

Chapter 3

Students of Concern

1. Introduction

- 1.1. The University welcomes a diverse Student body and seeks to ensure that all students have the opportunity to study, achieve and enjoy University life to the best of their ability, in a safe and supportive environment which allows for academic and personal development.
- 1.2. The University has a commitment to student experience and offers a range of student services and support to help students reach their potential while at University. Whilst students are responsible for the management of their own wellbeing, the University aims to work with and support students in a collaborative manner.
- 1.3. The University acknowledges that an individual may demonstrate behaviours that causes concerns for their own wellbeing, or the wider wellbeing of the University community. Such behaviours may be attributed to, for example, medical conditions including communicable diseases, mental illnesses, taking (or failing to take) prescribed medication or chronic health conditions. In these circumstances the University recognises that the Student may benefit from the University's direct intervention and support.
- 1.4. This process is intended to provide a framework to help the Student of concern while mitigating risk to the Student, the wider DMU community and the public. While the University will adopt a non-judgmental, consistent, sensitive, and coordinated approach to the management of a situation, the University reserves the right to invoke where appropriate procedures under other Chapters of the Regulations, including in cases where behaviour which causes concern is in contravention of [The Disciplinary Code](#) (see Chapter 2).
- 1.5. The existence of medical conditions or other disabilities does not absolve Students from the responsibility for their education or their responsibility towards other members of the DMU community.
- 1.6. The University has statutory obligations under Equality Legislation, to make reasonable adjustments for Students who have a disability.

- 1.7 Consideration will be given, if it seems helpful, as part of this process to engaging emergency contacts. This would ordinarily be with the student's consent, but in exceptional circumstances, consideration may be given to engaging them anyway. Any such decision would be carefully balanced, and will only happen after consultation with the Information Governance Office, to ensure that there is a legal basis for doing so.

2. Scope

- 2.1 The policy applies to any enrolled student of the DMU Leicester Campus, including foundation, undergraduate, post-graduate taught and postgraduate research Students and Students on placement/ apprenticeships.
- 2.2 The policy is intended for use in cases: where the disruption or risk to the Student, other Students, Staff or the University community as a whole, as a result of a Student's behaviour or circumstances, is considered to be so acute that a welfare service(s) business as usual arrangements may not mitigate the risk.
- 2.3 The policy is not intended to address a Student's general support requirements, as established student welfare support arrangements exist for this purpose. Students accessing sources of welfare support will not be considered in itself to be a cause of concern.
- 2.4 This policy is not intended to address fitness to practise issues, which will rest with the Faculties, though where appropriate this policy may run in tandem with, and information be shared, to inform fitness to practice considerations.
- 2.5 Staff members should recognise that most welfare concerns will fall below the Level 1 threshold and staff members (Academic and Professional Services) should make all reasonable efforts to provide appropriate academic and pastoral support/sign-posting and to engage students in the provision of that support before a Student of Concern Referral is made to Student Welfare. Information on academic and pastoral support can be found in multiple locations including mandatory training, the [Healthy DMU staff toolkit](#) and within [DMU Student Support](#).
- 2.6 This policy is not intended as a way of responding to crises. In cases of emergency situations e.g. immediate risk of serious self-harm, suicide or to harm others, Staff must always ring 999.

3. Applying the six principles of Safeguarding

- 3.1 The six principles of Safeguarding will be at the heart of the operation of this procedure, as follows;
- 3.2 Prevention – this policy should be understood as being about preventing unwanted outcomes, such as a student not achieving their academic potential, or experiencing harm / harming the wider university community. It should therefore whenever possible be enacted at an early stage, rather than being seen as a ‘last resort’.
- 3.3 Partnership – in order for this policy to achieve it’s aims it will be necessary for both students and the university to work together to devise plans which have a chance of succeeding. The student’s views should always form a central part of decision making
- 3.4 Empowerment – the aim of this policy will be to assist the student to identify and access resources and support which put them in the best position to develop as an independent learner.
- 3.5 Proportionality – students, as with any other member of society, have the right to make choices which other may not perceive to be in their best interests. The purpose of this policy is not to interfere with those choices, and the policy should only be enacted when there are serious concerns, and escalation through the three stages, should also be carefully considered.
- 3.6 Protection – as an organization DMU is committed to providing support and protection to those in the greatest need, and wherever possible the exercise of this policy, should be about trying to ensure students with the most difficult circumstances are afforded that protection.
- 3.7 Accountability – plans which are made as part of this process will involve commitments from both the university and students, and on both sides there will be an expectation that reasonable efforts are made to keep those commitments.
- 3.8 The process has three stages based on the degree of concern and/or the perceived seriousness of the situation. The Process set out in Chapter 3 can be initiated only by services represented within the Students at Risk Committee, and is not necessarily sequential.

