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REMEMBER: If there is an immediate concern for the safety of any person, this should be reported to the Emergency Services on 999 or 112. NUI Galway Security Services should also be informed via an Emergency Tel. Contact Number 091 – 493333.
Fitness to Study Policy

1. Introduction

1.1 NUI Galway, as stated in our strategic plan Vision 2020, is committed to ensuring that our students develop their full intellectual potential. This is a two-way process, where students and lecturers engage fully with their programmes of teaching and learning. Our aim is to empower students to shape their own futures, by ensuring that they are academically well developed and prepared for life, work and citizenship. Recognising the challenges of the academic journey, we are committed to the holistic development of our diverse student community. Central to our students’ well-being and identity is a sense of belonging. That sense is strengthened when students feel securely anchored within their learning communities, when they can define in their own words the skills and capacities that they are developing through their programmes, and when they have access to support in such areas as accommodation, finance, welfare, sport and culture. Therefore, students should be able to study and perform to the best of their ability in a safe and comfortable environment. In most circumstances it is also expected that students take sufficient responsibility to maintain their own fitness to study. For the vast majority of students, progression and completion of their studies is achieved without any additional support other than those elucidated above. However, for some students a coordinated approach is needed in order to respond to a student in distress. Likewise, students need to conform to certain standards of behaviour in order to maintain and enhance the University community. When a situation arises where the student is disrupting his/her own studies or those of others or placing unreasonable demands on staff or other students a policy is needed to address this. The cause of these actions may be related to a student’s health and wellbeing and therefore it would not be appropriate to deal with under the disciplinary Code of Conduct. In this case the most appropriate action is to invoke the Fitness to Study Policy.

1.2 The Fitness to Study Policy should be seen as a positive and supportive process that recognises the individual needs of a student. The intention is to work with individual students that are displaying concerning behavioural traits that may be directly or partially attributed to an illness, concern, or psychological condition that is challenging to themselves, other students or staff. NUI Galway is guided by relevant legislation and is particularly aware of its obligations under the Equal Status Act (2000-2015) as may be amended.

1.3 The main purpose of this document is to set out the policy and procedures which the University follows when concerns are raised about a student’s fitness to study. As a general rule this policy is only intended for use in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature. Where possible the other University support services available to students, as outlined in Section 5 below, should be used as the first port of call prior to taking any formal action.

2. Purpose and Scope

2.1 The purpose of this document is to fulfil a number of objectives:
1. For potential applicants to our University:
   (i) help clarify and shape their expectations of study at NUI Galway
2. For staff:
   (i) provide clear guidelines and fair and proportionate procedures to follow when significant concerns arise regarding registered students’ fitness to study that need to be addressed;
   (ii) define a clear process to follow to ensure the safe and suitable return to University for students after a break in study under fitness to study grounds.
3. For all registered students:

(i) help understand and appreciate the fitness to study policy and its necessity
(ii) to provide supportive formal procedures
(iii) to enable students to withdraw/take leave of absence voluntarily on grounds of fitness to study
(iv) to determine if and how a student is required to take leave of absence on grounds of fitness to study
(v) to clarify the process for a return to study.

2.2 Having a written procedure enables students to have a document to which they can refer, providing them with a clear understanding of their full responsibilities and expectations related to their commitment to study and life within the University community.

2.3 If and when a problem arises, steps taken are seen to be limited to those necessary to protect the best interests of the student, ensuring a consistent, sensitive and non-discriminatory approach to managing situations.

2.4 Tutorial, academic or support staff can initiate the use of the procedure if concern for the student is sufficient, allowing for early detection of issues. Shared concerns in other sections of the University community can be formally collated by the use of this process.

2.5 This policy is not designed to be used to address academic performance issues (which should be dealt with under the normal assessment procedures) or with issues relating to attendance.

2.6 The level of risk posed by a student will be initially measured by the risk assessment process using the ‘risk assessment grid’ (Appendix 1). This will be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Dean of Students (or nominee) in close collaboration with academic staff, who will play a key role in identifying the specific evidence to underpin any concerns.

2.7 The Fitness to Study policy and procedures detailed below is comprised of three stages. Depending upon the perceived severity of the situation and the seriousness of any perceived risks, action may be initiated at any of the three stages.

2.8 If concerns are raised whilst a student is on placement, the University will follow the ‘Fitness to Practise Policy and Procedure’ as primary guidance, supported by the Fitness to Study Policy.

