HUGHES HALL
UNIVERSITY OF CAMBRIDGE

PROCEDURE TO SUPPORT AND ASSESS CAPABILITY TO STUDY

Approved by College Council, 10 October 2023, with effect from 10 October 2023.

1. Glossary of key terms

1.1 In this procedure, the following terms shall have the meanings set out below:

Collegiate University community	All College members and employees, University registered or formerly registered students, other matriculated persons, all members of the Regent House, and all University and other College employees, workers, staff or secondees, visiting scholars and visiting students
Committee	The Study Capability Assessment Committee (see Regulation 6)
Decision-maker(s)	Those who have authority to make decisions concerning capability to study under this procedure (see Regulations 5, 6, 7 and 8)
Department	The University institution at which the student is studying. References to the Head of Department or Departmental staff refer to the Head and the staff of that institution, who may be the Chair of the Faculty Board and the staff of that Faculty
ADRC	Accessibility and Disability Resource Centre
OSCCA	the University's Office of Student Conduct, Complaints and Appeals
Review Committee	The three person decision-making group that reviews decisions of the Committee (see Regulation 7)
Hughes Hall Rules of Behaviour	The behaviour code that applies to all students of the College, as defined in the Student disciplinary procedure (available on the College website: Policies - Hughes Hall (cam.ac.uk)).
Student	A junior member of College, as defined in College Statutes

2. Scope and principles

Introduction

2.1 This procedure sets out the steps that will be taken by the College when there is concern that a student's behaviour or health is adversely impacting upon the welfare or academic progress of the student, or of others within the Collegiate University community, or has the potential to do so.

2.2 Where an alleged breach of the Hughes Hall Rules of Behaviour is likely to have been caused by an underlying health condition, this procedure should be initiated.

2.3 All students should be encouraged to engage fully with their studies. Students should be informed about how to access relevant academic skills support, pastoral support and, for students with disabilities, how to ask for reasonable adjustments that will be offered and put in place unless declined by the student.

2.4 Where concerns regarding the student's behaviour or health remain after the actions in Regulation 2.3 have been taken, this procedure should be initiated.

Stages

2.5 The procedure has three stages:
Stage 1 – support to study (see Regulation 5)
Stage 2 – assessing a student's capability to study (see Regulation 6)
Stage 3 – a procedural review of a stage 2 decision (see Regulation 7).

2.6 Stage 1 is a supportive process, which facilitates an agreed action plan between the student and the College. Where a Stage 1 action plan has not been followed by the student, or in serious cases without using Stage 1, Stage 2 of this procedure may be initiated or the Senior Tutor may choose to refer the case to the University's Procedure to Support and Assess Capability to Study (as outlined in regulation 4.6).

2.7 Following a Stage 2 decision, the student can request a review of the Committee's decision using Stage 3. The decision on the completion of Stage 3 will be the final stage of the College's internal procedures and therefore a Completion of Procedures letter will be issued. The Completion of Procedures letter will explain to the student how to raise a complaint with the external ombudsman, the Office of the Independent Adjudicator, if the student remains dissatisfied with the College's action or inaction.

Engagement with the procedure

2.8 A student must engage fully with this procedure, including responding to emails, adhering to deadlines and attending meetings either physically or virtually. If a student does not engage fully with the procedure, this is likely to lead to escalation within the procedure and for the decision-makers to assess that the risk to the student or the Collegiate University community is high, potentially resulting in interim action being taken while the procedure is ongoing using precautionary measures as defined in the College Statutes.

2.9 Some students may find engaging with the procedure worrying or challenging, particularly Stage 2, as it may include consideration of whether the student is currently capable to continue studying. The student will receive information on how to access support during the procedure. The appropriate support will depend upon the student's circumstances but may be delivered by the College, the University, the Student Advice Service or external support organisations. Decision-makers will take into account the potential effects upon the student made known to them in reaching their decisions.

2.10 Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability requiring them. Students are requested to inform the College of any requests for reasonable adjustments during the procedure, where these have not already been anticipated and put in place.

2.11 The student and all others involved in the procedure are always required to communicate and act respectfully and reasonably whilst using the procedure. Abusive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, that person may be subject to separate disciplinary action. Where the student is continuing to behave in an unacceptable manner, this behaviour may lead a decision-maker to consider that the risk the student poses to the Collegiate University community or themselves is high and trigger precautionary measures as defined in the College Statutes.

