanation/exploration of any further concern(s) or improvements in behaviour, which may have arisen since the previous meeting;

- Consider activities in the action plan, if there is one, identifying actions that been completed or are requiring on-going consideration by the student;
 - Exploration of further/ongoing support requirements/requests or adjustments needed to the action plan;
- 4.4 If, after a Review Meeting, the concern(s) about a student's fitness to study have been significantly reduced and/or eliminated, the student should be informed in writing that no further action shall be taken unless further concern(s) arise at a later date, in which case a further intervention may be appropriate either at the same Level or a higher Level, depending on the seriousness of the case.
- 4.5 If the student fails to attend a Meeting or a Review Meeting, or an intervention is unsuccessful because the concern(s) remain due to unsuccessful engagement, or an inability to reach an agreed action plan with support recommendations/interventions, the Dean of the School/Director of the Department must determine how the situation should proceed, for example whether the case should proceed to a higher level of the Procedure, and/or consider invoking paragraph 15.2 of the Procedure (Precautionary Suspension or Restriction). In reaching this decision, guidance may be sought from other appropriate individuals such as professional staff in SLS.
- 5. Interruption of Studies:**
- 5.1 If, during a meeting/hearing, the student voluntarily decides to interrupt their studies, in accordance with the University's Extenuating Circumstances Regulations, it must normally be made clear to the student that action under this process could be considered during the period of interruption. The student should also be clearly advised of the impact of the interruption of studies on their anticipated completion date of their studies. In the case of overseas students (Tier 4) the student should be advised to seek support in relation to any impact on their visa. All students should be advised to seek advice from a Finance Adviser in SLS or Students' Union in respect of their Student Funding.
- 6. Record keeping of a meeting/hearing:**
- 6.1 A record must be kept of any meeting/hearing with the student including details of any proposed action plan, or other such requirements.
- 6.2 A copy of any outcome of a meeting/hearing should be provided to all relevant parties, including the student, normally within 14 days of the any meeting/hearing and a copy kept on the student's file.
- 6.3 In cases of Precautionary Suspension or Restriction or Formal Suspension or Restriction, any relevant University personnel will be informed.

APPENDIX 2

FITNESS TO STUDY – GENERAL PRINCIPLES

1. Advice and Support:

- 1.1 Students can seek advice and support about this process from the Students' Union or Student and Library Services (SLS).
- 1.2 It is recognised that concerns as outlined in paragraph 4.4 of the Policy can be difficult to deal with and that the level of risk is often hard to determine. As such, University staff dealing with students at any level of this process may seek advice from an appropriate staff member in SLS. Staff should also give consideration to what support may be offered to the student, both from within the University (for example, by SLS) and externally (for example directing or referring students to local GPs or mental health services). Students will be encouraged to seek support where it is deemed necessary. If any staff member is unsure about whether to invoke this process, they are encouraged to seek advice from professional staff in SLS.
- 1.3 Students who are dealt with under this process are entitled at any level to be accompanied at any meeting/hearing by a 'friend', for example a relative, representative from the Students' Union, health professional, or a disability adviser/support worker. Proxies for students at a meeting/hearing will not normally be allowed.

2. Conflict of Interest:

- 2.1 SLS may offer a student support during the administration of this process. In such cases, an alternative professional member of staff from SLS may be asked to advise University staff about this process. Within SLS, care will be taken to avoid any potential conflict of interest that may arise.

3. Confidentiality, Data Protection and Disclosure of Information:

- 3.1 All processing of personal data is undertaken in accordance with the Data Protection Act 1998, and the University guidance around data protection and confidentiality.
- 3.2 The University reserves the right to disclose the outcome of any actions made under this process to the Student Loans Company, the Home Office UK Visa and Immigration Service or to the Police. This decision will be made by the University Secretary.
- 3.3 Where the student requests a review from the Office of the Independent Adjudicator for Higher Education (OIA) relevant information shall be disclosed to that office in order for the review to take place.

