

Nottingham Trent University

PGR Fitness to Study Policy and Procedure

Responsible and Implementation Officers

The Director of the Doctoral School and Research Operations, Doctoral School Standards and Quality Manager, all Associate Deans of Research and Postgraduate Research Tutors are responsible for the development, compliance, monitoring and review of this policy and any related procedures.

1. Purpose of this Policy

- 1.1. Nottingham Trent University is committed to providing a supportive research environment for its doctoral candidate. The University takes a positive attitude to the management of candidates' physical and mental health, and recognises that wellbeing of candidates is critical to their learning, development, achievement and experience of the doctorate.
- 1.2. Fitness to study relates to a candidate's capacity to participate fully and satisfactorily in their research programme and in life generally at the University.
- 1.3. This Policy and Procedure will apply in situations where a candidate's health, wellbeing and/or behaviour are having a detrimental impact on their ability to progress academically and function effectively at the University. It is intended to ensure an appropriate and coordinated response in situations where:
 - concerns arise over a candidate's perceived fitness to study,
 - prompt action/intervention is deemed necessary, and
 - other internal procedures (e.g. those relating to candidates' academic performance, fitness to practice under the Code of Practice for Research, or the PGR Code of Behaviour) are deemed to be less appropriate or have already been exhausted.

2. Scope

- 2.1. This Policy applies to all doctoral candidates enrolled in research programmes, for all modes of study - (Full time, Part time and At-Distance) and is associated with:
 - University campuses;
 - University residential accommodation;
 - University-related activities away from the University (such as field work and trips, research placements, joint collaborations and study abroad/exchanges).
- 2.2. This Policy and Procedure is applicable to all doctoral candidates throughout their period of enrolment with the University, including those who are seeking a return to their programme of research and whose enrolment has previously been interrupted or suspended under this Policy. This Policy may also be used in conjunction with the Code of Practice (Research), and also the Terms and Conditions agreed in the Offer Letter and/or NTU Bursary Terms and Conditions.
- 2.3. Where it is deemed appropriate or necessary, the University may implement alternative procedures (e.g. the Code of Practice for Research, the PGR Code of Behaviour, or Student Support Services' Protocol for Students Causing Serious Concern Policy) instead of, or in addition to, taking action under this Policy.

3. When this Policy should be used

- 3.1. This Policy should be used in circumstances where a candidate's fitness to study gives cause for concern and other procedures are not considered appropriate at that time or have already been exhausted. Examples of such situations include (but are not limited to) those in which:
- there is evidence of significant non-engagement by the candidate with his/her studies, which have not been satisfactorily addressed through other interventions and processes;
 - a candidate's support needs are beyond the type or level of support which the University can reasonably be expected to provide (including, but not limited to, the candidate's health, wellbeing and financial needs);
 - a candidate's behaviour is adversely affecting the activities of the University or a placement provider;
 - a candidate is perceived to pose a risk to his/her own (or others') health, safety or wellbeing;
 - a candidate's behaviour is adversely affecting the teaching, learning and/or experience of other students or doctoral candidates in the wider University.
- 3.2. In taking action under this Policy, the University will be mindful of the sensitive and confidential nature of fitness to study matters and its obligations under the Data Protection Act 1998 and Equality Act 2010.

4. General principles

- 4.1. Doctoral candidates are encouraged to seek appropriate practical and specialist support to manage and, where possible, mitigate the matters which give rise to concerns actioned under this Policy and Procedure.
- 4.2. All matters considered under this Policy and Procedure will be dealt with according to the individual circumstances. Whilst seeking to ensure consistency of approach and application, the University reserves the right to vary from the prescribed Procedure where it deems it necessary to do so in the interests of fairness and/or health and safety.
- 4.3. When a candidate is asked to attend a meeting which has been called to discuss or consider their fitness to study, they are entitled to be accompanied or represented by another person, e.g. a friend, relative, an adviser from the Nottingham Trent Students' Union's Advice Service, a health professional or personal disability assistant. The University does not permit candidates to be legally represented at such meetings.
- 4.4. In the event that a candidate is unwilling or unable to attend a meeting or participate in any other aspect of the Procedure, the University may still follow the Procedure where it is reasonable to do so. The University may also deal with issues on the basis of written reports and/or statements in the absence of the candidate and/or his/her representative.
- 4.5. References in this Procedure to steps/actions specific University post-holders shall be read as including reference to their nominees. In addition, in order to avoid potential conflicts of responsibilities, other staff members of the same or higher seniority may undertake tasks allocated to specific post-holders.