Representation

2.12 In order to ensure that a student's views are accurately represented during the procedure, it is preferable for the College to correspond directly with the student. Where this is not in the best interests of the student, for example because the student lacks capacity or requires support to receive correspondence as a result of an underlying heath condition, correspondence can be directed through an authorised representative where explicit permission is given by the student.

2.13 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary for a student to be legally represented at any meetings that form part of the procedure, other than in exceptional circumstances.

Decision-making

2.14 Any action taken under this procedure will be limited to that necessary and proportionate to protect the best interests of the student, and other members of the Collegiate University community. In particular, stepped care principles of proportionality of response will be followed for responses to risk and support needs.

2.15 The standard of proof when making decisions under this procedure is the balance of probabilities. The burden of proof that some form of action is required to be taken in relation to the student's studies rests with the College. This means that it is necessary to prove that it is more likely than not that behaviour occurred which requires action to be taken. Decisions must be supported by evidence, and will take into account the credibility of evidence.

2.16 All decision-makers will receive appropriate training to undertake their role and be appropriately resourced and supported. Decision-makers in Stage 2 will not have had any previous involvement with the matter or any personal knowledge of the student.

2.17 A student may choose to request a period of intermission at any time during this procedure, or request that a period of prior study is considered for intermission retrospectively. The decision-maker will normally accept any request for intermission provided criteria for intermission are met. Support meetings can still be held during any period of intermission – they simply do not fall under this framework.

2.18 This procedure can be suspended at any time by a decision-maker to enable a student to intermit from study or for a criminal investigation or proceedings to be completed. When a student intends to return to study after intermission or when the criminal proceedings have been completed or a decision has been taken not to take further action through the courts,

the decision-maker may request additional medical evidence or resume this procedure in order to ensure the student is fit to resume study.

2.19 Any reference in this procedure to a College officer or other named role-holder includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer or role-holder under this procedure.

3. Circumstances under which this procedure may be implemented

3.1 A student's capability 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:

a) Students who have individual learning plans in place and are struggling to manage their studies or other elements of their course;
b) Students who are not attending, submitting work and/or repeatedly not responding to emails;
c) Students with complex personal circumstances (for example, health, family or financial issues);
d) Students who regularly submit applications for examination allowances as a result of ongoing health concerns;
e) Students whose health, wellbeing or behaviour is causing concern to others, although there may be no negative impact on their academic work and progression;
f) Students whose behaviour is impacting upon the health and safety of others.

4. Raising a concern

4.1 The Senior Tutor may choose to initiate this procedure following receiving a referral from:

a) the student's Tutor or Director of Studies;
b) the College Head of Student Wellbeing and Welfare, Head of Education Services or Nurse;
c) The University's Mental Health Advice Team, Counselling Team, Wellbeing Advice Team, Harassment and Violence Support Service or OSCCA;
d) the University's Examination Access and Mitigation Committee.

4.2 The Senior Tutor, following consultation with the student's Tutor, the Head of Student Wellbeing and Welfare and, where applicable, the student's Head of Department and/or OSCCA, will consider the grounds contained in the referral and shall determine whether to refer the concern:

a) to Stage 1 of this procedure;
b) to Stage 2 of this procedure;
c) to an alternative procedure where appropriate, for example, the equivalent University procedure, a College or University Disciplinary Procedure or the University's Fitness to Practise Procedures.

4.3 The Senior Tutor may consider taking immediate and interim action where there are reasonable grounds to consider the student is a risk to themselves, or to the Collegiate University community, and there is a need for immediate action to be taken.

4.4 The Senior Tutor, when making a decision under Regulation 4.2, shall take into account whether the concern is likely to be resolved with additional supportive actions. Where Stage 1 does not appear likely to resolve the concern, or actions equivalent to Stage 1 have already been attempted without success, it will be referred to Stage 2.

4.5 The University has an equivalent procedure to support and assess capability to study. There are a number of factors that can determine whether the College or University procedure is most suitable to use, including whether:

a) the behaviour that has prompted the concern is occurring primarily within a College or University setting;
b) the College wish to maintain an entirely supportive relationship with the student;
c) the student's relationship with the College or the University has broken down.