2.9 The development, implementation and ongoing review of this policy is the responsibility of the Dean of Students, following approval of Academic Council.
**Relationship with other University Policies and Procedures**

3.1 The Fitness to Study Policy shall not be invoked for circumstances already being considered under the following University policies and procedures:

i) Academic Marks and Standards
ii) Fitness to Practise
iii) Code of Conduct, with the exception where the Discipline committee considers that a serious fitness to study issue arises.
iv) Harassment.

**Circumstances under which a Student’s Fitness to Study may be brought into Question**

4.1 There is a tradition of support for students, by academic staff, support staff and Student Services in this University. Many students facing challenging situations will overcome these with these available supports. It is envisaged that this supportive environment will be continued, and the use of this policy is intended only for circumstances where it is determined that issues cannot be resolved using existing supports.

4.2 The issue of a student’s fitness to study may be brought into question as a result of a wide range of circumstances. These include (but are not restricted to) the following:

- The student has told a member of the University that they have a problem and/or provide information which indicates that there is a need to address their fitness to study. While respecting confidentiality and thus not providing any detail on the substance of the conversation, if there is a concern, the matter may be raised under this policy.
- The student’s behaviour is such that it indicates that there may be a need to address an underlying mental health problem.
- Behaviour, which would otherwise be dealt with as a disciplinary matter, which it is considered may be the result of an underlying physical or mental health problem.
- The student’s academic performance or behaviour is not acceptable, and this is thought to be the result of an underlying physical or mental health problem.
- The student’s behaviour is severely disrupting their own studies or the studies of others, or results in unreasonable demands being placed on staff or other students.
- Serious concerns about the student are communicated by a third party (e.g., house-mate, friend, colleague, placement provider, member of the public, medical professional) which indicate that there is a need to address their fitness to study.

4.3 The areas of concern will include:

- The safety of the student, whether as a result of intentional or unintentional self-harm
- Whether the student is at risk from others or poses a risk to others
- The needs and disabilities of the student including:
  - their ability to look after themselves
  - any disabling or distressing problems with thinking, feeling or behaviour
  - disabling problems with activities or in relationships with other people.

The level of risk should be assessed using the risk assessment grid (Appendix 1).

4.4 In all cases, the student’s Programme Director/Head of School/Dean of College should be notified so that the Programme/School/College is aware of the situation and can provide any necessary support.
Initial Support and Guidance for Students – Preliminary Action

5.1 Students with a mental- or physical-health difficulty or struggling with issues affecting their general fitness to study are primarily encouraged to consult the relevant support services to discuss issues and to seek solutions. Below is list of potential contacts

- University Health Centre (and by referral to the Mental Health Support Worker)
- Student Advisor
- Student Counselling Service
- Disability Support Service
- Access Centre
- International Welfare Advisor
- Chaplaincy
- Appropriate external services

Further information on these services can be found by visiting the Student Services web-pages (http://www.nuigalway.ie/student-services/).

5.2 Students are also expected to speak to their Programme Director, Head of School or another appropriate member of staff in their academic discipline about the difficulty and any related problems that they may be experiencing.

5.3 Staff with further or unresolved concerns about a student’s fitness to study should subsequently address them by invoking the use of this policy. Tutorial, Academic, Accommodation or Student Support and Wellbeing staff can initiate the use of the following procedures if concern for the student is sufficient. Depending upon the perceived severity of the situation and seriousness of any perceived risks (Appendix 1), action may be initiated at any of the three stages.

Fitness to Study Procedure Stage One – Informal Action

6.1 Should preliminary action be unsuccessful, the member of staff who has raised the concern should consult with a colleague to discuss the next steps or seek advice from the Dean of Students. The Dean of Students (or nominee) or Head of Academic Unit will take the lead in the implementation of Stage One of the policy. The lead staff member (Dean of Students or nominee or Head of Academic Unit) will meet with the student to explain to them, in a supportive and understanding manner, that concerns about their fitness to study have emerged which have been registered by invoking the use of this policy.

The lead staff member raising the concern should ordinarily be a member of staff within the academic discipline with primary responsibility and/or knowledge of the student concerned (e.g., Programme Director or Head of Discipline or Head of School). However, if concerns arise within University student residences, then the Accommodation & Welfare Office should take the lead, in consultation with academic staff in the student’s discipline. It may be prudent to review the other NUI Galway policies which may apply (for example, Student Code of Conduct or Fitness to Practise) before progressing the matter under this policy.

