

Student Support Review Regulations

Introduction

The University maintains a positive, inclusive and supportive teaching, learning and research environment for all.

The aim of the Student Support Review Regulations is to support students if concerns are raised that issues around their health, well-being or behaviour may be impacting on their academic progress and/or general management of life at University or on placement.

The regulations seek to be both supportive and to actively engage with students prior to decisions made about their fitness to study.

Section A: Purpose and Scope

1. Purpose and Scope

- 1.1 The purpose of these regulations is to support students and staff in managing scenarios or incidents that cause concern regarding the student's ability to engage in their studies. The procedure is in place to encourage a collaborative approach to finding ways for the student to move forward with their studies in a proactive way and with the appropriate support in place. Our primary concern will always be the student's wellbeing.
- 1.2 The procedure has three stages; the student can enter the review process at any stage depending on the level of concern.
- 1.3 Students may be referred in certain circumstances by other teams (for example the Student Misconduct team) for review under the Student Support Regulations. This is because it may be more appropriate for the student to be managed under these regulations rather than under other University policies, to enable due consideration being given to their health and wellbeing. This does not remove the basic principle that students are responsible for their actions, but recognises that a more supportive approach needs to be applied to manage the situation. Similarly students may also be referred from the Student Support Regulations to other teams for consideration if it is felt necessary. It is also possible for a student to be involved in both the Student Support Review and student misconduct procedures concurrently.
- 1.4 Please note that the University also has a separate Fitness to Practise policy for programmes that have a practice component. Details of this policy and the associated procedure can be found at the following link:
https://www.southampton.ac.uk/quality/off_campus_learning/fitnesstopractise.page

2. Data Protection Compliance

- 2.1 The University and its staff are governed by the requirements of the Data Protection Act 2018 (in alignment with the provisions of the EU General Data Protection Regulation 2016/679 ('GDPR')). Under this Act, all data relating to an identifiable person's health is regarded as special category ('sensitive') personal data and must be handled with extreme care because it requires added legal protection. For the purpose of these regulations, such sensitive data is deemed to be inclusive of all information given in confidence to the University concerning a student's ill-health or disability, including physical or mental health illness.
- 2.2 The University processes all personal information including sensitive data in accordance with its Data Protection Policy <http://www.calendar.soton.ac.uk/sectionIV/dppolicy.pdf>.

3. Confidentiality

- 3.1 In all cases where, in the member of staff's judgement, it would be in the student's best interests to disclose sensitive information to the University's support services and/or to an external

agency (e.g. so that appropriate support may be provided) the student's informed and express ('explicit') consent to such disclosures should be obtained where possible. The staff member should record this consent, or at least a record of how such consent was provided and when, so that the University would be able to demonstrate that the student had specifically agreed to the processing of his or her sensitive personal data in particular ways by it. Once consent has been obtained and a record made, it is the responsibility of the person passing on sensitive information to ensure it is done in accordance with the student's explicit wishes. Transfer of such information should also be carried out in an appropriate secure manner to reduce the risk of inadvertent disclosure to unauthorised persons (including anyone within the University who does not have a legitimate 'need to know' this information to administer support to the student).

- 3.2 If the student chooses not to provide explicit consent to disclosure, this decision should be respected in most instances. In this scenario, the implications of non-disclosure in terms of additional support available from, for example the University's Enabling Services or other parts of the University with a need to know all or some part of such information to provide support, should be made clear. However, there exist rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may lawfully be broken and disclosure made internally to Enabling Services and/or to external agencies. These include:
- When the student's health has deteriorated to the extent of threatening his/her personal safety
 - When the student is at risk of serious abuse or exploitation
 - When the student's behaviour is adversely affecting the rights and safety of others
 - Where 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)
 - Where the student is either under 18 years or a vulnerable adult (see University Safeguarding Policy <http://www.calendar.soton.ac.uk/sectionIV/safeguarding.html>)
- 3.3 Staff should first consult with Enabling Services if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

4. Support

- 4.1 During all stages of the procedure, students may be accompanied to meetings by a member of the University - usually either a member of staff or a fellow student, or by an advisor from the Students' Union Advice Centre. Prior agreement by Enabling Services must be sought if a student wishes to be accompanied by someone who is neither a member of the University nor a Students' Union advisor.

5. Appeals

- 5.1 Providing the student has grounds (see below), they may appeal against a decision made under the Student Support Review Regulations by following the procedure laid out in Section B.
- 5.2 Students may only appeal against a decision if they can show that on the balance of probabilities:
- i. They have new substantive information that may have affected the decision
 - ii. There has been significant failure of due process in the making of the original decision, which the student believes affected that decision

Section B: The Procedure

The Student Support Review Procedure has 3 Stages, which are further outlined below. These are based on the degree of concern and the perceived seriousness of the situation. Stages 2 and 3 are not dependent on Stage 1; the procedure can be entered at any point.