4. Level 1: Emerging and Low-level Concerns

- 4.1 This stage of the process is informal and is concerned primarily with prevention, and protection, usually when a concern has been raised through the Students at Risk process, which indicates that a Student's ability or other Students' ability to progress is being significantly impaired.
- 4.2 The concerns are deemed to fall within a welfare service(s) 'business as usual'. For this process 'business as usual' would be defined as a student whose complexity and needs are unable to be met by student welfare services usual input and therefore may not mitigate the risk(s) presented, and is impacting significantly on the wider DMU community. In the vast majority of cases there will be no need to escalate beyond this stage. This stage might be considered as a 'near miss' by Ofsted.
- 4.3 A student chooses to engage with the appropriate welfare service(s) and/or Security and an appropriate support plan is put in place.
- 4.4 All Student Welfare services at DMU are committed to the six principles of Safeguarding, and in particular will seek to agree plans in partnership with students, which empower them to succeed in their education.
- 4.5 If the Student does not engage at this level and /or there is continued risk of non-engagement and /or concern of a Student's activities which is beyond a welfare service(s) business as usual ([see 4.2](#)), the principle of partnership remains important and this should wherever possible be discussed with the student, and a joint decision reached on a productive way forward.
- 4.6 A service may escalate the Student to Level 2, but should only do so, when it is proportionate to do so, for example because the principles of protection or prevention cannot be achieved without that escalation occurring: Enhanced Concerns.

5. Level 2: Enhanced Concerns

- 5.1 Where there is an enhanced concern, or a pattern of behaviour which goes beyond a welfare service(s) and/or Security's business as usual and/or continues to impede a Student's ability or other Students' ability to progress.
- 5.2 A service notifies the Student at Risk Committee (via the Clerk) of a Student who they have Enhanced Concerns about. The Committee considers whether with the six principles of Safeguarding in mind, whether an escalation would be proportionate to the situation, and where appropriate ratifies the escalation and confirms the lead service for the Enhanced Concern.
- 5.3 The lead service invites the Student to a meeting to work in partnership to cocreate a support plan. A Student can be accompanied by a companion.
- 5.4 Prior to the meeting the lead service will collate and document information from relevant colleagues (across Professional Services and Faculty) on a support plan to ensure a whole-individual approach. Any written submissions by the Student will be considered at this stage also.
- 5.5 At the outset of the meeting the purpose of the meeting should be explained, in particular emphasizing that the intention is to work in partnership to find a way to empower the student to succeed in their studies, and prevent as far as possible negative outcome occurring.
- 5.6 Documentation which will be used to develop the plan will be shared with the student, and wherever possible the student will be empowered to consider what approaches are most likely to be effective for them, including suggestions about what the university could do to most effectively provide protection to the student.
- 5.7 The principle of accountability will be discussed, and that this applies equally to the university and the student.
- 5.8 Wherever possible a jointly agreed plan will be made, and an agreement made about an appropriate period of time to review the plan, and what either party should do if they have further concerns in the interim.
- 5.9 If the Enhanced Concern Plan does not sufficiently improve the situation, or the student has not engaged, a service may escalate the Student to Level 3: Serious Concerns. Wherever possible this should be discussed with the student in advance, and should be explained as being aimed as a supportive measure.

6. Level 3: Serious Concerns

- 6.1 Where there is a serious concern, or a pattern of behaviour which goes beyond a welfare service(s) and/or Security's business as usual and/or continues to impede a Student's ability or other Students' ability to progress.
- 6.2 A service notifies the Student of Concern Committee (via the Clerk) of a Student who they have Serious Concerns about. The Committee ratifies the escalation and confirms the lead service for the Serious Concern.
- 6.3 The lead service informs the Student they must attend a meeting to co-create a support plan. A Student can be accompanied by a companion.
- 6.4 Prior to the meeting the lead service will collate and document information from relevant colleagues (across Professional Services and Faculty) on the Enhanced Concern Plan to ensure a whole-individual approach. Any written submissions by the Student will be considered at this stage also.
- 6.5 Should a Student not engage with the appropriate service and attend the meeting, contact will be made with the Student to ascertain their safety and rationale for non-attendance.
- 6.6 If the Student fails to engage at this level, not show progress against the Enhanced Concern Plan and/or there is continued risk, a service may refer the student to the Academic Registrar or nominee. Examples of a referral outcome may include: further support, leave of absence, behaviour dealt with through disciplinary action or recommendation made to the Vice Chancellor that the Student is permanently excluded from the University.

7. The Student at Risk Committee

- 7.1 The Student at Risk committee maintains an overview of serious concerns which have been raised in relation to students, and will act as a source of advice and overview of the operation of the student concern procedure, in particular it will; **uphold** the processes outlined within this chapter; **determine** lead service for complex cases **support** welfare service(s) and/or security in coordinating approaches to a Student facing enhanced (Level 2) and serious (Level 3) concern that impact on their or others ability to progress academically; **escalate** the Student to the Academic Registrar or nominee should the Student of Concern process be exhausted.

