

Section 9

Procedures for the Restriction or Leave of Absence¹ of a Student on Health Grounds

Guidance may be sought from the University Secretary's Office + 44 (0)191 227 4399 or Student Services + 44 (0)191 227 4127

Students may seek independent advice and support from the Students' Union Advice and Representation Centre - su.advice@northumbria.ac.uk

9.1 Introduction

- 9.1.1 The University welcomes and encourages a diverse student population and takes all reasonable steps to support our students in their wish to study on our programmes. However, the University recognises that, on rare occasions, a student may become either physically or mentally unwell such that their own health or welfare, that of other members of the University or those with whom they come into contact as part of their programme, or the interests of the University, are compromised. These factors are used to judge a student's fitness to study.
- 9.1.2 The University has well-established rules in respect of student discipline (Section 3 of this Handbook). It is considered that those rules may not always be appropriate where Restriction, Suspension or Expulsion is being considered and the student's health and welfare is a material factor.
- 9.1.3 These regulations therefore apply where the state of health (mental or physical) of the student is a relevant factor and it is thought appropriate to consider the Restriction or Suspension of the student. Throughout the operation of these procedures it is expected that there will be collaboration amongst all those responsible for the student (Guidance Tutor, Programme Leader, Student Support & Wellbeing Service, etc) in order to ensure that the fullest information is available and the student is appropriately supported.
- 9.1.4 It is recognised that a case being considered under Student Disciplinary Rules and Procedures (Section 3 of this Handbook) or Academic Misconduct (Assessment Regulations for Northumbria Awards, Appendix I) procedures may require consideration of the health of a student, in which case reference to these regulations may be appropriate, but such a case shall otherwise continue under the procedures under which it commenced.

9.2 Procedure

- 9.2.1 Where the Dean considers that there are *prima facie* grounds for the student to be Restricted or otherwise suspended from the University and concerns have been raised about the health of the student such that the Dean considers that the conduct of the student is being affected by his/her state of health, then the Dean shall prepare a report for the Vice-Chancellor. This report shall be prepared after consultation with the Head of Welfare, Student Services. The student will be informed in writing that such a report has been sent to the Vice-Chancellor.

¹ Leave of Absence means the temporary suspension of studies and all associated activities at the University. This may be subject to qualification such as permission to attend for the purpose of examination, or other form of assessment.

- 9.2.2 The Vice-Chancellor shall consider the case in the light of the report of the Dean and any other medical evidence available and within five working days shall decide whether it is necessary to Restrict or place the student on Leave of Absence on the basis of this being necessary:
- (a) In the interests of the state of health, safety or welfare of the Student, or
 - (b) In order to protect other members of the University in general, or a particular member or members, or
 - (c) To safeguard the interests of the University.
- 9.2.3 The Vice-Chancellor shall decide for what period or periods the student shall be Restricted or placed on Leave of Absence.
- 9.2.4 The student shall be informed in writing of the decision of the Vice-Chancellor. It will be made clear that the decision has been made on medical grounds, supported by such medical evidence that is available, and is not a disciplinary matter and the student will be given information and guidance on any implications for his/her return to study. In the case of international students, the implications for their visa will also be explained.
- 9.2.5 Copies of the Vice-Chancellor's report will also be sent to the Dean of the student's School and any other relevant officers of the University.
- 9.2.6 A student shall be placed on Leave of Absence only where a Restriction would be inadequate.
- 9.2.7 A student shall not be Restricted or placed on Leave of Absence unless he or she has been given an opportunity to make brief representations to the Vice-Chancellor. Where, for any reason, the Vice-Chancellor considers that it may not be practicable for the student to make representations in person; he/she shall be entitled to make representations in writing. Such representations should be made within five working days of being informed by the Dean under 9.2.1.
- 9.2.8 In urgent cases the Vice-Chancellor may Restrict a student or place them on Leave of Absence with immediate effect provided that the opportunities described in 9.2.7 are given and the matter reviewed within three working days.

