

FITNESS TO RESIDE POLICY

2020

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Summary

What is this document about?

Fitness to Reside Policy is concerned with, and relates to, an student's capacity to live successfully with others, observing rules and norms to facilitate a pleasant and safe living environment in any University allocated or third party nominated Halls of Residence. The Policy relates only to University-owned Halls of Residence or where there is a formal relationship with a third party provider.

Who is this for?

The scope of this Policy covers students residing within any University allocated or third party nominated Halls of Residence.

How does the University check this is followed?

Residential staff or equivalent within partner/third-party accommodation providers should discuss any cases with the Residence Life Manager Estates & Campus Services. The Residence Life Manager will at all times seek advice from the Head of Wellbeing Services.

Who can you contact if you have any queries?

Please email rachel.geary@port.ac.uk or go to <https://staff.port.ac.uk/departments/services/estates/campuservices/>

Foreword

The University is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to assisting all students in their learning and living environments, as well as their personal and academic potential. The Estates & Campus Services department are mindful of, and celebrate the University's culturally diverse student body and appreciate the different lifestyles/customs/practices of all our students. This document is not intended to restrict such diversity but to accommodate it within a safe, inclusive, and welcoming environment.

1. What is Fitness to Reside?

- 1.1 The concept of Fitness to Reside is concerned with, and relates to, a student's capacity to live successfully with others, observing rules and norms to facilitate a pleasant and safe living environment in any University allocated or third party nominated hall.
- 1.2 The Estates & Campus Services department is committed to supporting student wellbeing, recognising that the positive management of physical and mental health is crucial to a student's ability to live successfully within a hall community.
- 1.3 This procedure is not intended to replace any policy/procedures to be followed in a Crisis Situation regarding a resident within halls. ([Mental Health Policy \(Students\)](#))
- 1.4 The University wishes to encourage positive living environments and arrangements within student residences other than Halls and provides support as appropriate where there are concerns, which it is aware of. However, there is no ability to apply a Fitness to Reside Policy approach in any residences other than University allocated or third party nominated halls.

2. The purpose and scope of Policy

- 2.1 To provide a suitable and coordinated response by the University or equivalent within partner/third party providers of Halls, in circumstances where a student may require help/intervention and when it is not considered appropriate to apply other internal procedures (see Annex A for related procedures/policies).
- 2.2 To encourage early intervention and active collaboration between hall staff, other University staff or equivalent third party provider, and external professional services in managing situations where there are concerns regarding a student's fitness to reside.
- 2.3 To provide a consistent and sensitive approach to the management of situations.
- 2.4 To encourage and support engagement by a student, whose behaviour/actions/demeanour are causing concern, with other internal and, if required, external support services.
- 2.5 To allow for the evaluation of required resources to support a student residing in halls, for example but not limited to, specialist funding, levels and forms of staff support, and structural alterations to room/buildings. This evaluative process may need to start before the student is formally allocated a hall place.
- 2.6 Third party accommodation refers to student halls which are owned and operated by a party external to the University and where a formal relationship, such as a nominations agreement, is in place.

3. When to use this Policy

- 3.1 A student's fitness to reside may be a cause for concern as a result of a wide range of circumstances, which may exist before a student becomes a resident or develop whilst the student is in residence. For example:
- 3.1.1 At the application/allocation stage where a student is identified as having specific resource needs, their case should be reviewed by Additional Support and Disability Advice Centre (ASDAC), Wellbeing Services management, Residential Services department and Student Housing to ensure resources are available before the student is offered/guaranteed a place.

3.1.2 Concerns about a student's behaviour are raised by a third party, i.e. a friend, housemate, fellow student or staff. Concerns raised should be reviewed by Estates & Campus Services department.

Example of concerns regarding behaviour include, but are not limited to:

- the student has thoughts or exhibits behaviour which concerns or intimidates fellow residents and others, e.g. disconnecting from reality/exhibiting psychosis or paranoia;
- the student poses a risk to his/her own health, safety and/or wellbeing and/or that of other residents, staff or visitors;
- the student's behaviour is, or is at risk of, negatively affecting other residents, the day-to-day operation of the University of Portsmouth hall, or a hall provided by a third party.

3.1.3 The student's behaviour is such that it would normally be dealt with as a disciplinary matter as outline in the code of student behaviour, ([Code of Student Behaviour](#)) however it may be known to be, or suspected to be the result of an underlying (and/or undisclosed) physical or mental health issue, and so the application of the usual disciplinary procedures would be inappropriate in the initial stages of handling the concerns.

3.1.4 The student's support needs are such that they require additional staff attention and care resources not currently available within the hall/University provision, or available within partner/third party accommodation providers.

3.1.5 The student's support needs are such that they require funding for alterations and installations to the room/building not available within existing University provision, or available within partner/third party accommodation providers.