Reasonable adjustments to this procedure will be made, when appropriate, for students with additional needs or to allow for other factors that would otherwise place a student at a disadvantage. If the University and student agree, any meetings may be held by video conferencing, Skype, telephone conferencing or other appropriate means. In exceptional situations, for example where verbal discussions would be impractical, and both parties agree, these discussions may be in writing.

1. Concerns Raised

- 1.1 Concerns for a student's wellbeing can be raised in a number of ways; most commonly, this will be through the Faculty, University staff (Enabling Services, Student Life and Residences), peers or self-disclosure. All potentially serious concerns will be raised through the Enabling Services team and the requester asked to complete a template form. Once received, Enabling Services will assess all information and contact the requester to agree the stage at which the procedure should be entered. A meeting request and a copy of the request form will be sent to all parties.
- 1.2 A meeting at the appropriate stage will be determined and chaired by a member of Enabling Services, with additional representatives as appropriate. The aim would be to keep attendees to the minimum to minimise the stress for the student when attending.

2. Stage 1: Informal Case Review

- 2.1 The Informal Case Review is likely to take place where a student's behaviour or wellbeing has raised cause for concern. It is intended that this is a collaborative approach to find ways to work together in moving forward and should be seen as the start of a process to re-engage the student.
- 2.2 A joint action plan will be drawn up as part of this meeting for regular review by the Faculty and student or, if the behaviour is exhibited in University accommodation, through the Student Life team. The outcome of the meeting will be communicated in writing to all parties within 10 working days.
- 2.3 Where it is suspected that a student's behaviour is related to a mental health problem, Enabling Services should be contacted. The student should be encouraged to access Enabling Services or to get help through their GP.
- 2.4 A Student Services Practitioner, a Faculty representative and the student should always be present at the Informal Case Review meeting.

3. Stage 2: Formal Case Review

- 3.1 The Formal Case Review is likely to take place where a student poses a risk to their own wellbeing or that of others or there is a failure to resolve the situation at the informal stage and the student has not progressed or engaged. A collaborative approach to find ways to move forward will be the primary objective with the student's wellbeing at the core of the process.
- 3.2 At this stage it should be formally recorded by Enabling Services as a Student Support Review and the student's options discussed; for example, seeking support, reasonable adjustments if appropriate, self-suspend, financial considerations.
- 3.3 The Formal Case Review will be managed centrally by Enabling Services. Enabling Services will keep a record of all referrals, actions and developments in the case and relevant colleagues will be updated where necessary. Where it is necessary to seek the intervention of a student's GP and/or mental health services, this will be done by the Enabling Services team.

- 3.4 A Student Services Practitioner, a Faculty representative and the student should always be present at the Formal Case Review meeting. A member of Enabling Services will act as note taker.
- 3.5 At this stage, it may become apparent that the student requires more support than can be offered by University services. If this is the case, a decision will be made at the meeting as to whether the student's emergency contact should be informed.
- 3.6 Where appropriate, there will be contact with Residential Services and Student Life, particularly if the student, or others living close to the student, may need to be moved to alternative accommodation.
- 3.7 A joint action plan will be drawn up as part of this meeting for regular review by Enabling Services, the Faculty and the student. The meeting will be minuted by a note taker organised through Enabling Services and sent to all parties along with an outcome letter. The outcome letter and action plan will be sent by Enabling Services to all parties within 10 working days.
- 3.8 The student must make every effort to attend the meeting. If the student fails to attend without good reason, then a decision will be made based on the available evidence.

4. Stage 3: Exceptional Case Review

- 4.1 The Exceptional Case Review is likely to take place when a student's behaviour is causing significant concern and may be affecting the teaching, learning or experience of other students or is negatively affecting the day to day activities of the University or placement provider.
- 4.2 The Exceptional Case Review can be requested by any University staff member but the meeting will be convened and chaired by a member of Enabling Services. A Faculty representative and the student will normally attend the meeting and other relevant parties may also be involved. Enabling Services will keep a record of all referrals, actions and developments in the case and relevant colleagues will be updated where necessary.
- 4.3 There may be exceptional circumstances, e.g. when the student is in hospital or unable to attend due to illness, such that the meeting will take place without the student in order to ensure that their situation has been reviewed and support services are aware of the student to enable the University to identify the next appropriate steps. A communication will be sent to the student following the meeting to make them aware of the decision.
- 4.4 At the Exceptional Case Review, various options will be discussed with the student, including additional support strategies, review of progress, alternative accommodation, suspension or exclusion. A recommendation will be made by the Chair on whether the student should suspend from their studies at the University whilst appropriate means of addressing the situation are being considered.
- 4.5 The agreed course of action will be communicated in writing to the student within 5 working days of the agreement being made by the panel. A joint action plan will be drawn up as part of this meeting for regular review by Enabling Services, the Faculty and the student. The meeting will be minuted by a member of Enabling Services and a copy of the minutes will be sent to all parties along with an outcome letter and copy of the action plan.
- 4.6 If it is recommended that the student suspends, the student will usually be directed to request suspension themselves. The usual steps for suspension should then be carried out by the relevant SAA teams. The consideration of the duration of any suspension will include the most appropriate time for the student to return to study, the altered structure of the programme of study and the ability of the student support services to effectively support the student. It is hoped that the student will reach the conclusion that suspending is the best option. However, the University retains the right to compel them to do so if necessary.
- 4.7 Depending on the situation, it may be necessary to contact the student's emergency contact to ask them to attend or support the student in suspending. The student would always be advised that this action is taking place, to ensure that if their circumstances have changed, they can request an alternative contact is made aware.

