

Chapter 3 Support to Study

- 1 The procedures set out in this Chapter 3 may take precedence over other processes and procedures e.g. attendance management, and may be used in conjunction with another process.
 - 1.1 Students may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review decisions taken by the University pursuant to this Chapter 3 but **only after the University's procedures have been exhausted**. Information on the OIA scheme can be found at <http://www.oiahe.org.uk>.

Part A: Introduction, framework and terms of reference.

2 Introduction

- 2.1 The University welcomes a diverse Student body, both as an educational resource for all and as an intrinsic part of the overall learning experience. This includes Students with temporary or long-term medical conditions who wish to fulfil their intellectual potential and progress their career prospects through their chosen programme of study.
- 2.2 The University has statutory obligations under Equality Legislation, to make reasonable adjustments for Students who have a disability. This includes specific learning differences; some mental health conditions, and some chronic health conditions.
- 2.3 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 academic community.
- 2.4 The University recognises that a Student may demonstrate behaviour which causes concern for their own wellbeing or the wellbeing of the wider University community. Such behaviour may be attributed to, for example, a medical condition, mental illness or taking (or failing to take) prescribed medication. The Student may benefit from the University's direct intervention and support. These provisions are intended to provide a framework to help the Student out of their difficulties while protecting the Student, the public and the work of the University. Intervention under these provisions may also be appropriate in the case of a student who fails to recognise that they are suffering from a communicable disease and/or fails to notify the University of their condition as soon as it is practicable to do so.

- 2.5 This Chapter outlines the policy, procedures and support available to both Students and Staff when a Student becomes unwell and/or presents a risk to self and/or others. It is not intended to give guidance on wider matters relating to Students with mental health needs but is intended to ensure a consistent and sensitive approach to managing specific situations which become problematic.
- 2.6 This procedure is owned by the Welfare department, who will ensure process is followed in accordance with the regulations.
- 2.7 The University has a duty of care to respond appropriately where it becomes aware of issues relating to Students showing visible signs of illness, mental health difficulties, psychological, personality or emotional disorders which have a detrimental impact on the functioning of the Student and/or other members of the University community. This may arise where, for example, the University is concerned that:
- 2.7.1 a Student's ability to study is neither manageable nor achievable in relation to specific tasks and/or activities.
 - 2.7.2 a Student's behaviour poses a risk to their own health, safety and/or wellbeing and/or that of other persons.
 - 2.7.3 the Student's behaviour is, or is at risk of, negatively affecting the teaching, learning and/or experience of other Students.
 - 2.7.4 the Student's behaviour is, or is at risk of, negatively affecting the day-to-day activities of the University and/or a placement provider.
- 2.8 Subject always to paragraph 2.9 of this Chapter 3, 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 of these Regulations). If a Student fails to co-operate at any stage in the procedures set out in this Chapter 3 this may result in the Student being referred to the disciplinary procedure.
- 2.9 The purpose of this policy is to support Students and Staff to manage interventions appropriately, that is:
- 2.9.1 to identify the appropriate response by academic and support service Staff in the circumstances where it is not considered appropriate to apply disciplinary procedures, in particular, because the Student's behaviour should be managed rather than punished;

- 2.9.2 to provide a non-judgmental, consistent, sensitive and coordinated approach to the management of a situation where it is apparent that a Student's mental and/or physical functioning may prevent them from gaining benefit from the educational and social provision at a particular time, or is adversely affecting the Student experience of others, or has extended beyond the pastoral support that exists within the academic units and where Fitness to Practice/Disciplinary procedures are not applicable or appropriate;
- 2.9.4 to enable Staff to identify the limits to the support which they can provide and the appropriateness of referring the Student onto other agencies;
- 2.9.5 to signpost areas of support for Staff; and
- 2.9.6 to identify and implement reasonable adjustments where appropriate.