PROCEDURE

5. Overview

- 5.1. The Procedure set out below comprises two distinct levels (Level 1 and Level 2). It also includes provisions for temporary suspension in situations that require immediate action (Section 15) and a process for appeal against decisions.
- 5.2. Level 1 will typically be utilised in response to initial (non-critical) concerns about a candidate's fitness to study, with the intention of seeking a successful resolution of the matter at that Level through largely low-key/informal interaction with the candidate.
- 5.3. However, depending on the nature/severity of the concerns and the candidate's own response to the situation, the Procedure may be initiated directly at Level 2 without any requirement for Level 1 to have been commenced or exhausted.
- 5.4. This Procedure will be undertaken in a transparent manner. The candidate will be advised of the identity of the staff member dealing with the case (the Case Officer) should this not be the Doctoral School Standards and Quality Manager. Subject to any obligations of confidentiality, the candidate will normally be informed of the identity and capacity of any persons with whom the University consults about the case.
- 5.5. Prior to implementing this Procedure, University research degrees' staff are expected to consult with Nottingham Trent Student Support Services to ensure that the candidate's immediate support needs are adequately considered.
- 5.6. The candidate should be encouraged to engage with the support services offered by the University and (where appropriate) external providers.
- 5.7. When commencing action under this Procedure, the Case Officer should ensure that the candidate is provided with a copy of this Policy and Procedure for reference.

6. -Level 1 Procedure: Initial concerns

- 6.1. When concerns are raised about a candidate's fitness to study, the Doctoral School Standards and Quality Manager in conjunction with the Postgraduate Research Tutor will investigate the case. The Case Officer will be appointed by a more senior member of staff (e.g. Director of Doctoral School and Research Operations or the Deputy Vice Chancellor (Research and Enterprise)) and will normally be the Doctoral School Standards and Quality Manager.
- 6.2. The Case Officer may consult with other University staff, external professionals and other persons, as appropriate, to gather relevant information about the matter and confirm that this Fitness to Study Procedure is the most appropriate means of dealing with the matter.
- 6.3. The Case Officer will contact the candidate to advise them of the concern about their fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 1 under the provisions of this Procedure.
- 6.4. The Case Officer will arrange a meeting with the candidate, giving at least three working days' notice, in order to:
 - explain the concern;
 - discuss its perceived impact/implications and the candidate's perception of the matter;
 - allow the candidate opportunity to respond to the concern;
 - identify any related support needs the candidate may have; and
 - allow the Case Officer to reach an informed decision on the matter.
- 6.5. The Case Officer may, where they deem it appropriate, consult relevant staff from the University's Student Support Service to consider whether their attendance at the meeting with the candidate is appropriate, and must notify the candidate of any such attendee in advance of the meeting.
- 6.6. The Case Officer should remind the candidate that they are entitled to be accompanied at the meeting, and ask the candidate to confirm in advance whether or not they will be attending and the identity and role of any person who will be accompanying and/or representing them at

the meeting. For avoidance of doubt, the Case Officer is at liberty to continue with the Procedure in the event that the candidate is unable or unwilling to participate.