4. Raising concerns

4.1 Acute mental health concerns

4.1.1 In an acute situation any person with concerns should at the earliest opportunity report these to the Residence Life Manager see Annex B

4.1.2 The Residence Life Manager or equivalent within partner/third party accommodation providers, must at all times seek urgent advice from Wellbeing Services

4.2 Concerns over student's behaviour or frame of mind

(Behaviour includes, but is not limited to, actions/affect on-campus, in-hall interactions of either a face-to-face nature or online behaviours/actions – including social media postings and text messaging)

4.2.1 Concerns, raised by any hall or other University staff member, student, visitor or others, which are less severe than acute issues, should be channelled through the hall local welfare support structure. The response would normally be the standard welfare approach, i.e. a personal informal meeting between the student and the Residence Life Manager to establish if the student is engaged with the Wellbeing Services.

4.2.2 Concerns of the Residence Life Manager about the seriousness of the student's state of mind should be raised with the Wellbeing Services staff. The student's Personal Tutor should also be contacted to establish if academic pressures are a contributory factor to their behaviour issues. The findings should then be discussed with the Wellbeing Services as the matter may require referral to the ([Fitness to Study Policy](#))

4.3 Concerns about level and/or type of support required

Residence Life Team members should discuss, with the Residence Life Manager or equivalent within partner/third party accommodation providers, concerns about the level of commitment, in terms of both staff time and other resources, required to meet the student's needs

4.4 Concerns of Wellbeing Services staff

Where a concern is raised by a member of Wellbeing Services staff regarding a student's Fitness to Reside, the staff member should in the first instance discuss their concerns with the Residence Life Manager.

4.5 Assessing funding for alterations and installations required from halls budget

The Manager of University of Portsmouth halls should, following discussions with ASDAC and/or Estates and Campus Services department raise any concerns with the Estates and Campus Services Finance Controller if they believe the cost of required alterations may be beyond their budget authorisation.

5. Confidentiality and the sharing of information

5.1 The University will follow all its relevant policies in relation to confidentiality of data. For Fitness to Reside matters the University seeks to limit access to sensitive personal information to only those who require it to enable the student's Fitness to Reside to be established and/or who need it to support the student. In certain cases, senior management may take the decision to contact the student's named emergency contact either with or without the student's consent.

5.2 Staff should discuss with the student the need/desirability to be able to share personal data with other members of University staff, equivalent within partner/third-party accommodation providers and/or external support services on a need-to-know basis. Where possible, an agreement should be reached with the student on who their sensitive personal data (health data) can be disclosed to and their written consent to this obtained. The student should be made aware that they may change/ remove their consent at any time but conversely, that if their situation deteriorates, it might be necessary to share their data with health professionals without their prior consent.

6. Stages of Action

Before any formal procedure regarding unacceptable student behaviour is implemented, Residence Life staff must ensure all informal avenues have been explored and action taken to address the concerns raised directly with the student (as outlined in section 4). Such actions would include providing supportive and confidential constructive advice so that the student is encouraged to discuss their wellbeing openly and discuss/agree actions that could assist them in living in the hall community.

6.1 Acute mental health concerns

The Residence Life Manager will seek urgent advice from specialist staff in the Wellbeing Service.

6.2 Student behaviour concerns

6.2.1 Where it is apparent that all informal avenues (as outlined in section 4) to resolve student behaviour issues by the Residence Life team within University halls or the equivalent within partner/third party accommodation have not been successful, then the matter should be raised with the Residence Life Manager at the earliest opportunity. Where repeat overnight incidents involving the same student have been identified then the matter should be raised by the on call staff member with the Residence Life Manager the next working day.

6.2.2 The Residence Life Manager will consider all the evidence available, and conclude if a Fitness to Reside Panel should be convened.

6.3 Concerns about level and/or type of support required

The Residence Life Manager will consider all the evidence available and conclude if a Fitness to Reside Panel should be convened.

6.4 Concerns of Wellbeing Services staff

The Residence Life Manager will at all times seek advice from the Head of Wellbeing Services and conclude if a Fitness to Reside Panel should be convened

6.5 Assessing funding for alterations and installations required from halls budget

The UoP Accommodation Services Manager will seek clarification from ASDAC, Wellbeing Services, Estates and Campus Services department to confirm and identify the total budget required and sources of funding to meet the needs of the student.

7. Arrangements for a Fitness to Reside Panel

7.1 Following review by the Head of Wellbeing Services and FRA, a request is to be made to the Head of Residential Services or nominated representative in order to convene a Fitness to Reside Panel.

7.2 The Head of Residential Services should appoint an appropriate member of staff to undertake the role of Secretary who will produce a record of the proceedings.