3 The procedure

- 3.1 The procedure set out in this Chapter 3 can be initiated at any stage dependent on level of concern.
 - 3.1.1 The case may be referred to the University's legal team at any stage to ensure compliance.
 - 3.1.2 Medical evidence may be requested.
 - 3.1.3 At each stage of the procedure, the Student should be encouraged to be present. However, if the Student fails to attend a meeting despite all reasonable attempts by the University to accommodate their attendance, the meeting will take place in the absence of the Student. Any written submissions by the Student or in exceptional circumstances a third-party representative, will be considered at the meeting. Written submissions should be made to the Welfare Lead (or nominee), who will chair the meeting.
- 3.2 The procedure has 3 stages based on the degree of concern and/or the perceived seriousness of the situation. (See Appendix 1)
 - 3.2.1 **Stage 1** Emerging Concern; currently managed by the University's existing mechanisms of support which may include but are not limited to interventions by the Student at Risk

Committee, Disability Advice and Support (DAS), The Student Welfare Service or the Student's Personal Tutor.

3.2.2 **Stage 2** Enhanced Concern; where the Student's behaviour is having a significant impact on the Student's own wellbeing and/or the wider University community.

3.2.3 **Stage 3** Serious Concern; where there remains significant concern, or a pattern of behaviour which continues after intervention at Stage 2 has been completed.

3.3 Any use of these procedures must be in accordance with the data protection requirements specified in section 4.

4 Data Protection Issues

4.1 The University and its Staff are governed by the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). It also adheres to the duty of confidence and the Human Rights Act (Article 8).

4.2 Under data protection legislation, all data relating to a person's physical or mental health is regarded as special category data. There are more protections and privacy rights regarding special category data as defined in 4.4 below.

4.3 For electronic communications, including email and cookies, the University complies with the Privacy and Electronic Communications Regulations (PECR).

4.4 The University will process all personal information in accordance with data protection legislation and its Data Protection Policy. Specifically, any processing of personal data must be lawful, fair and transparent, with the minimum amount of personal data used, and kept for the minimum amount of time necessary, always kept secure and confidential, and reasonably kept accurate.

4.5 Subject to paragraph 4.6 below, in cases where, in the member of Staff's judgement, it would be in a Student's best interests to disclose sensitive information including special category data (e.g. so that appropriate support may be provided) the Student will be notified in writing, and given a reasonable opportunity to explicitly consent to the disclosure, specifying any conditions to be placed on the disclosure or other processing of the data. It is the responsibility of the person passing on the information to ensure it is done under any terms agreed with the Student. If consent is

not provided, then the information will not be disclosed other than in circumstances covered under sections 4.6 and 4.7.

- 4.6 Wherever consent is the lawful process for processing personal data, or explicit consent for processing special category personal data, any processing must stop if this consent is withdrawn.
- 4.7 If the Student chooses not to explicitly consent, this decision will be respected where possible. In these circumstances, the implications of non-disclosure in terms of additional support should be made clear. However, there may be occasions when the Student's consent has either been withheld or not explicitly given, but disclosure will be made nevertheless. The decision to disclose in these circumstances will be taken only after consultation with the Information Governance Team. Examples of such circumstances are when in the University's reasonable opinion:
 - 4.7.1 the Student's mental health has deteriorated to the extent of threatening their personal safety.
 - 4.7.2 the Student is at risk of serious abuse or exploitation.
 - 4.7.3 the Student's behaviour is adversely affecting the rights and safety of others.
 - 4.7.4 the member of Staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed).
 - 4.7.5 the Student is either under 18 years or a vulnerable adult (see [University Safeguarding Policy](#)).
- 4.8 Under data protection legislation, special category data can only be processed if a specific lawful basis exists. The lawful bases below are relevant.
 - 4.8.1 Article 9 (2) (a) Explicit consent which should be unambiguous and freely given and should be recorded in writing.
 - 4.8.2 Article 9(2) (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent (Note in this sense vital interests refers to a life or death situation).

4.8.3 Article (9) (g) processing is necessary for reasons of substantial public interest. This needs to tally with a specific condition within the Data Protection Act 2018. Relevant conditions are:

4.8.4 Preventing or detecting unlawful acts.

4.8.5 Safeguarding of children and of individuals at risk.

4.9 Staff should first consult with Head of Student Welfare if they believe there is a need to break the commitment to confidentiality

4.10 All procedures covered by this chapter are carried out in accordance with the data protection requirements outlined above.

5 Support

5.1 During all stages of the procedure, Students may seek support and be accompanied by a Student's Companion (whose role is set out in the Glossary to these Regulations.)