- 6.7. After taking account of the advice and input received from others, including any comments/representations made by the candidate, the Case Officer will determine whether the candidate's fitness to study is impaired and what actions (if any) need to be taken. Such actions may include one or more of the following:
- a) Implementation of appropriate support arrangements and/or reasonable adjustments for the candidate;
 - b) A time-bound action plan to be drawn up, with the agreement of the candidate (where possible), setting out the ways in which the matter will be managed including any obligations on the part of the candidate (e.g. in respect of his/her conduct, engagement with studies, or support that they should seek);
 - c) Other action commensurate with the objective of resolving the matter at Level 1;
 - d) Escalation of the matter to Level 2 of this Procedure.
- 6.8. The candidate will be notified in writing (normally within five working days of the meeting) of the Case Officer's decision, with reasons, and any actions to be taken.
- 6.9. Notes of the meeting with the candidate will be recorded and retained on the candidate's record.
- 6.10. The candidate has the right to appeal against the Case Officer's decision. The Appeal process is set out in Section 11 (Right of Appeal).

7. Level 2 Procedure: Serious and/or continuing concerns

Note: Level 2 of the Procedure can be used where, in the opinion of the University, action already taken at Level 1 has not resulted in a satisfactory outcome, or the concern is sufficiently serious or persistent as to require the Procedure to be initiated directly at Level 2.

- 7.1. The Doctoral School Standards and Quality Manager in conjunction with the Postgraduate Research Tutor will normally investigate the case. The Case Officer will be appointed by a more senior member of staff (e.g. Director of Doctoral School and Research operations or the Deputy Vice Chancellor (Research and Enterprise)) and is likely to be the Doctoral School Standards and Quality Manager.
- 7.2. The Case Officer may consult with other University staff, external professionals and other persons (as appropriate) to gather relevant information about the matter at any point in this Procedure. This consultation may, at the Case Officer's discretion, be undertaken by way of a formal case review meeting.
- 7.3. The Case Officer will contact the candidate to advise them of the concern about their fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 2 under the provisions of this Procedure.
- 7.4. The Case Officer will arrange a meeting with the candidate, giving at least three working days' notice, in order to:
- explain the concern;
 - discuss its perceived impact/implications and the candidate's perception of the matter;
 - allow the candidate opportunity to respond to the concern;
 - identify any related support needs the candidate may have; and
 - allow the Case Officer to reach an informed decision on the matter.
- 7.5. The Case Officer may, where they deem it appropriate, invite other University staff and/or external professionals to attend the meeting, and must notify the candidate of any such attendee in advance of the meeting.
- 7.6. The Case Officer should remind the candidate that they are entitled to be accompanied at the meeting, and ask the candidate to confirm in advance whether or not they will be attending and the identity and role of any person who will be accompanying and/or representing them at the meeting. For avoidance of doubt, the Case Officer is at liberty to continue with the Procedure in the event that the candidate is unable or unwilling to participate.

- 7.7. After taking account of the advice/information made available to them, including any comments/representations made by the candidate, the Case Officer will determine whether the candidate's fitness to study is impaired and what actions (if any) need to be taken. In deciding on the actions to be taken the Case Officer will have due regard for the implications they may have for the candidate's statutory financial support. Such actions may include, but are not limited to, one or more of the following:
- a) Implementation of appropriate support arrangements and/or reasonable adjustments for the candidate;
 - b) A time-bound action plan to be drawn up, with the agreement of the candidate (where possible), setting out the ways in which the matter will be managed and any obligations on the part of the candidate (e.g. in respect of his/her conduct, engagement with studies, or support that they should seek);
 - c) A recommendation to the candidate that they take a period of voluntary absence from the programme of research and/or from the relevant area of activity as appropriate (e.g. student accommodation);
 - d) A decision to withdraw the candidate from any current placement, overseas activity or other University related activity;
 - e) Permitting the candidate to continue their studies on a part-time basis or to study away from the University if this is practicable;
 - f) Imposition of a formal suspension of study on the candidate for a stated period of time and/or exclusion from specified University facilities/activities, with or without conditions for any subsequent return to study or readmission to those facilities/activities. (See section 8);
 - g) Termination of the candidate's studies at the University (Section 9).
- 7.8. The Case Officer may choose to communicate their decision orally in person to the candidate, particularly where circumstances indicate a need for prompt notification. Whether or not such verbal notification is given, the candidate will be notified in writing (normally within five working days of the Case Officer making the decision), with reasons for the decision and details of any actions to be taken.
- 7.9. Minutes will be taken at the meeting with the candidate and these minutes and the decision of the Case Officer (including the rationale for that decision) will be recorded and retained by the Doctoral School as part of the candidate's formal records.
- 7.10. The candidate has the right to appeal against the Case Officer's decision. The Appeal process is set out in Section 10 (Right of Appeal).