6.2 The student should be made aware of the precise nature of the behaviour that has caused the concerns to be raised (it is possible that s/he will not have realised the impact of their actions), and that it is their responsibility to maintain their fitness to study. If appropriate, reference should be made to the level of perceived risk presented by the student as measured by the risk assessment process (Appendix 1). The lead staff member will attempt to resolve the matter by informal
discussions with the student. The student should be given the opportunity to explain their own views on the matter, and be encouraged to think about using one or more of the support services offered by the University. It may also be appropriate to look into the possibility of applying reasonable adjustments/special academic arrangements to enable the student to study effectively. When meeting with the lead member of staff, the student may be accompanied by a friend/family member if they wish.

6.3 It is hoped that in most cases issues can be resolved at this level, and that students will respond positively, co-operating fully with the process and taking advantage of the support available.

6.4 The informal discussions, advice and any undertakings made by a discipline and/or the student should be documented by means of a Note of Concern (Appendix 2) for the benefit of both the academic discipline and the student.

6.5 A review meeting should be arranged, to take place normally a few weeks after the initial meeting, (if possible by agreement between the lead member of staff and the student) to allow the student to consider their own behaviour and seek advice from the support services available. This meeting will focus on any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the policy.

6.6 If a student is unable to co-operate with the above process or modify their behaviour, they should be informed that more formal action under Stage 2 of this policy may be considered appropriate.

Fitness to Study Procedure Stage Two – Multidisciplinary Case Review Meeting

7.1 If the action taken under Stage One has not been successful as outlined above, or it is felt that the case is too serious to be dealt with informally, Stage Two of the policy can be invoked. A Multidisciplinary Case Review Meeting shall be convened by the Dean of Students or Director of Student Services. The meeting shall include the student, appropriate representatives of the student’s academic discipline, representatives from Student Services and Students’ Union and, when appropriate, other professional services (Appendix 3). All members of the panel will undergo training prior to conducting a case review meeting.

7.2 The following actions will be taken

- Raise a Note of Concern (Appendix 2) or continue a Note of Concern from Stage 1.
- Notify the student in writing of the nature of the concern expressed
- Arrange a multi-disciplinary case-review meeting (Appendix 3).

7.3 The outcomes of the meeting may include any of the following:

- Proceed to close the Note of concern if no further action is necessary
- Support a student who wishes to withdraw voluntarily without the need for a Stage 3 response. It is intended that all students voluntarily withdrawing on grounds of fitness to study should be considered under stage 2 of this policy
- Escalate to Stage 3 due to concerns about the student. This will only be appropriate in the most serious of cases where, for example, evidence of a serious risk to either the
health and safety of the student or others has been identified, and it is thought that suspension, exclusion or expulsion of the student may be the appropriate course of action, or where a particular course of action has been recommended such as part-time study or leave of absence but the student does not comply.

8. **Fitness to Study Procedure Stage Three – Fitness to Study Review Panel**

8.1 This stage of the procedure will only be implemented following a referral from a Stage Two Multidisciplinary Review Meeting or if, in the opinion of the University President (having consulted as appropriate), initial concerns are raised which are sufficiently serious as to warrant the consideration of the student’s suspension, exclusion, expulsion or a period of leave (e.g., if they pose a potential threat to the health and safety of themselves or others, or disruption to the working of the University).

8.2 The Dean of Students in consultation with Dean of College will invoke Stage 3 of the policy as follows:

1. Raise a Note of Concern (Appendix 2)
2. Notify the student in writing of the nature of the concern(s) expressed
3. Arrange a Fitness to Study Review Panel (Appendix 4) to consider the case.

The possible outcomes are

a. The President requires the student to take leave of absence from study for an agreed period
b. The student is fit to continue in study, subject to an agreed action plan

9. **Temporary Suspension on Grounds of Concern for Fitness to Study**

9.1 The behaviour and actions of a student may be a cause of concern for the safety of the student and/or the safety of others, prompting consideration of the need to exclude the student from the University temporarily, pending further investigation and/or management of the situation. Where it appears in the opinion of the President that there are such grounds for concerns, then they, having sought such advice as they deem appropriate, shall be entitled to suspend a student on the basis that suspension is temporary and necessary to protect the University community (Appendix 5).

10. **Emergency Situations**

10.1 The safety of individuals is paramount. Occasionally, the behaviour or actions of a student can put themselves or others in proximate danger. It is important that appropriate, timely actions are taken in response. In urgent/emergency situations these actions may need to be taken before there is time to invoke the Fitness to Study Policy. The fact that the University may invoke other Policies shall not prejudice its right to invoke the Fitness to Study Policy.