- 4.8 Where the student's emergency contact is not able or willing to be involved in the practical arrangements, the student's Faculty, in conjunction with University support services, will endeavour to provide a reasonable level of support for these tasks. If there are concerns regarding the safety of the student, referral to external agencies must be considered.

5. Return to Study

- 5.1 There is an expectation that whilst suspended the student will stay in contact with the University regarding their return to study. A Faculty contact point will be listed in the joint action plan.
- 5.2 Once a proposed date for return to study has been agreed, Enabling Services will lead a review of the documentary evidence of the student's wellbeing and contextualise with the demands of the course and decide whether the student is fit to return to their studies at that time. The student and the Faculty will be informed of the outcome.
- 5.3 Following the decision above, any student returning from a suspension after a Student Support Review, at which they have been suspended or agreed to suspend, must then attend a Return to Study meeting with a Faculty representative and Enabling Services. At this meeting, a joint return to study action plan will be drawn up in conjunction with the student and with support from Enabling Services.
- 5.4 For further information on the University Suspension policy, please see the following link:
<https://www.southampton.ac.uk/calendar/sectioniv/index.page>

6. Appeals Procedure

- 6.1 Providing a student has grounds, they may appeal against a decision made under the Student Support Review regulations.
- 6.2 Students wishing to appeal should do so in writing to the of Chair of the Student Support Review Panel within 10 working days of receiving the Student Support Review meeting decision letter. The letter must clearly state their grounds for appeal, the outcome they are seeking and include any evidence.
- 6.3 The student's appeal will be passed to the Director of Student Services who will appoint a Panel Coordinator. The Panel Coordinator will be responsible for ensuring that the processes are correctly followed and appropriate records kept.
- 6.4 The Panel Coordinator will confirm receipt of the appeal letter within 5 working days; the communication will recommend that the student consults the Students' Union Advice Centre for advice throughout the appeals procedure and should also include a copy of the Student Support Review regulations.
- 6.5 The Appeals Panel must hear the appeal within 14 working days of receiving the student's letter; the Appeals Panel will be chaired by an independent member of the Student Services' management team. The Associate Dean (Education) from the Faculty (or their nominee) and the Faculty Academic Registrar (or a nominee in instances where the FAR has been involved with the original review) will also be involved.
- 6.6 Once a date has been set for the appeal, the Panel Coordinator will send copies of the Student Support Review regulations to all parties and confirm the date, time and the panel members in writing to the student. The student should also be advised that they can come alone or with representatives from the Students' Union and/or their medical support or Enabling Services. All documentation from the Student Support Review (including the Appeal itself) must be sent to all parties no less than 5 working days before the panel meeting.
- 6.7 The student may be accompanied to the meeting by a member of the University - usually either a member of staff or a fellow student, or by an advisor from the Students' Union Advice Centre. Prior agreement by Enabling Services must be sought if a student wishes to be accompanied by someone who is neither a member of the University nor a Students' Union advisor.

- 6.8 If the student is unable to attend the Appeal meeting, the Appeals Panel reserve the right to proceed in the student's absence. However, if the student provides valid reasons in advance for being unable to attend, consideration should be given to rescheduling the meeting.
- 6.9 Further information about the running order of the meeting can be found in the supporting documentation.
- 6.10 At the meeting, the Appeals Panel may:
- i. Uphold the student's case and agree to implement the outcome the student is seeking
 - ii. Uphold the student's case but offer an alternative outcome
 - iii. Uphold the original decision
- 6.11 A written report of the panel's decision will be sent to the Appeals Panel, student and Faculty Academic Registrar within 5 working days of the meeting.
- 6.12 A Completion of Procedures letter signifies to the student that the University's internal procedure for appeals has been completed and should be sent to the student normally within 28 days of the University's final decision. The letter will provide information about bringing a complaint to the OIA. Information about the OIA's procedures may be found at <http://www.oiahe.org.uk/>.
- 6.13 Students wishing to submit a complaint to the OIA must do so within the timeframe set down in the Rules of the Student Complaints Scheme which is normally 12 months from the date of the Completion of Procedures letter, unless the Completion of Procedures Letter was issued before 9 July 2015, when the complaint must be submitted within 3 months from the date of the Completion of Procedures letter. A complaint must be made in writing using the Scheme Application Form.

7. Supporting Documents

- 7.1 Supporting documents are located on the Education Support webpages:
https://www.southampton.ac.uk/edusupport/disability_support/information_for_staff.page