8. Formal Suspension (for a specified period)

- 8.1. In the event that the Case Officer considers that the candidate should be subject to a formal suspension from the programme of research (or exclusion from certain University facilities/activities) for a specific period of time, the proposed suspension must be referred to the candidate's Associate Dean of Research (ADR) in the relevant Academic School for consideration and to the Director of the Doctoral School and Research Operations for approval.
- 8.2. When the candidate is informed of the decision to suspend, they will also be provided with details of any conditions associated with eligibility to return to the programme of research or for readmission to the facilities/activities from which the candidate is being excluded. Candidates who are funded by NTU and are suspended from their programme of research will have their stipend suspended also.
- 8.3. The Associate Dean of Research and Postgraduate Research Tutor in the relevant Academic School will liaise with Student Support Services, members of the Doctoral School and the supervisory team to ensure that a plan to support the candidate's return to the programme of research (where required) is devised and implemented.
- 8.4. The candidate has the right to appeal against such a Level 2 outcome decision. The Appeal process is set out in section 10 (Right of Appeal).

9. Termination of Studies

- 9.1. In the event that the Case Officer considers that the candidate's studies should be terminated, the proposed termination must be referred to the Director of the Doctoral School and Research Operations and to the Deputy Vice-Chancellor (Research and Enterprise) for consideration and approval.
- 9.2. In the event that the decision to terminate the candidate's studies is approved in accordance with section 9.1, the candidate will be informed of the decision in writing together with reasons and any resulting consequences.
- 9.3. The candidate has the right to appeal against such a Level 2 outcome decision. The process is set out in Section 10 (Right of Appeal).

10. Right of Appeal

- 10.1. In notifying a candidate of the outcome decision in a Fitness to Study case at either Level, the Case Officer shall advise the candidate of their right to appeal against the decision.
- 10.2. Any such Appeal should be submitted to the Doctoral School FAO the Director of the Doctoral School and Research Operations (the Appeal Officer) who shall consider whether the Appeal has been made on one or more of the permitted grounds and within the prescribed timeframe and if so, whether the evidence or arguments put forward by the doctoral candidate have sufficient merit to justify invoking the formal Appeal procedure.
- 10.3. If the Appeal is being made on the grounds that new and relevant material or evidence has become available, the doctoral candidate must submit that material or evidence as part of the written Appeal.

11. Submission and Timing of Appeals

- 11.1. An Appeal must be made in writing, and must be received by the Appeal Officer within the following timescales:
 - a) In respect of a Level 1 decision, within **five** working days of the date of the letter/communication notifying the candidate of the original outcome decision;
 - b) In respect of a Level 2 decision which does not include either formal suspension or termination of studies, within **five** working days of the date of the letter/communication notifying the candidate of the original outcome decision;
 - c) In respect of a Level 2 decision which resulted in either formal suspension or termination of studies, within **ten** working days of the date of the letter/communication notifying the candidate of the original outcome decision.

12. Grounds for Appeal

- 12.1. A candidate is entitled to submit an Appeal on one or both of the following grounds:
 - The University failed to correctly follow its own Procedure.
 - The candidate has significant new information or evidence which was not reasonably available at an earlier time.
- 12.2. When submitting an Appeal, the candidate must provide associated evidence/information in support of the ground(s) on which the Appeal is being made.