7.3 The Secretary shall give five working days formal notice to the student of the Fitness to Reside Panel. The formal notice shall consist of:

- the date, time and venue of the Panel;
- details of where help and advice may be sought;
- a copy of any documentary evidence that may be considered;
- details of their right to representation or support at the Panel;

7.4 If the student is unable to attend they can be represented by a nominated person or submit a written statement to the Secretary which will be considered by the Panel in his/her absence.

7.5 The Fitness to Reside Panel shall consist of:

- Head of Residential Services department or nominated representative as Chair;
- Information Disclosure and Complaints Manager or nominated representative;
- a student representative: Student's Union Sabbatical Officer (Vice President Welfare and Community or nominated representative). If a student representative is not available, the chair will try to arrange an alternative date, but if this is not possible then the meeting may continue in their absence.
- An appropriate staff member who has been involved with the student, e.g. Student Personal Tutor, may be invited to attend to observe proceedings and provide the Panel with information relevant to the case. The Head of Residential Services should appoint an appropriate member of staff to undertake the role of Secretary who will produce a record of the proceedings.

7.6 The Secretary shall provide all members of the Panel with copies of the formal notice sent to the student and all relevant evidential documents.

7.7 The Residence Life Manager and or third party accommodation provider Manager or his/her representative will present the case and all evidence to the Panel for consideration.

8. Panel outcomes

8.1 Having considered the evidence presented the Panel shall determine one of the following outcomes:

8.1.1 The student is fit to reside and the case should be dismissed but with the following caveat:

- in this case the student should be advised specifically on which behaviours/actions/affects caused concern, why this was so, and how such concerns may be avoided

8.1.2 The student is fit to reside if a managed engagement plan is followed:

- the Residence Life Manager should liaise with the Wellbeing Services to ensure that the requirements of the managed engagement plan are feasible, which will include a provision for follow up by the Residence Life Manager to confirm to the Head of Residential Services or his/her representative that engagement has taken place.

8.1.3 The student is unfit to reside and has not shown any intent and/or capacity to change their behaviour or actions in the foreseeable future in order to remain part of the hall community:

- the accommodation contract with the student will be cancelled and the student issued with a formal 28-day Notice to Quit as outlined in the terms and conditions of their contract.

8.1.1 The student is unfit to reside and to allow them to remain in their current accommodation during the formal 28-day Notice to Quit period would be inappropriate. The student will be required to move for the notice period, to more suitable alternative accommodation, if available. This would apply if there were:

- serious concerns regarding the safeguarding of themselves, other students, staff and the wider community;
- unacceptable disruption to the stability of the hall and wider University community and the student experience.

8.2 The Head of Wellbeing Services may discuss the case with the NHS Mental Health Team or Police if serious concerns are held or identified by the Panel members that the accommodation available to the University is not suitable regarding the personal safety/wellbeing of the student and other residents and therefore action should be taken by statutory services (NHS/Police) in conjunction with the University to identify appropriate accommodation.

9. Communication of Panel findings

9.1 Within two working days of the Fitness to Reside Panel, the Chair via the Secretary shall issue the Decision Notice to the student. The Decision Notice shall consist of the following:

- a summary of the major points made during the hearing;
- a concise statement of the Panel's findings;
- an explanation of the student's right of appeal;

9.2 The Decision Notice shall be copied to all Fitness to Reside Panel members and the appropriate UoP Halls and third party accommodation provider Management.

10. Appeals

10.1 A student shall have the right of appeal against the findings of the Fitness to Reside Panel. No other person may appeal.

10.2 An appeal is to be lodged by the submission of a signed and dated statement from the student to the Director of Estates and Campus Services, or their representative, which should be, headed 'Statement of Appeal against the decision of the Fitness to Reside Panel'.

10.3 A Statement of Appeal must be lodged within ten working days of the date of issue of the Decision Notice.

10.4 The Statement of Appeal must be based on one or more of the following grounds:

- a material procedural irregularity, which might have impacted significantly on the validity of the original hearing and the subsequent decision;
- new evidence that could not reasonably have been made available to the initial hearing;
- that the penalty imposed by the Panel was too severe, bearing in mind the circumstances of the case and the treatment of other students in similar positions.

10.5 The Director of Estates and Campus Services shall, as soon as possible, after receipt of a Statement of Appeal, determine whether the appeal is valid. The Director of Estates and Campus Services can uphold, amend or rescind the decision of the Panel.

10.6 The student shall be informed of the Director of Estates and Campus Services' decision in writing together with the reasons for the decision.

10.7 If the appeal be unsuccessful, the student will have completed the University's appeals procedures and will be issued with a Completion of Procedures letter, which will enable them to take their appeal to the Office of the Independent Adjudicator for Higher Education.