REMEMBER: If there is an immediate concern for the safety of any person, this should be reported to the Emergency Services on 999 or 112. Security Services should also be informed via an Emergency Tel. Contact Number 091 493333

11. **Return to Study**

11.1 After a period of suspension or leave of absence on health grounds, the decision as to whether to permit the student to return to study will be made by the Dean of College. In taking such a decision, the Dean of College will seek advice from the Chair of the Fitness to Study Review Panel, if stage 3 of the Fitness to Study process resulted in the student taking leave from their studies, and
from the Dean of Students (or nominee). The student is informed of their responsibilities, as well as those the University, in order to facilitate an effective return to study.

11.2 To this end, the Dean of Students (or nominee), in consultation with the Dean of College will identify the issues of concern the University has in respect of the student maintaining satisfactory progress. The Dean of Students (or nominee) will require the student to provide an assessment of their ability to manage the demands of studying at University, drawing attention to the nature and extent of the student’s previous challenges and the University’s concerns about them. The University may require the student to agree to a representative of the University engaging with a medical professional in order to reach a suitable judgement as to whether the student is well enough to return to study at this time. The University also reserves the right to seek independent professional advice which may be at the student’s expense with their agreement.

11.3 Students will only be permitted to return if the University is satisfied that the individual is able to maintain satisfactory progress and comply with any conditions imposed on their return.

11.4 In cases where the University has any continuing concerns about the individual’s ability to maintain satisfactory progress, it may require a second medical opinion. In this case a student may be asked to submit themselves for medical examinations by doctors/specialists nominated by the University, at the University’s cost, to allow the situation to be properly evaluated.

11.5 In any case where a student returns to study following the implementation of the Fitness to Study procedure the University may decide to propose a number of regular review meetings, between the student and the Dean of Students, which can be used to monitor and support a return to study plan. If so, the student must provide their continued co-operation in this respect and such review meetings may continue for part or all of their remaining time at University. All decisions will be documented on the Note of Concern record of the student (Appendix 2).

12. Appeals

12.1 A student has the right to appeal the decision of the President to require the student to take leave of absence from study for an agreed period, as the outcome reached following a Fitness to Study Review Panel. (Appendix 6).

13. General Matters: Record Keeping, Data Protection, Confidentiality

13.1 It is good practice for staff to keep brief notes of any interactions with students where there has been guidance or decisions in relation to personal issues, and to inform the student that you are making a record of the encounter. This should apply in particular for students causing concern.

13.2 The record should be dated and written as soon as possible after the interaction with the student. It should state the nature of the interaction and any action taken or advice given. If appropriate, it should also state whether or not the student gave consent for further action. Records should be kept safely in departments for a minimum period of five years and then destroyed. Confidentiality and security of notes should be maintained in accordance with the principles of the Data Protection Acts 1988 - 2003 as amended.

13.3 Once a Level 1, 2 or 3 Response of these procedures have been invoked a Note of Concern (Appendix 2) must be raised and retained by the Head of School/Dean, or the Dean of Students as appropriate. In addition to the Note of Concern, for Levels 2 and 3 responses, a written record of all Multi-disciplinary case review meetings and Fitness to Study Review Panel meetings shall be completed and retained by the Vice President for the Student Experience.
14. Methodology and Review

Fitness to study policies and procedures from a number of Universities were reviewed during the preparation of this policy. The policies from the University of Chichester, UK, and University College Cork as well as documentation arising from a Fitness to Study seminar offered by Eversheds LLP (March 2015), were particularly relied on in the preparation of this document. This policy and procedures will be the subject of the normal University reviews in light of any changes to current legislation.
## Appendix 1: Risk Assessment Grid

Also consider other aspects which are relevant. The tick-boxes are provided for optional use to identify concerns.