5.2 The role of the Student's Companion is not to offer formal representation, but to offer support and advice to the Student.

Part B: Invoking the procedure

6 Stage 1: Emerging Concerns

6.1 In situations where a Student's behaviour or wellbeing causes concern but does not present an immediate crisis e.g. on-going depression, anxiety, eating disorder, initial support should be provided and the Student's behaviour monitored through the faculty in consultation with the Welfare Support Services. The Student may be signposted to additional University support services or, if appropriate, to community-based services.

6.2 In cases of emergency situations e.g. immediate intent to seriously self-harm, commit suicide or to harm others, Staff must always call 999.

5. Stage 2: Enhanced Concerns

7.1 If the situation being monitored at Stage 1 escalates, for example:

7.1.1 complaints from other Students regarding behaviour

7.1.2 a significant concern for academic achievement

7.1.3 the Student refuses to access support

- 7.1.4 the Student begins to exhibit behaviour that is causing significant concern
- 7.1.5 repeated missed appointments
- 7.1.6 disengaging with study
- 7.1.7 social withdrawal

the Student At Risk Committee should be informed as soon as possible.

- 7.2 A case review discussion will be convened, as per Annex 1 of this chapter, to include the Student (and the Student's companion where applicable), Welfare Lead or nominated officer (Chair), and a maximum of two members of Staff which may include the following as appropriate: Associate Professor Student Experience (or elected nominee), Personal Tutor, Faculty Engagement Officer and serviced by the Academic Support Office.
- 7.3 The Student will be notified 10 working days prior to the date of the case review discussion. If the Student fails to attend a meeting despite all reasonable attempts by the University to accommodate their attendance, the meeting will take place in the absence of the Student. Any written submissions by the Student will be considered at the meeting.
- 7.4 The case review discussion will address any concerns that are raised and mitigating circumstances, as per Annex 1 of this chapter. It could also include the following:
 - 7.4.1 Outline the expectations of the University.
 - 7.4.2 Details of any risk assessment undertaken.
 - 7.4.3 Examine supporting evidence from Welfare Services.
 - 7.4.4 Examine academic progress reports and attendance record.
 - 7.4.5 Consider whether the Fitness to Practice policy is required to be invoked (if applicable).
 - 7.4.6 Review the Student statement and or any evidence submitted by the student.
 - 7.4.7 Discuss with the Student possible outcomes and expectations.

8 Outcomes

- 8.1 As a result of the meeting the following are **examples** of outcomes that may be reached (if the Student is not present at the meeting, all outcomes will be communicated in writing):
 - 8.1.1 An action plan to be reviewed at agreed points for a maximum of six months.

- 8.1.2 A recommendation for the Student to interrupt or withdraw from their programme (subject to requirements under the [Academic Regulations.](#))
- 8.1.3 Recommendation to change registration terms i.e. to part time or distance learning, subject to the terms of accreditation for that programme.
- 8.1.4 Transfer to a shadow/alternative course (subject to the [University's Admissions Policy](#) and [Academic Regulations](#) and with the permission of the Faculty)

- 8.2 The outcome of the discussion and action plan, if applicable, will be confirmed to the Student in writing within five working days of the case review panel meeting.

- 8.3 The Welfare Team will keep a central record of notes of the meeting, all referrals, action and developments in the case and relevant colleagues will be updated on a 'need to know' basis, via the Faculty Engagement Officer.

- 8.4 Where necessary and appropriate, Student Support Services will also offer support to those Students and Staff who may be affected by any incident or on-going situation e.g. in Student accommodation.

- 8.5 A decision will be made by the relevant academic lead, with advice from Head of Student Welfare, as to whether the Student's nominated emergency contact should be informed in extreme circumstances. Such decision-making needs to be guided by the University's Duty of Care policy and data protection legislation

- 8.6 Where appropriate, there will be contact with the Accommodation Team and the Security Office, particularly if the Student, or others living close to the Student, may need to be moved to alternative accommodation.

- 8.7 Where a Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, the Faculty Fitness to Practise Lead will be informed that this procedure has been invoked.

- 8.8 If a Student elects to interrupt their studies for a period of time as agreed at the case review panel meeting, Welfare and Support services will advise the Student with regard to financial implications, accommodation and any other welfare issues as appropriate.