Annex A Related policies/procedure

[Mental Health Policy \(Students\)](#)

[Guidance: Staff/Student Mental Wellbeing and Students Causing Concern](#)

[Students Drug and Alcohol Policy](#)

[Halls of Residence Handbook](#)

Annex B Hall Residence Life Team contact details

The Residence Life Team hours are 11.30am-8pm (Mon-Thurs) & 12noon-8pm (Fri) and are based in Bateson Hall.

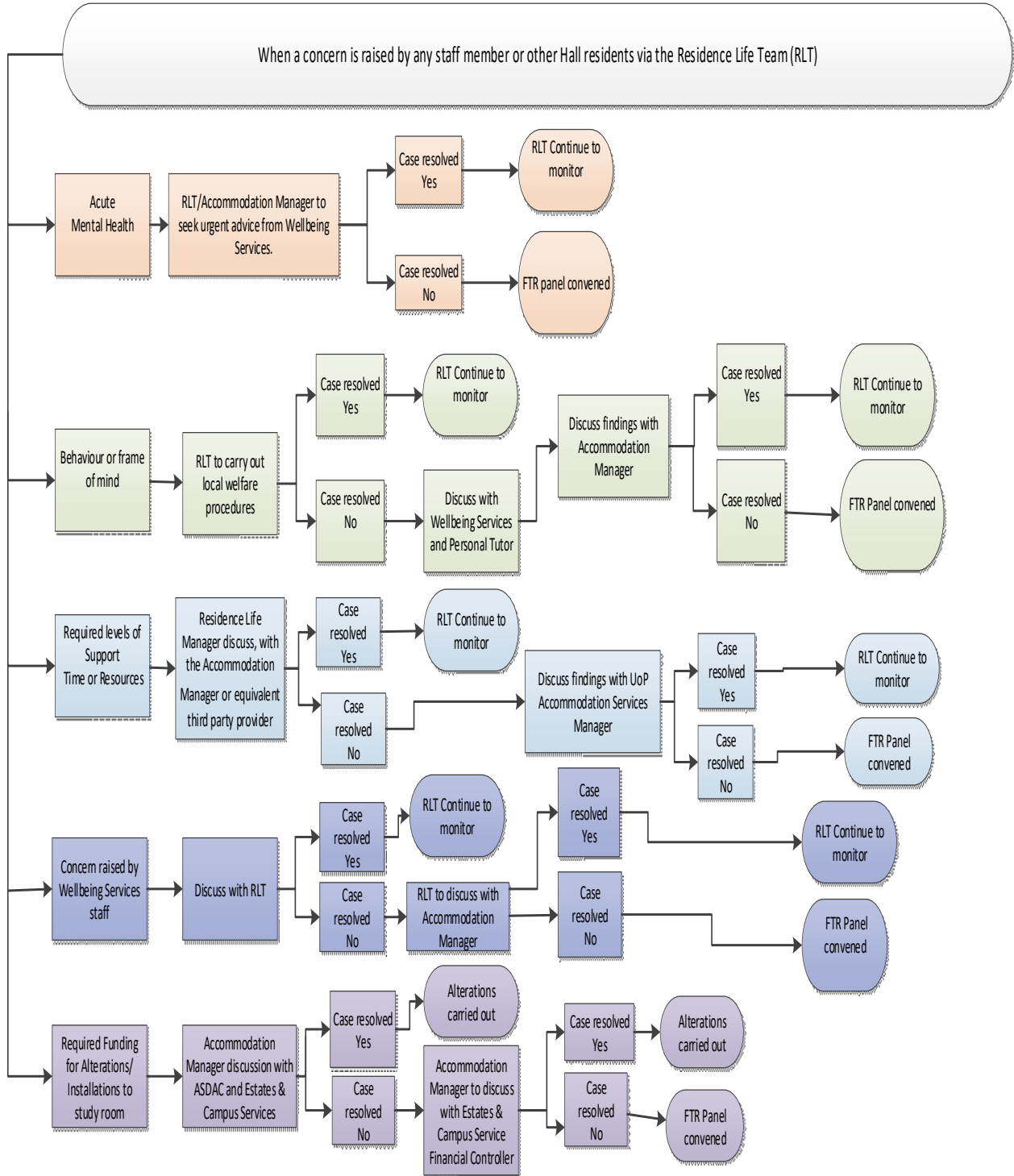
T: 023 9284 3789, 023 9284 4578 or 023 9284 3924

E: reslife@port.ac.uk

Out of Hours on call staff can be contacted via security on 023 9284 3418

Annex C Process flowchart

Estates & Campus Services Fitness to Reside Policy
 Relates to an individual's capacity to live successfully with others, observing rules and norms to facilitate a pleasant and safe living environment in any University allocated or partner/third party accommodation provider nominated hall.



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