13. Consideration of an Appeal

- 13.1. If the Appeal Officer is satisfied that there are valid grounds for an Appeal and that the strength of the evidence/arguments presented in the Appeal merits consideration, the Appeal Officer shall convene an Appeal Panel.
- 13.2. The appeal should be considered within **10 working days** of its receipt or, where the Appeal is to be considered by a Panel, within **20 working days** of receipt of the appeal. The response will be communicated within **20 working days** of receipt of the research appeal. If this is not possible, an alternative timescale will be provided.
- 13.3. The Appeal Panel has the power to decide whether the original outcome decision should

stand, be revoked or be amended.

- 13.4. In the event that the Appeal Panel decides to amend the original decision, they have the power to vary the nature and extent of any obligations imposed on the candidate by that original decision.
- 13.5. The outcome of the Appeal will be notified to the candidate in writing together with reasons within **five** working days of determination of the Appeal. The decision of the Appeal Officer/Panel is final. The written notification of the Appeal outcome will also represent a formal "Completion of Procedures" and will provide information on the candidate's right to seek independent external review via the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk).

14. Return to programme of research

- 14.1. A candidate who wishes to return to their programme of research (following an imposed or voluntary suspension resulting from actions taken under this Policy and Procedure) must submit a formal written request to the Director of the Doctoral School and Research Operations, the relevant Associate Dean of Research and Postgraduate Research Tutor of his/her Academic School.
- 14.2. The approach to be adopted in determining a return to programme of research request is likely to be influenced by the context and specific circumstances of the case. Accordingly, the actual process to be followed in any given case will be at the discretion of the Associate Dean of Research in the relevant Academic School, in conjunction with the Director of the Doctoral School and Research Operations, with the objective of establishing that the candidate is fit to resume their programme of research and has complied with any conditions placed upon the candidate's return.
- 14.3. The Associate Dean of Research in the relevant Academic School, in conjunction with the Director of the Doctoral School and Research Operations will determine whether to permit the candidate to return to their programme of research. In order to reach an appropriately informed decision, the relevant Associate Dean of Research may (among other things):
 - consult with relevant University staff and/or external professionals;
 - require the candidate to meet with staff from the University's Support Services and (where deemed appropriate) other staff or external professionals for input/advice to assist the Associate Dean of Research to reach a decision on the request (this may include referral to external agencies for assessment of medical fitness to resume the programme of research, where necessary);
 - require the candidate to produce satisfactory medical and/or other evidence of his/her fitness to study from recognised professionals (e.g. a GP, qualified mental health specialist) who have sufficient knowledge of the candidate.
- 14.4. The decision of the Associate Dean of Research, in conjunction with the Director of the Doctoral School and Research Operations will be notified to the candidate in writing, normally within **ten** working days of the candidate's written request to return to their programme of research.
- 14.5. In the event of a decision to permit a return to the programme of research, the Associate Dean of Research may impose conditions upon the candidate (for example, relating to the candidate's conduct, any support they should seek or academic progress they are expected to make).
- 14.6. In the event that the candidate's request to return to study is declined, the notification letter will include the reasons, along with information on the process of re-application for a return to the programme of research. In the event that the candidate wishes to appeal against a decision to decline the request to return to their programme of research, the doctoral candidate may do so by writing to the Director of the Doctoral School and Research Operations setting out the reasons for contesting the decision. The decision of the Director of the Doctoral School and Research Operations is final.
- 14.7. At the direction/request of the Associate Dean of Research, Student Support Services (in consultation with appropriate staff in the candidate's School and other University services)

will identify any support and/or reasonable adjustments which should be put in place for the candidate in connection with the doctoral candidate's return to their programme of research.

- 14.8. The University will work collaboratively with the candidate in respect of any support arrangements put in place for a return to their programme of research.
- 14.9. On or before their return, the candidate will be invited to attend a 'Return to Study' Meeting with appropriate members of academic staff (i.e. the Director of Studies, supervisory team and Postgraduate Research Tutor and Student Support Services). At this 'Return to Study' Meeting, an action plan will be drawn up to support the candidate's successful transition back to their programme of research. The action plan will detail any conditions imposed and any support identified in respect of the candidate's return. The candidate will be provided with a copy of the action plan as part of the supervisory meeting record.