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<td>□ clear plan</td>
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<td>□ recent GP contact</td>
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<td>Consider problems in relationships with others:</td>
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**Risk**

- □ Mild
- □ Moderate
- □ Elevated
- □ Severe
- □ Extreme

**Consider risk factors:***

- □ lack of self-care
- □ not eating or drinking appropriately
- □ not seeking help for problems posing risk
- □ refusing appropriate help e.g. not taking medication
- □ not claiming benefits
- □ lack of awareness of own safety in home e.g. fire risk
- □ risky sexual behaviour
- □ substance misuse
- □ wandering

**Consider risk from society:**

- □ severe stress
- □ mental illness/alcohol/drug abuse
- □ history of abuse by or to carer
- □ carer refusing help
- □ history of abuse by or to carer
- □ history of abusive/exploitative relationships
- □ harassment from public
- □ use of home by unwanted others
- □ inadequate home security
- □ fear of retaliation for reporting abuse

**Consider risk factors:***

- □ current threats, especially to a named person
- □ history of violence to people/property
- □ carer’s concern
- □ access to weapons
- □ no blocks to violence e.g. fear of consequences
- □ history of arson
- □ unemployment
- □ drug/alcohol abuse
- □ stress
- □ voices telling person to harm someone
- □ paranoia
- □ risky sexual behaviour
- □ anti-social behaviour
- □ lack of information about person’s history
- □ no trusting relationship with professionals
- □ general or specific threats based upon extreme political or religious position

This assessment grid is based on the ‘Threshold Assessment Grid (TAG)’ developed by the Institute of Psychiatry at King’s College London (Slade et al., Soc. Psychiatry)
### Appendix 2  Note of Concern Record

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<th>Stage</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>(Circle as Appropriate)</th>
</tr>
</thead>
</table>

**Student’s Name:**

**ID Number:**

**Address:**

**Telephone/Contact Details:**

- Mobile Phone:
- Home Phone:

**Email:**

**Date of Birth:**

**Gender:**

- Male
- Female
- Other

**Concern raised by:**

**Brief outline of concern:**

*Brief factual description of the concern. Specific examples/observations are particularly helpful.*

**Comments/Observations of other Academic/Admin/Support Staff:**

*Record observations, with specific examples where available, made by staff/others, other than the person who first reported concern. This can include observations/comments made by appropriate professional support services/academic mentors/welfare staff.*
Student’s Comments/Observations:

The student should be invited to record their comments/observations on the concerns and the support plan/follow-up arrangements.

Agreed Action Plan:

This may include details of any supports recommended/arranged, as well as agreed outcomes that are desirable and limits of acceptable interactions/behaviour, where appropriate.

Review Date:

Important Note: (If Leave of Absence or Withdrawal is being considered)

It is important to consider all possible financial implications of a leave of absence or withdrawal from your degree programme. There may be financial implications for your registration/tuition fees or grant if or when you return to third level at a later date. Further detailed advice can be obtained from the Fees Office, NUI Galway
• **Declaration: Tick below.**

☐ I understand the nature of the concern(s) raised by the University, as explained to me and outlined in this document and the possible impact/consequences that this/these concern(s) may have upon my own fitness to study

☐ I also understand the impact that this/these concern(s) may have upon the community of fellow students and staff who are working and studying at the University

☐ I have agreed to work towards the action plan outlined above, which has been developed to support me

☐ I understand that if I am unable or unwilling to carry out the action plan, the University will need to consider taking appropriate or remedial actions, or referral as my situation will require.

☐ I understand and consent to information surrounding my fitness to study being shared with other relevant services within the University. A copy of this Action Plan will therefore be submitted to and retained by the Programme Director or the Head of Discipline or Head of School and/or Dean of Students and *(insert other specific)* and other staff as deemed appropriate by the lead staff member.

☐ I am aware that this Note of Concern will be retained by the Programme Director or Head of School and/or Dean of Students

☐ Whilst I understand that the University has a duty of care to provide reasonable supports to me, I am responsible for my own health, wellbeing and actions and it is my responsibility to be fit to continue in study

☐ I agree to this case being reviewed *(insert x days/weeks or month’s time)*.

Signed: 
Student

Signed: 
Lead Staff Member (Stage 1)

Dean of Students (Stage 2)

Chair, Fitness to Study Review Panel (Stage 3)

Dated:
Appendix 3: Stage 2 response – Multidisciplinary case review

1. Purpose
A multidisciplinary case review meeting shall be convened by the Dean of Students in consultation with the Dean of College once a Stage 2 response is invoked under this policy and will consider *inter alia* the following matters:

- The student is made fully aware of the nature of the concerns which have been raised
- The student’s views are heard and taken into account
- To obtain the views of other relevant parties
- To formulate an agreed support and follow-up plan
- To support a student who wishes to withdraw voluntarily on grounds of fitness to study
- To determine if escalation to Stage 3 is required.