9.3 Review

- 9.3.1 The decision of the Vice-Chancellor to Restrict a student or place them on Leave of Absence shall be subject to periodic review in the light of developments or written representations made by the student, or anyone else acting on their behalf as outlined below.
- 9.3.2 In the first instance, such a review shall be undertaken by the Vice-Chancellor upon receipt of a report from a medical practitioner nominated by the student and/or the opinion of a relevant professionally qualified person. In addition to such reports, the student may be requested to consent to undergo an assessment of his/her fitness to continue with his/her programme of study, which will be conducted by a suitably professionally qualified person appointed by the University to act as its Medical Adviser. If they deem it necessary, and with the informed, signed, consent of the student, the Medical Adviser will seek to obtain health reports and advice from other

health professionals who have been involved in the care of the student. The review will also be informed by a consideration of the impact of any Restriction or Leave of Absence on the student's liability for fees or their residence status.

- 9.3.3 With the informed, signed, consent of the student, the University's Medical Adviser will issue a confidential report to the Vice-Chancellor (and other officers of the University who they may consult for advice) advising on the fitness or otherwise of the student to continue with their studies.
- 9.3.4 Where the student withholds their consent for the Vice-Chancellor to obtain a report from the University's Medical Adviser, or for the University's Medical Adviser to obtain reports from other health professionals who have been involved in the care of the student, any decision will be made in the light of the information otherwise available.
- 9.3.5 Following the review, the Vice-Chancellor shall inform the student of their decision within five working days. The Vice-Chancellor may:
- (a) Lift the Restriction or placement on Leave of Absence, subject to an undertaking by the student to comply with such conditions as the Vice-Chancellor may deem fit, for example the student completing a course of treatment, or
 - (b) Continue the Restriction or placement on Leave of Absence, either for a fixed period, or indefinitely.
- 9.3.6 If the Restriction or placement on Leave of Absence is continued, then the student may appeal by writing to the University's Student Appeals and Complaints Ombudsman, setting out the grounds for the appeal and appealing for a further review of the decision of the Vice-Chancellor. Such a review will be conducted by the Student Advisory Panel (as comprised in accordance with 9.5.1) following procedures set out in 9.5.
- 9.3.7 The Student Advisory Panel may decide to adjourn its proceedings at any time in order to obtain further information, including, but not confined to, a further opinion of the University's Medical Adviser or other relevant professionally qualified person as to the fitness and capability of the student.
- 9.3.8 The Student Advisory Panel shall advise the Vice-Chancellor on the need for the Restriction or placement on Leave of Absence to continue or otherwise, including this being made indefinite. The Vice-Chancellor shall advise the student and the Student Advisory Panel of their decision in writing, within five working days of receipt of the Advisory Panel's recommendation
- 9.3.9 In the event that the student remains Restricted or on Leave of Absence for a period exceeding three months since the decision of the Vice-Chancellor under Regulation 9.3.5 or 9.3.8, he/she may make a further written appeal to the Student Advisory Panel, in which event, the provisions of Regulations 9.3.6 to 9.3.8 shall apply, *mutatis mutandis*, to such an appeal.
- 9.3.10 There is no right of appeal under internal University processes against the decision of the Student Advisory Panel under these regulations, which decision(s) shall be binding and final. If the student remains dissatisfied with the ruling of the Student Advisory Panel they may complain to the OIA (regulation 9.6).

9.4 Return to Study

- 9.4.1 Should a decision be made to Restrict or place a student on Leave of Absence, then the University will maintain the student's opportunity to return to study until such time as they are deemed 'fit to study'.
- 9.4.2 Any return to study shall be considered by a Student Advisory Panel under Regulations 9.3.6 to 9.3.8 on presentation of new evidence, normally including an appropriate risk assessment and support plan.
- 9.4.3 The University cannot guarantee that places on a particular programmes or modules will remain available but where a programme or modules are unavailable, will endeavour to arrange acceptable alternatives. If a student is not able to return to their original programme of study due to being unable to satisfy the requirements of that particular programme, advice will be provided to the student of any alternative programme that may be appropriate