8. Exceptional Interventions

- 8.1 When a Student exhibits behaviour that puts themselves or others at immediate risk a temporary suspension from campus or specified areas may be imposed by the Academic Registrar or nominee, or a practice suspension may be imposed for programmes that require Students to undertake professional placements (see [Chapter 2, Annex 5 and Annex 8](#)).
- 8.2 The Suspension shall normally be reviewed every 4 weeks (or earlier if new evidence becomes available, or it is appropriate to do so) by the Academic Registrar or nominee who may confirm, revoke, or vary the suspension in the light of any developments or of any representations made by the Student or anyone on their behalf. As per [Chapter 2, Paragraph 16](#).

9. Non-Engagement

- 9.1 The purpose of this procedure is to work in partnership with students to find ways of supporting the to progress in their education, whilst providing adequate protection to them and other members of the university community.
- 9.2 Whilst the procedure is not intended to be in any way punitive, there are circumstances where if a student does not engage, with this procedure, it may not be possible for them to safely continue in their studies.
- 9.3 Where it is proportionate to the situation this may result in the Student being escalated to the Academic Registrar or nominee for a final decision on the Student's status at the University. Examples of outcomes include: further support, leave of absence, behaviour dealt with through disciplinary action or recommendation made to the Vice Chancellor that the Student is permanently excluded from the University.

10.Support

- 10.1 During all stages of the policy Students are encouraged to seek support from a companion. The role of the Student's Companion is not to offer formal representation, but to offer support and advice to the Student.
- 10.2 Examples of source of support a Student can access include:
- The [De Montfort Students Union](#)
 - DMU's own [welfare services](#)
 - [External organisations and charities](#)

11.Return to Study

11.1 Following a period of absence from the University it may be appropriate for the Student to return to resume studies and return to University. If this is the case, it will be necessary to ensure that the Student is supported by their Faculty and/or Programme team (which may include Associate Professor Student Experience, Programme Leader, Personal Tutor) with advice from welfare services.

11.2 Other members of staff within welfare service(s) will be available to provide advice and support, as appropriate, to facilitate the Student's transition back onto the course, particularly in relation to any action that might be required under the Equality Act 2010 and other relevant Equality Legislation. This will be arranged by the Faculty with the direct involvement of, or in consultation with welfare services.

12.A Student's right of appeal

12.1 The Student has the right to appeal against decisions made as part of this process. The Student can appeal in writing to the Academic Registrar or nominee and Academic Services, within 10 working days of being sent details of the outcomes of any stage of this process.

12.2 The ground for appeal are:

- There is new and relevant evidence which the Student was demonstrably and for the most exceptional reasons unable to present at the Panel hearing. This may include evidence of extenuation.
- That the Panel did not comply with its procedures, as set out above, in such a way that it might cause reasonable doubt as to whether the result would have been different had the Panel complied.
- That there is evidence of prejudice or bias

12.3 Academic Registrar or nominee may dismiss an appeal at this stage if in their absolute opinion it should appear that the grounds of appeal are so lacking in substance that further consideration would not be justified.

12.4 The Academic Registrar or nominee, shall convene the Appeals Panel and arrange for the appeal to be heard if they feel there is substance to do so. The Appeals Panel shall comprise: Chair: The Vice Chancellor (or nominee), A member of the Students' Union Executive Committee, and a member of staff from SAAS.

- 12.5 The student will be given notice in writing of the hearing and the members of the Appeals Panel due notice will be deemed to have been given if the notice and supporting information was securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student, no less than 10 University working days before the date of the hearing.
- 12.6 If the Student does not attend the hearing, without reasonable explanation, as determined by the Chair, the appeal shall be considered to have lapsed.
- 12.7 If the Student, on good grounds, wishes to object to any member of the Appeals Committee, the Student shall submit their objections in writing to be received by the Academic Registrar or nominee and Academic Services at least 5 University working days before the hearing. If the grounds for objection are upheld, an alternative member of the Panel will be identified.
- 12.8 The student has the right to appear and be heard and to be accompanied by a representative ([as outlined in the Glossary to these Regulations](#)).
- 12.9 The Appeals Panel may set aside, vary or confirm the decisions made as part of the student concern process.
- 12.10 The decision of the Appeals Panel is final and not subject to review by any other University body.
- 12.11 The Appeals Panel shall inform the student, the Academic Registrar or nominee the Head of Student Welfare and the PVC/Dean of the Student's Faculty of its decision.

13.Data Protection

- 13.1 The University and its Staff are governed by the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR). It also adheres to the duty of confidence and the Human Rights Act (Article 8).
- 13.2 Further information on confidentiality and how DMU processes personal data, and the legal basis for doing so are within DMU's privacy notice [and data protection information](#)