- 3.4 Any witness statements made in connection with a fitness to study investigation will normally be shared with the student, as will the identity of those making those statements. If in an exceptional case, where there is clear risk of harm the University would vary this position, subject to agreement by the Vice-Chancellor in consultation with the University Secretary.
- 3.5 If the case is to be considered at a the Level 3 Panel or Appeal Committee both parties may call witnesses , who have relevant evidence to provide which has a bearing on the material aspects of the case. The witnesses will only be invited to attend a portion of the Hearing when their evidence is required for consideration, and are expected to leave at the conclusion of their evidence. The Level 3 Panel or Appeal Committee may also ask questions of witnesses for the purposes of seeking clarification. It is the parties' responsibility to inform their witnesses of the date, time and venue of the Hearing and provide them with copies of appropriate documentation.
- 3.6 The Secretary or their nominee, on behalf of the Level 3 Panel or Appeal Committee, may call for written witness statements in support of the allegation in advance of the hearing. If such statements are obtained, all parties will be entitled to see them at least 5 days in advance of the hearing.
- 3.7 Witness evidence presented at the Level 3 Panel or Appeal Committee will normally be oral, given by witnesses appearing in person. The Level 3 Panel or Appeal Committee may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Chair it is for some other reason in the interests of justice to do so.
- 3.8 The presentation of any new witnesses, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in an adjournment of proceedings to provide all parties with the opportunity to consider the matter.
- 3.9 The Chair may call any appropriately qualified persons to give technical or expert evidence. The Chair may adjourn or postpone the hearing pending provision, and consideration by the parties, of the relevant expert report. In such cases, it is the responsibility of the Chair to ensure that the witness is provided with the appropriate documentation.
- 3.10 Subject to the provisions in paragraphs 3.1-3.4, information provided under these Regulations will be disclosed only to those members of staff who need it for the purposes of considering and responding to a fitness to study concern. Wider disclosure will not be made to staff unless the University considers the disclosure necessary to protect the health and safety of any individual.

4. Timescales and Communication:

- 4.1 When the University is reviewing the perceived level of risk, communication is paramount. As such, the University will wherever possible seek to adhere to the time limits outlined in this process; however, in cases where there are special circumstances which require deviation from specified time limits, students will be advised of the reasons for this by the relevant member of staff depending upon the level the process has reached.
- 4.2 Reference to timescales in this process relate to calendar days excluding the Christmas closure period of the University and statutory bank holidays.
- 4.3 For the purpose of this process, written communication with a student and relevant staff can be in paper or electronic format, for example, email.

5. Production of Information/Evidence:

- 5.1 Concerns should be acted upon promptly, and should be illustrated with either information/evidence that there has been a decline in the student's health and wellbeing over a period of time, or a legitimate reason for believing that the student is at risk of harm to self or others. A Potential Fitness to Study Report Form may be completed by staff members to record their concern(s) regarding a student's behavior and sent to the Dean of the School/Director of the Department. Legitimate reasons for concern(s) may include those highlighted in paragraph 4.4.
- 5.2 If sufficient concerns are raised about a student's fitness to study, the student is encouraged to co-operate with any reasonable request to provide medical or other forms of information/evidence. A student may however decline to co-operate with that request but should be aware of paragraph 5.3 below.
- 5.3 The University will respect medical and other information/evidence provided by the student, but it is for the University to determine the weight to be given to any information/evidence presented.
- 5.4 Normally, any costs that will be incurred will be borne by the student. Exceptionally, the University may fund the cost of obtaining additional information/evidence, for example if the University requests that the student complete an independent assessment to supplement information/evidence already provided by the student. If an independent assessment is required, this will be arranged by the University and the University may request that specific questions are addressed as part of the assessment.
- 5.5 If a student does not provide information/evidence as requested, the University may nevertheless reach a decision on the case. The decision shall be based on the available information/evidence.

6. Behaviour at a Meeting/Hearing:

All participants are expected to behave in an orderly and non-confrontational manner during a meeting/hearing. Any meeting/hearing may be adjourned if, in the opinion of the Chair, progress of the meeting is being hampered.