9.5 Rules Relating to the Operation of the Student Advisory Panel

- 9.5.1 The Student Advisory Panel shall consist of:
- Deputy Vice-Chancellor or Pro Vice-Chancellor not involved in making the original decision to Restrict the student or place them on Leave of Absence, who shall act as Chair.
 - The Dean of a School other than that of the student.
 - One member of academic staff from a School other than that of the student and who shall have not taught the student or had any other dealings with them.
 - The Head of Welfare or his/her nominee.
 - A Sabbatical Officer of the Students' Union who has not been previously involved with the student.
 - The Chair may co-opt such other members (on an advisory basis) as they deem necessary. Such advisory members may be from within or without the University.
 - The Student Appeals and Complaints Ombudsman shall act as Clerk to the Panel.
 - The Dean, or their nominee originally involved, shall present the University's case.
- 9.5.2 Where a Hearing is to be held before the Panel, the Clerk to the Panel shall inform the student in writing of the matters to be considered by the Panel, the membership of the Panel and the manner of its conduct. The student shall be informed of their right to be accompanied or represented by a Friend at the Hearing. The notice shall be sent not less than ten working days before the date of the Panel subject to it being

permitted to reduce the period of this notice with the permission of the student and the Chair.

- 9.5.3 The student shall have the right to submit, in writing, in advance of the Hearing, any material they feel is relevant to the matters to be discussed. Such materials should normally be submitted not less than three working days before the due date of the Hearing to the Clerk of the Panel who will distribute them to the Panel.
- 9.5.4 The conduct of the Hearing shall be as follows:
- (a) At the opening of the Hearing, the matters to be discussed shall be confirmed.
 - (b) Consideration of the University's case and production of evidence in support of it.
 - (c) Consideration of the response by the student or their representative, and the production of evidence in support of it.
 - (d) Evidence may be presented orally or by way of a written and signed statement.
 - (e) Members of the Panel shall have the right at any stage, to ask questions of the University representative, the student (or their representative), and any witnesses who may be called by either party.
 - (f) If the Hearing is adjourned, when the Hearing is resumed, no fresh evidence shall be presented, except by leave of the Panel, unless:
 - (i) the substance of such evidence has been communicated to the Clerk of the Panel not less than five working days before the resumption of the Hearing
 - or
 - (ii) it is in the nature of a reply to any such evidence.
 - (g) If the student does not appear at the Hearing, and the Panel is satisfied that due notice had been sent to the student, the Panel may proceed with the Hearing in the student's absence, or may adjourn the Hearing.
 - (h) The Clerk to the Panel will communicate the recommendations of the Panel to the Vice-Chancellor within two working days of the Hearing.
 - (i) The Vice-Chancellor shall advise the student of their decision in the light of the recommendations of the Student Advisory Panel within five working days of receipt of the recommendations. Copies of the Vice-Chancellor's report will also be sent to the Chair of the Student Advisory Panel, the Dean of the student's School and any other relevant officers of the University. A copy will also be sent to the Student Appeals and Complaints Ombudsman who will issue a 'Completion of Procedures Letter'.

9.6 Independent Adjudication

Under the Higher Education Act 2004 provision is made for reference of student complaints to the Office of the Independent Adjudicator (OIA) for Higher Education when the University's internal student complaints processes have been exhausted, but the student remains dissatisfied with the outcome.

On completion of the University's internal Appeals Procedure a student will be issued with a 'Completion of Procedures Letter' by the University Secretary's Office and provided with details of the services available to the student from the Office of the Independent Adjudicator. The Completion of Procedures Letter will:

- provide a description of the complaint
- confirm that the University's internal complaints procedure has been completed
- state the outcome of the internal complaint process
- confirm that the student has the right to take the complaint to the OIA
- indicate how a student can contact the OIA
- stipulate that the OIA will only consider complaints from students within a period of three months from the date of the Completion of Process Letter
- enclose an explanatory leaflet on the OIA.

Further advice and/or assistance concerning the OIA, or in contacting or submitting a complaint to the OIA, should be obtained from the University Secretary's Office.