2. Attendees at the Multidisciplinary Case Review
Chair: Dean of Students or Director of Student Services (DSS)

- Dean or College or their nominee (required)
- The student (desirable for at least a portion of the meeting, but the meeting can proceed in their absence)
- Student friend/other to provide support (desirable)
- If the student opts not to request a friend, they may opt to request an officer of the University (nominated by Dean of Students, one female and one male) to attend (desirable)
- A student with a disability has the right to be accompanied by a support worker (desirable)
- Students’ Union Welfare Officer (desirable)
- Individual(s) who reported the concern as per Note of Concern (desirable)
- Members of NUI Galway staff from student services (Student Health, Student Counselling, Disability Support Services, International Office, Accommodation Office) (desirable)
- Other external experts may be required (attendance as needed)
- Secretarial support provided by the Student Services office (required)

3. Conducting the Review

1. The case review meeting is an opportunity to develop a coordinated response that best meets the reasonable support needs of students. The meeting may be a source of stress for the student and staff involved and every care should be taken to ensure that the tone of communication and conduct of the meeting takes account of this.

2. The student will be given at least 48 hours’ notice of the Review Meeting and informed of the purpose of the meeting. They will also be provided with copies of any documents which will be considered in the meeting and asked to provide any documentation they may wish to be considered.

3. Before the meeting documentary evidence from a relevant objective third party e.g., medical assessment, may be sought. The student will be encouraged to consent to this, as it will ultimately enable the University to address the student’s difficulties in the most effective manner possible and make an accurate assessment of risk.

4. A medical assessment will be used to determine the following matters:
   - the nature and extent of any medical condition from which the student may be suffering
   - their prognosis;
   - the extent to which it may affect their ability to maintain satisfactory progress and manage the demands of student life;
   - any impact it may have or risk it may pose to others;
• whether any additional steps should be taken by the University in light of the medical condition to enable the student to study effectively;
• whether the student will be receiving any ongoing medical treatment or support.

5. The student will be asked to authorise full disclosure to the University of the results of any medical examination. The University recognises that any such information disclosed will constitute “sensitive data” for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly.

6. Should the student refuse to undertake a medical examination, the University may either continue this policy based on the information already in its possession or use another appropriate means to address the issue.

7. Further information to be provided may include:

- a report of previous actions held by the Dean of College or Dean of Students’ office
- a risk assessment (Appendix 1)
- other reasonable and relevant documentation that aids decision making

8. The Student Case Review Meeting may recommend:

- That no further action is required, and the student continues their course of study.
- To formally monitor the student’s progress for a specified period of time. In this case a solution-oriented action plan will be agreed with the student, clearly outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is provided). The student will also need to be informed of the consequences of any breaches of the action plan.
- To recommend part-time study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the College in which the student is registered. The student should also be advised to seek guidance from any of the relevant Student Services or International Office staff, if an international student, before agreeing to a change in circumstance. The student will be informed that unless these arrangements remedy the concerns to the University’s satisfaction, their fitness to study may be considered at Stage Three.
- Where the student is on placement, or their professional programme of study is compromised, the ‘Fitness to Practise Policy’ should be followed.
- To agree a period of leave of absence from the student’s studies for a mutually agreed period of time, with the consent of the student. During a leave of absence, undergraduate students in effect ‘stop the clock’ of their period of registration. A student may only take leave from a complete block of study (i.e., a semester or year) and may not take leave during a term or semester, to recommence at the same point. Students (full-time and part-time) may take leave from their programme of study on more than one occasion provided the overall period of leave on the programme does not exceed two years in total.
- To refer the case to the Academic Secretary to be considered under Stage Three of the Fitness to Study policy.
• To refer the case to be considered wholly or partially by the Discipline committee.

9. The discussions, advice and any undertakings made by the department and the student should be documented by means of a Note of Concern (Appendix 2) for the benefit of both the discipline and the student. The Note of Concern should be sent to the student and the Dean of the College within 7 working days from the date of the meeting, and a copy kept on the student’s personal file.

10. The effectiveness of the measures taken are reviewed at a follow-up multidisciplinary review meeting. The time interval and date of the review meeting are set by the Dean of Students or Director of Student Services.

11. Following this review and should any of the conditions below exist
   • the student is unable or unwilling to commit to the agreed plan
   • the student is unwilling to allow sharing of the agreed plan with the Dean of College
   • or there is sufficient level of concern about the fitness of the student to continue in University as determined at the multidisciplinary review meeting then the Dean of Students or Director of Student Services shall invoke a Stage 3 response and arrange for a Fitness to Study Review Panel meeting to be called.
Appendix 4: Stage 3 response – Fitness to Study Review Panel

1. Purpose

1.1 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns, and to reach an appropriate decision, action plan or other outcome. A Stage 3 response shall be invoked by the Dean of Students in consultation with the Dean of College and meeting of the Fitness to Study Review Panel will be convened. The President (having consulted as appropriate) may refer a student directly to Stage 3, if the concern is of a very serious nature.