9 Return to Study

- 9.1 Following a period of absence from the University for recuperation or treatment, it may be appropriate for the Student to return to resume studies. 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, on their return to the University.
- 9.2 The University may require the Student to produce to a nominated person from Welfare Support Services, appropriate confirmation from a medical or health professional of their health and ability to resume studying. The Welfare Support Services will support the Student to access an appropriate referral from an external third party if required. Evidence from medically qualified family or friends will not be accepted unless they are officially treating the Student.
- 9.3 The Faculty Engagement Officer, working in partnership with relevant University Staff (from Faculty, Security and Welfare) will conduct a review of the documentary evidence of the Student's mental and/or physical wellbeing and contextualise such evidence within the demands of the course. The Student will be informed of the outcome of the review.
- 9.4 The Student has the right to appeal the decision of the case review panel, in line with Part C of this Chapter.
- 9.5 Consideration of the duration of any interruption will include:
- 9.5.1 the most appropriate time for the Student to return to study,
 - 9.5.2 the altered structure of the programme of study; and
 - 9.5.3 the ability of student support services to support the Student.
- 9.6 Any interruption will be subject to the University's period of registration as defined in the [Academic Regulations](#).
- 9.7 Welfare Services will provide assistance with drawing up a 'Return to Study Plan' in consultation with the Student and the Faculty Lead. The Plan will address and include:
- 9.7.1 the specific study-related support needs of the Student in returning to education;
 - 9.7.2 the support which is reasonably required in the short term;
 - 9.7.3 the involvement of and liaison with external agencies;

- 9.7.4 any longer-term support or adjustments that are reasonably required and any conditions that might or will apply to provision;
- 9.7.5 a risk management plan that takes account of the experiences that led to the student initially interrupting their studies and any other information that is known to be relevant.
- 9.8 Any return to study will be subject to the Student's co-operation with this process and full adherence to the Return to Study Plan.
- 9.9 Other members of staff within Student Services will be available to provide advice and support 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 with the direct involvement of, or in consultation with Student Welfare Services.

10 Stage 3: Serious Concerns

- 10.1 Where there remains significant concern, or a pattern of behavior continues after intervention at Stage 2 has been completed —the Student Welfare Service will recommend that Stage 3 of the procedure is invoked and a Support to Study Panel will be convened.
- 10.2 The Support to Study Panel shall consist of:
 - Pro Vice Chancellor, Dean or Deputy Dean of Faculty (or nominee) (Chair),
 - Head of Student Welfare (or nominee),
 - Faculty Lead (from Associate Dean Academic, University Senior Tutor or nominee)
 - Representative of the DSU Executive Committee.
 - The Student may be accompanied by a Student's companion and will be recommended to seek advice from the Student's Union.
 - The Clerk to the Committee, or nominee, will take notes.
- 10.3 The Student shall be notified within 14 working days of the hearing. If the Student fails to attend a meeting despite all reasonable attempts by the University to accommodate their attendance, the meeting will take place in the absence of the Student. Any written submissions by the Student will be considered.
- 10.4 The Support to Study Panel shall:
 - 10.4.1 consider a summary of the current situation from a nominated member of the welfare team.

- 10.4.2 consider representations made by the Student.
- 10.4.3 identify achievements made from previous action plans.
- 10.4.4 consider relevant University regulations.
- 10.4.5 consider any further medical evidence or welfare reports.
- 10.4.6 consider the consequences of failing to complete the agreed actions.

11 Outcomes

- 11.1 The Support to Study Panel shall have discretion to make any decision appropriate to the circumstances and consistent with ensuring the safety and wellbeing of the Student, other members of the University and the public. Where possible the decision should be made with the Student's agreement.
- 11.2 As a result of the hearing the following are examples of outcomes that may be reached:
 - 11.2.1 Recommendation for further support and Return to Study Plan to be reviewed at agreed points for a maximum of three months.
 - 11.2.2 Recommend, but not impose, an interruption of registration for a defined period of time or withdrawal.
 - 11.2.3 Recommendation that the Student's behaviour is dealt with through the disciplinary process in line with chapter 2, Part C of these Regulations.
- 11.3 The outcome of the hearing will be confirmed to the Student in writing within five working days of the hearing taking place. Minutes will be taken and kept in the central record by the Student Welfare Service.