4.6 In some circumstances it may be appropriate for the College to take forward Stage 1 of this procedure. However, where the concern is not resolved by this action, the College may decide to refer any consideration equivalent to Stage 2 into the University procedure by making a written referral under paragraph 4.2.

4.7 If a student's needs may be reasonably met by more than one procedure, the decision regarding which procedure to use will be made jointly by the student's Senior Tutor and the Head of OSCCA.

4.8 The Senior Tutor shall write to the student within 7 days of the decision being made under Regulation 4.2, outlining the concern and informing the student of the decision and the reasons for the decision.

5. Stage 1 – support to study

5.1 The Senior Tutor will nominate a member of the wellbeing team, hereafter referred to as the wellbeing team representative, to undertake the actions under Stage 1. This will usually be a member of the Student Welfare and Finance Committee (the Deputy Senior Tutors, Head of Education Services, Head of Wellbeing and Welfare, or College Nurse), who then reports back to the committee on framework progress following the meeting.

5.2 The student will be required to attend a Stage 1 support to study meeting with the nominated wellbeing team representative to understand why there are concerns regarding the student's behaviour and to discuss what supportive actions can be taken to help address the behaviour. If a student declines to attend, a meeting can be held in absentia, but it will be made clear to the student that this may result in escalation if the meeting attendees have remaining doubts about the student's current ability to study.

5.3 The student will normally be given at least 5 days' notice of the meeting taking place. The student will be informed of the purpose of the meeting including a summary of the behaviour which has led to the meeting taking place and will be able to bring an appropriate supporter to the meeting. Where the student has an ADRC advisor, this person may also attend to provide expert information in relation to any adjustments or other support options that may be discussed. In exceptional circumstances where it is clearly in the student's best interest, the notice period may be reduced at the discretion of the Senior Tutor.

5.4 During the meeting, the wellbeing team representative will outline the behaviour that has led to the meeting taking place and the student will be given an opportunity to provide a response or explanation for the behaviour. Where a student disagrees that the behaviour has taken place then this should be noted, with the student still having the opportunity to agree to engaging with supportive actions.

5.5 Supportive actions can be any actions that may assist the student in continuing with their course. Supportive actions must be agreed between the wellbeing team representative and the student. Some examples of these actions may include:

a) additional meetings with College fellows or staff to discuss behaviour expectations or academic work;
b) additional study skills or language sessions;
c) mentoring, which can either be specific mentoring to support a student in managing their studies with a disability or more general mentoring (mentoring should only be carried out by staff, not peers);
d) interim milestones or deadlines for academic work to ensure that formal deadlines will be met;
e) the student engaging with the ADRC, or with counselling or other medical or health professionals, including agreeing to undertake further assessments, including with the Mental Health Advice Service;
f) a review of reasonable adjustments in place;
g) the student not contacting or communicating with named staff or students, or to only communicate or contact named staff or students as explicitly defined by the action;
h) using named College facilities or buildings as explicitly defined, for example, not using particular spaces out of hours or without supervision.

5.6 Any actions that will require the input of staff outside of the College must be agreed with the relevant staff or service before the supportive action is finalised.

5.7 Within 7 days of the meeting taking place, the student will receive from the wellbeing team representative a summary of the content of the meeting and a list of the agreed supportive actions, and a date of review to check that the agreed actions have improved matters. The student will be required to confirm agreement to the supportive actions within 7 days of receiving the written copy.

5.8 Where a student does not agree to any supportive actions being put in place; or where the student has failed to comply with the actions; or where following the review date the actions have not had the desired impact, the wellbeing team representative must inform the Senior Tutor for possible consideration under Stage 2 of the procedure.

6. Stage 2 – assessing capability to study

6.1 Where a concern is referred to Stage 2 of this procedure, a Committee will be appointed by the Senior Tutor within 21 days of the referral. The Senior Tutor will be Secretary to the Committee.

6.2 The Committee shall comprise:

a) a member of College Council who shall be Chair;
b) a College Tutor who has no knowledge of the student concerned; and
c) a medically qualified person.

6.3 The Chair will set a date for a formal meeting of the Committee to hear the case, which date may be changed by the Chair if the circumstances require it.