- 7. Location of Meetings/Hearings:**
Any meeting/hearing will normally be held at the Teesside University (Middlesbrough or Darlington Campus) for students based at Middlesbrough or Darlington Campus or Higher Education Business Partnership Colleges. Students and staff based in other locations may either attend the relevant Teesside Campus or participate in meetings/hearings via electronic communication, for example Skype.
- 8. Recording of Proceedings:**
The audio recording of a meeting/hearing held under this process is prohibited subject to such reasonable adjustments as may be agreed by the University where required under the Equality Act 2010.
- 9. Fair Treatment:**
The rules of natural justice will apply to all students subject to this process, which aims to balance the rights of the student against the potential risk to themselves and/or others.
- 10. Monitoring and Evaluation:**

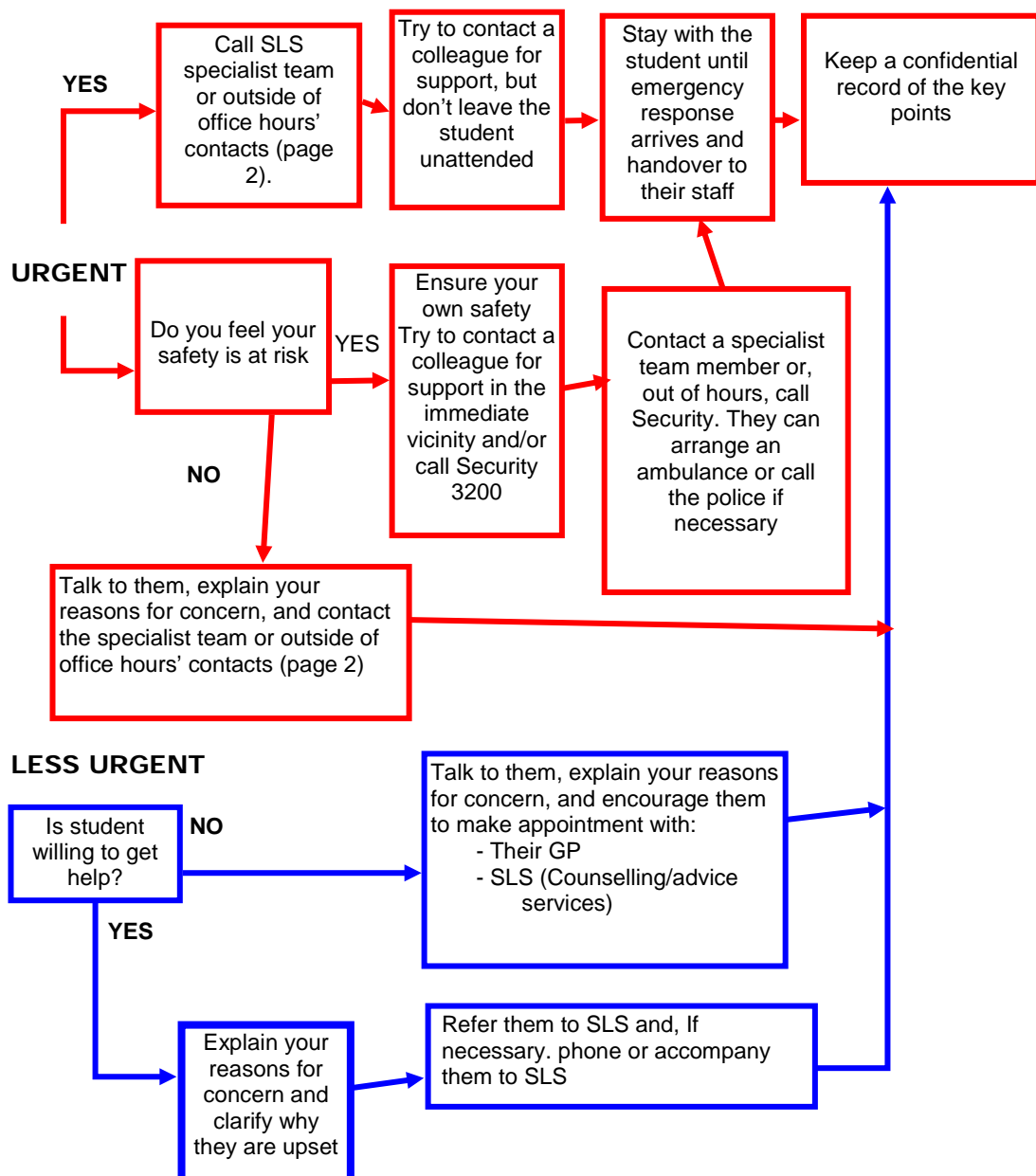
 - 10.1 Once a year, the Schools/Departments should normally submit to The Director of SLS an annual report on the aggregated data about the use of this process. The report shall provide statistical data, identify any trends, or wider issues.
 - 10.2 SLS shall transcribe this into its annual report to the SLEC and to the Academic Board, and make any observations and/or recommendations which may assist the University to further good practice in the management of this process.
- 11. Documentation retention:**
Any documentation obtained, or produced, as part of this process will be kept in accordance with the University's Classification Scheme and Retention Schedule.