2. Membership

Academic Council shall nominate for a period of four years a panel of fifteen people, of whom 12 will be academic staff from the four Colleges (3 per College) and 3 will be student representatives, ensuring that among the membership of the panel there is gender balance and there are sufficient members capable of conducting a case through the medium of the Irish language. The Registrar & Deputy President shall make nominations from this panel to the Fitness to Study Review Panel and the Fitness to study Appeal Committee (Appendix 6) and these nominees will normally hold office for four years.

The Review Panel shall be constituted as follows:
- Chairperson, appointed by the President or Designated Authority
- Academic Secretary, or nominee, as secretary to the panel
- Three members, selected by the Registrar & Deputy President, from the panel nominated by the Academic Council
- Two student representatives, normally the Student Union Executive.

The Fitness to Study Appeals Committee shall be constituted as follows:
- Chairperson, appointed by the President or Designated Authority
- Secretary to the Appeals panel, nominated by the Academic Secretary
- Two members, selected by the Registrar & Deputy President, from the panel nominated by the Academic Council
- One student representative, normally the Student Union Executive.

None of the members of the Appeals Panel will have served on the initial Review Panel.

3. Attendees at meeting

- Chairperson
- Secretary
- 3 academic staff members of the Review Panel
- 2 student representatives of the Review Panel
- The student (desirable for a least a portion of the meeting).

4. Conducting the Review

4.1. The Chair will fix a date for a formal meeting of the Panel to hear the case.

4.2. The student will be invited to attend and given at least 7 days’ notice of the Review Meeting and informed of the purpose of the meeting. They will also be provided with copies of
any documents which will be considered in the meeting and asked to provide any documentation they may wish to be considered at least two days in advance of the meeting.

4.3 The student may be accompanied at the meeting by a Students’ Union representative, a fellow student or family member. Students with a disability may also be accompanied by a support worker where required.

4.4 The Review Panel will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, including Student Services staff working with the student, and which may include requesting further medical assessments. It will also consider an updated risk assessment where appropriate. The Fitness to Study Review Panel shall consider relevant submissions and records already existing from earlier Level 1 or Level 2 responses relating to the Student. It shall also consider submissions from the student, when available. Expert, independent opinion shall be sought from suitably qualified professionals, who do not have a therapeutic conflict of interest. In most cases this opinion should be sought from a Consultant Occupational Health Physician or independent Consultant Psychiatrist of the universities’ choosing. The Fitness to Study Review Panel is not obliged to accept the recommendations of external experts, and the final decision as to a student’s fitness to study is made by the Fitness to Study Review Panel.

4.5 A simple majority applies in the event of non-unanimous opinion of members of the Panel. The outcomes possible following a Fitness to Study Review Panel are listed in Section 4.6 below. A copy of any outcome reached shall be sent Registrar and Deputy President, via the Academic Secretary and to the student as soon as reasonably practicable.

4.6 The decision may include one or more of the following:

1. To formally monitor the student’s progress for a specified period of time. In this case the Panel will provide the student with an agreed action plan, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. This will be a new action plan for a duration of a maximum of four weeks. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately met and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan.

2. That, following consultation with the academic discipline, the student should convert from full-time to part-time study with support; special academic arrangements are put in place; or an intermission of their studies occurs. The student should be advised to seek guidance from appropriate services (Student Services, Fees offices) on the implications of such a measure. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the University’s satisfaction.

3. To recommend that the President exercise his/her statutory power to suspend or exclude the student.

4. Any other action considered to be appropriate and proportionate.

4.7 The outcome of the hearing shall also be reported to Academic Council.

4.8 The discussions, advice and any undertakings made by the discipline and the student should be documented by means of a ‘Note of concern record sheet’ (Appendix 2) for the benefit of both the discipline and the student.
Appendix 5: Temporary Suspension

Where it appears in the opinion of the President that there are grounds for concerns about a student’s Fitness to Study, then he/she, having sought such advice as he/she deems appropriate, shall be entitled to suspend a student on the following basis:

1. That suspension is temporary and necessary to protect the university community and that on balance, the President is of a view that the duty of care owed to others is overriding in the particular circumstances.
2. A suspension may be verbal and to take effect as the President deems appropriate and shall be confirmed in writing as soon as is practicable.
3. That any such suspension is reported to the next scheduled meeting of Academic Council by the President and is reviewed by them, in consultation as may be appropriate, at least fortnightly thereafter. The President will update the Academic Council at scheduled meetings for the duration of the temporary suspension.
4. That suspension shall not be regarded as an indication as to whether or not the grounds for concern is proven.
5. That suspension may be limited to certain premises, placements or University activities or modules of studies.
6. That every reasonable effort is made to continue to support the student’s academic studies so that, in so far as possible, the student is not disadvantaged academically. In the case of suspension due to mental health, continuation of support for the student’s academic studies during the temporary suspension may not be possible and the suspension may be for a longer period and in such cases should be reviewed by the President and reported to the Academic Council at each scheduled meeting of the Academic Council while the suspension remains in place.
7. That suspension shall be for no longer than the time necessary for a matter to have been considered and decided upon under this Fitness to Study policy or for an appeal to have been heard and decided upon.
8. That this power shall be exercised with caution and with due regard to natural justice and fair procedures.
9. Where the President exercises the power of suspension, they shall, as soon as practicable, notify the Dean of College and/or the Dean of Students and shall call a meeting of the Fitness to Study Review Panel soon as practicable from the date of the suspension.
Appendix 6: Appeal

1. A student may appeal the decision of the President to require the student to take leave of absence from study for an agreed period following a Fitness to Study Review Panel meeting.

2. Such appeals must be in writing and lodged with the Chair of the Fitness to Study Appeals Committee within 5 working days from the date of the posting of a decision by the Fitness to Study Review Panel to the student. The appeal must state in sufficient detail the grounds of the appeal.

3. The Academic Council shall establish a Fitness to Study Appeals Committee to consider any appeals arising from a decision of a Fitness to Study Review Panel. Academic Council shall nominate for a period of four years a panel of fifteen people as outlined in Appendix 4, ensuring that among the membership of the panel there is gender balance and there are sufficient members capable of conducting a case through the medium of the Irish language.

4. The Registrar & Deputy President shall make nominations of 3 members from this panel to the Fitness to Study Appeals Committee; the President shall nominate a Chair from the Fitness to Study Panel.

5. The quorum of the Appeal Committee for any meeting or hearing shall be 3 members.

6. No member of the Fitness to Study Review Panel for a student shall be a member of the Appeals Committee for that student.

7. Where an Appeal is made in accordance with the above, then the decision made by the Fitness to Study Review Panel shall be deferred until the appeal is determined. The student shall be permitted to continue in study pending outcome of the appeal and during this period of deferral. This provision for deferral does not apply in relation to a temporary suspension where in the opinion of the President that suspension is, on balance, necessary, to protect the public and the duty of care owed to others is overriding in the particular circumstances.

8. On receipt of an appeal, the Chair of the Appeals Committee shall as soon as practicable send notice of the appeal to the Appeal Committee and to the Fitness to Study Review Panel and request the Panel furnish to the Appeal Committee an accurate summary of the evidence and any submission tendered at the Panel review, including Notes of Concern from preceding Level 1 or Level 2 responses, the findings of the Fitness to Study Review Panel and the outcomes imposed on the student. The Chairperson of the Fitness to Study Review Panel, or his or her nominee, shall furnish this to the Appeal Committee so far as is practicable within 10 days of being so requested to do so by the Chair of the Appeals Committee.

9. The Appeal Committee will, at its absolute discretion, consider the Appeal in such a manner it deems appropriate to the circumstances of the case, having regard to fairness and due process.

10. The Appeal Committee shall not be obliged to hear or accept further submissions from the student, whether written or oral, but if it decides to do so, the student must be notified in writing and that notification must specify the date, time and location for the making of any oral submission or the date for the delivery of written submissions which date, in either case, must not, except in exceptional circumstances, be earlier than 10 days or more than 30
days from the date of such notification, unless stated otherwise.

11. The Appeal Committee shall have the power, should it see fit, to hold a fresh hearing into the matter.

12. The Appeal Committee shall determine the appeal and make whatever decision it considers appropriate in the circumstances on the balance of probabilities. The Appeal Committee shall have power to revoke or amend the decision of the Fitness to Study Review Panel in full or part. The Appeal Committee may direct the Fitness to Study Review Panel to reconsider the position further.

13. The decision of the Appeal Committee shall be final and binding and shall be reported to the Registrar and Deputy President to Academic Council.