6.4 The purpose of the meeting will be to consider the information available and to reach an appropriate decision, action plan, or other outcome. The person who made the original referral and, where Stage 1 has been used the wellbeing team representative responsible for Stage 1, will be requested to provide relevant written evidence to the Committee, and may be requested to attend at the Chair's discretion. The Committee may request other specialist or relevant opinion, including medical reports or reports from other specialist advisers. This can include an assessment from the University's Mental Health Advice Service where students have mental health difficulties (excluding assessments regarding neurodiverse conditions) or behavioural difficulties, which are impacting the wider College community. The Committee may also request to see documents and records resulting from consideration of the student's case by the College or University under its procedures or any other evidence considered necessary and proportionate. The Committee may ask the student to attend a consultation with an expert but the Committee may proceed to consider the student's capability to study notwithstanding a refusal or failure by the student to attend a consultation as requested.

6.5 The Secretary of the Committee shall give the student at least 14 days' notice of the date, time and venue of the meeting of the Committee, as well as the purpose of the meeting, and all documentation given to the Committee, including a summary of the concerns to be considered at the meeting. The student will be invited to provide any documentation which the student wishes the Committee to consider in advance of the meeting. The Secretary of the Committee will ensure that all parties have access to the same documents.

6.6 If the student is unable to attend the meeting, or declines to do so, the Committee may agree to proceed in the student's absence.

6.7 The student may be supported and/or represented (including in her or his absence) at the meeting by a supporter or representative of the student's choice. A support worker may also accompany a disabled student. The student should notify the Secretary of the Committee at least 7 days in advance of the meeting if the student intends to attend the meeting and if the student will be accompanied and/or represented, and, if so, by whom. Where a student and a representative attend the meeting the student may still be required to answer questions at the Chair's discretion.

6.8 Subject to the express provisions of this procedure, the Chair shall otherwise acting reasonably regulate the arrangements for the provision of documentation and other evidence (including adjourning the meeting where necessary so that additional information can be sought), as well as the conduct of the meeting.

6.9 The Committee shall make such decisions by a simple majority in respect of a student's capability to study as it considers necessary and proportionate. These decisions may include, but are not limited to, one or more of the following:

a) to agree that no further action be taken by the College;
b) to agree a plan of action(s) with the student;
c) to make the student's access to College facilities and premises subject to specified conditions;
d) to make such recommendations, including to the University, and/or direct such actions, in respect of the student, as the Committee considers fit;
e) in the case of a medical or veterinary student, to refer the case for consideration under the University's Fitness to Practise procedures;
f) to refer the case for consideration under the College or University's disciplinary procedures;
g) to suspend membership of the College and/or the studies of the student temporarily and to determine the minimum period after which the College will consider an application to resume, and what conditions, if any, must be met before an application to resume may be made;
h) to withdraw the student's membership of the College, resulting in permanent exclusion from the College and withdrawal from the University.

Any decision made by the Committee in accordance with Regulation 6.9 (g) or Regulation 6.9 (h), for a student's temporary or permanent removal from the College, can only be made with the approval of College Council, in line with Hughes Hall Statute [IX, 4].

6.10 For the purposes of candidature for an examination or competition, any terms during which a student's studies are temporarily suspended by the Committee will need to be reported through an application to the EAMC for terms to be disregarded.

6.11 Where the Committee decides that a student's access to College facilities and premises shall be subject to specified conditions, the Committee shall stipulate arrangements for monitoring the student's compliance with those conditions and for dealing with any alleged breach of those conditions on the part of the student.

6.12 The student, the student's Department and the University's Student Registry shall be notified in writing of the decision of the Committee, with reasons, within 7 days of the meeting of the Committee. The letter shall also include the timeframe and process to be followed where the student wishes to review the Committee's decision.

6.13 Where the student asks for review of the Committee's decision, the decision will continue to be implemented until such time, if any, that the review results in an alternative decision.

7. Review of Committee's decision

7.1 A student shall have 14 days from the date of the decision letter to submit a request to review the Committee's decision.

7.2 The permitted grounds for review are as follows:

a) procedures were not followed properly, which may have had an impact on the Committee's decision;
b) demonstrable bias or reasonable perception of bias during the procedure;
c) the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
d) that the Committee's decision was unreasonable, disproportionate or not permitted under the procedure.

7.3 Where a review is submitted by the student, the Vice President of the College will screen the request to ensure it is within time and relates to the permissible grounds. The screening decision will be sent to the student within 7 days, accompanied by a Completion of Procedures letter where the student's request is ineligible for review.