Part C: Right to Appeal

12 A Student's right of appeal

- 12.1 The Student has the right to appeal the decision of the Support to Study Panel and should do so by writing to the Clerk to the Committee by email to the acasupportffice@dmu.ac.uk within ten working days of notification of the outcome of the panel hearing.

13 The Support to Study Appeal Panel

- 13.1 The Support to Study Appeal Panel consists of a Governor (Chair), Welfare Adviser, Senior Member of Staff.
- 13.2 No person who has been previously consulted or involved in the case shall be part of the Support to Study Appeal Panel.

14 Grounds for appeal

- 14.1 Students may request an appeal against a decision of the Support to Study Panel on the following grounds only:
 - 14.1.1 that there is new and relevant evidence which the Student was demonstrably and for the most exceptional reason unable to provide in the first instance; and/or
 - 14.1.2 that the Panel did not comply with its own procedures as set out above.
- 14.2 The Chair of the Support to Study Appeal Panel may decline the request for an appeal without bringing the matter to the Support to Study Appeal Panel if in their reasonable opinion it appears that the grounds of appeal are not made out or are so lacking in substance that further consideration would not be justified. The decision of the Chair is final and not subject to review by any other University body.
- 14.3 In the event that a request to appeal is granted, the decision of the Support to Study Panel will not be carried out until the appeal process is concluded.
- 14.4 If the Chair directs that an appeal should be heard, the Clerk to the Support to Study Appeal Panel shall arrange a hearing of the Panel.
- 14.5 The Support to Study Appeal Panel will normally hear the appeal within 10 working days of the receipt of the Student's request to appeal.
- 14.6 If the Student fails, without reasonable excuse, to attend the appeal hearing, the appeal shall be deemed to have been withdrawn. However, if the Student provides valid reasons in advance for being unable to attend, consideration will be given to rescheduling the meeting if practical to do so.

14.7 The following people will normally be present at the hearing:

- the Student making the appeal;
- a Student's companion if the Student so wishes;
- the Appeal Secretary, as note-taker;
- a representative of the Support to Study Panel who will present the University's case.

14.8 All those present must at all times treat all evidence as confidential.

15 Appeal Outcomes

15.1 The Support to Study Appeal Panel may:

15.1.1 allow the Student's appeal and agree to implement the outcome the Student is seeking.

15.1.2 allow the Student's appeal and offer an alternative outcome.

15.1.3 dismiss the appeal, in which case the original decision will stand.

15.2 The Appeal Secretary will prepare a written outcome and minutes of the Support to Study Appeal Panel's decision. Normally within 5 working days of the meeting, the following will occur:

15.2.1 the outcome and minutes will be sent to the Chair of the Appeal Panel and the Student.

15.2.2 the outcome will be sent to the Faculty Engagement Officer or nominee.

15.2.3 other Staff will be given such information as is necessary to implement an alternative outcome if that was the decision of the Appeal Panel.

15.3 External Review - Office of the Independent Adjudicator for Higher Education:

15.3.1 A Completion of Procedures (CoP) letter will be sent to the Student which explains that the University's internal procedure for appeals has been completed. The CoP letter should be sent to the Student normally within one calendar month if the decision of the Support to Study Appeal Panel was that the appeal was dismissed.

15.3.2 If the appeal was allowed wholly or in part, a CoP letter will not be sent unless the Student requests a CoP letter within one calendar month of the date of Support to Study Appeal Panel's decision.

Part D: Exceptional Interventions

16 Risk

- 16.1 When a Student exhibits behaviour that puts themselves or others at immediate risk a temporary suspension from campus or specified areas may be imposed, or a practice suspension may be imposed for programmes that require Students to undertake professional placements.

17 Failure to engage

- 17.1 Failure unreasonably to engage with the procedures set out in this Chapter 3 at any stage may result in a referral to the Executive Director of Student & Academic Services to initiate the disciplinary procedure (in line with General Regulations Chapter 2 Paragraph 5.14).

18 Return to Study

- 18.1 See the provision detailed in this Section 9 of this chapter.