APPENDIX 3

DEALING WITH EMERGENCY SITUATIONS: A GUIDE FOR STAFF

Consider the most appropriate response based on the urgency of the situation and use the flowchart to consider your options:

1. **Urgent examples** - actively talking of suicide, risk to self or others, signs of severe self-harm, overdose, recent victim of attack/assault;
2. **Less urgent examples** – anxious, distressed or upset.



If a student's behaviour or emotional condition gives you cause for concern you can seek advice and/or refer a student to specialist support. University staff are not expected to replace the professional care and support that are the responsibility of health care providers but there are professional staff in the Department of Student and Library Services who can assist and work with external health providers to give support to students.

For a student in distress, it is important they go to a place of safety to tell somebody how they are feeling so they can get the support they need at that time. The student could be encouraged and supported to seek advice from their GP and/or family member/partner/friend if they do not want support from the specialist team and if you feel the situation is not urgent.

Confidentiality:

When passing on information to a third party it is important to obtain the student's consent in accordance with Data Protection and Confidentiality guidance. However, if you are concerned about the safety of the person concerned or of other people you should feel able to pass on information that will enable the appropriate services to evaluate and manage the situation effectively.

You should however **never contact the student's friends of family** unless specifically asked to do so by the student concerned.

Managing an urgent situation:

If you receive information from someone expressing concern about the mental health and wellbeing of a student, follow the steps below:

- **Step One – Gather Information**

Collect some relevant information, for example:

- Name and contact details of the person providing information
- Name of student concerned
- Location of student concerned
- Brief outline of what is happening/has happened

- **Step Two – Reassure the person raising the concern (if applicable)**

If the information is via telephone, advise the caller that you will get someone from the specialist team to contact them very shortly. If they are passing on information in person, ask them to remain to speak to a member of the specialist team.

- **Step Three – In office hours, contact one of the specialist team direct or via the main enquiry number for SLS – 01642 34 2277** (ask for a member of the specialist team in respect of an urgent situation regarding a student's wellbeing)

Specialist Team available in SLS:

- Student Advisers (Mental Health and Autism).
- Student Counsellors.

If none of the named staff are available, an appropriate alternative member of staff will be identified by SLS.

For urgent help and support **outside of office hours**, here are the emergency numbers you can contact:

| Name | Phone number | Purpose |
|--|---|--|
| NHS | 111 | Medical non-emergency advice – can help to organise a GP appointment |
| Emergency services | 999 | For any emergency where urgent assistance is required. Particularly useful where a student requires medical intervention |
| Roseberry Park (Crisis Mental Health Assessment Suite) | 01642 837300 or turn up to reception to be seen (no referral needed) | For anyone who is experiencing suicidal thoughts and feels they may be at risk of harm and unable to keep themselves safe |

If using out of office contacts, then report the situation to a member of the specialist team in SLS as soon as possible afterwards.

Consider what support you need:

Dealing with an emergency situation can be challenging for all concerned, please contact your line manager and/or a member of the specialist team if you would like a de-brief/support after an incident and refer any students who have been involved to SLS if you feel they might also benefit from support.