7.4 Where the request for review is eligible for consideration the Vice President of the College will act as Chair and appoint two fellows of the College to form a three person Review Committee.

7.5 The Review Committee will consider all materials considered by the Committee, the minutes of the Committee, the decision letter of the Committee and the request for review provided by the student. This process will normally be paper-based and therefore, without the student or others in attendance. The Appeal Committee cannot investigate matters afresh only review the decision made by the Committee.

7.6 The Appeal Committee will determine whether any of the review grounds have been met and if so, decide on an appropriate remedy. The remedy may be for the Committee or a freshly appointed Committee to re-consider the case, or the Appeal Committee may substitute its own decision.

7.7 The Chair of the Appeal Committee shall write to the student within 7 days of the Appeal Committee decision with the outcome and reasons for it, accompanied by a Completion of Procedures letter.

8. Return to study

8.1 A student whose college membership and/or studies have been temporarily suspended under this procedure may make an application addressed to the Senior Tutor for permission to resume after such period and subject to meeting such conditions as may have been determined under Regulation 6.9(g) above. Where the Senior Tutor considers that the application appears to meet the conditions to return to study, it will be considered at the discretion of the Senior Tutor either by the same Committee that made the decision temporarily to suspend the student or by a differently constituted Committee appointed in accordance with Regulation 6.2 above. The application shall be heard at a meeting of the Committee managed in accordance with Regulations 6.3–6.13, save that, if, having reviewed the student's application and any documentation submitted with it, the Committee agrees that the student may be permitted to resume study either unconditionally or subject to specified conditions to which the student consents in writing, the Committee may proceed without a meeting.

8.2 The Committee shall make such decisions by a simple majority in respect of a student's capability to return to study as it considers necessary and proportionate. These decisions may include, but are not limited to, one or more of the following:

a) to permit the student to resume study, subject (if the Committee considers it appropriate) to specified conditions, including in the case of a disabled student defining reasonable adjustments, as appropriate, to support the student's studies and examination;
b) to make such recommendations in respect of the student, including to the student's Department, as the Committee considers fit;
c) in the case of a medical or veterinary student, to refer the case for consideration under the University's Fitness to Practise procedures;
d) to refuse the application to resume study and to determine the minimum period after which the College will consider a further application to resume studies, and what conditions, if any, must be met before such an application to resume study may be made;
e) to withdraw the student's membership of the College, resulting in permanent exclusion from the College and withdrawal from the University.

Any decision made by the Committee in accordance with Regulation 8.2(d) or Regulation 8.2(e), for a student's temporary or permanent removal from the College, can only be made with the approval of College Council, in line with Hughes Hall Statute [IX, 4].

8.3 It may not always be possible for a student to return to exactly the same course following a long period of suspension, as the course may have been discontinued or significantly modified. It may also be necessary for a student to return to the course at a point prior to which they left, if this is necessary for academic reasons or to enable support mechanisms to be set up. The College will need to liaise with the Examination Access and Mitigation Committee and/or the relevant Department to ensure accurate information is provided to the student about course options.

8.4 Where a Committee has allowed a student to resume their studies, the Committee may, at the request of the student, submit an application to the Examinations Access and Mitigation Committee to allow a term of residence, put the student in standing for the purposes of examination, or apply for such other academic arrangement as the Committee may think fit.

8.5 Where a Committee decides that a student's resumption of studies shall be subject to specified conditions, the Committee shall stipulate arrangements for monitoring the student's compliance with those conditions and for dealing with any alleged breach of those conditions on the part of the student.

8.6 The Secretary of the Committee will communicate in writing, within 7 days of the decision being made, the decision and reasons for the decision to the student, the student's Department and the University's Student Registry. The Secretary will also confirm the process for reviewing the Committee's decision.

8.7 Where the student requests a review of the Committee's decision using regulation 7, the decision will continue to be implemented until such time, if any, that the review results in an alternative decision.

9. Reporting and Monitoring

9.1 The College shall monitor all concerns reported using this procedure and shall produce an annual report summarising the anonymised decisions made by the Senior Tutor, the Committee and the Appeal Committee. The annual report shall be submitted to the College Council.

9.2 The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level, that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for students, staff and fellows using the procedure.