



# Fitness to Reside

Approved by: Academic Board  
Date: 6 June 2019, effective from 1 August 2019  
Review by: April 2020

## Introduction and Scope

1. The Fitness to Reside Policy applies to students studying at the College full-time or part-time, on undergraduate, postgraduate taught and postgraduate research programmes who reside in College owned or managed Halls of Residence or properties.
2. The policy also applies to students who sign Accommodation Terms and Conditions and are:
  - exchange students registered with another higher education institution who are being hosted by the College;
  - on a foundation year course hosted or run by the College;
  - on a course delivered by a third party supplier.
3. This policy documents the appropriate steps staff should follow when concerns are raised about a student's fitness to reside at College owned or managed Halls of Residence or properties.
4. The Policy is intended to provide a consistent, proportionate and coordinated response by the College in circumstances where a student may require support or intervention and where other internal policies or procedures are not considered appropriate.
5. The Fitness to Reside Policy should be read alongside the [Student Conduct Regulations](#), the [College General Regulations](#), Fitness to Study, and the Halls [License Terms and Conditions](#). The Fitness to Study policy will take priority over Fitness to Reside.
6. Students will be expected to manage and take responsibility for all aspects of residing in and sharing facilities in Halls of Residence or other College properties in line with the Student Conduct Regulations, College General Regulations and License Terms and Conditions.
7. As noted in the License Terms and Conditions there may be times when it may not in the best interests of the student, or the College and its community to allow the student to continue residing in Halls because they are not fit to live independently (which may include specific care arrangements compliant with equality legislation) within communal Halls because they may expose themselves, the College or others to risk. In these circumstances it may be appropriate for the College to consider the cancellation of a students' accommodation contract.
8. The College is an academic community and the accommodation it provides for students are those appropriate to this setting. Where a student requires specialist, medical or other care, the College will refer to the NHS and other statutory services that can provide appropriate support for advice and guidance.
9. Where the conduct of the student is also a conduct offence breach under the Student Conduct Regulations, it is anticipated the conduct aspect will be concluded before fitness to reside is assessed. Every reasonable effort will be taken to advance the process promptly and to not disadvantage the student
10. Where necessary a student may be restricted from Halls pending a fitness to reside process. Any decision to restrict a student in this way would need to be agreed by at least two members of staff within Professional Services. Wellbeing support will be provided for the student throughout these considerations and actions and support will be offered by the SU Advice team to identify temporary alternative accommodation.

## Definition of Fitness to Reside

11. The College has a commitment to supporting student wellbeing in their academic and personal life whilst studying and recognises the importance of facilitating a safe and supportive living environment within its Halls of Residence.
12. Students will be considered fit to reside if they are able to live independently (which may include specific care arrangements compliant with equality legislation), to live with others in communal Halls, observe and follow the rules and conditions of Halls to ensure this living environment.
13. Students will be considered fit to reside if they can demonstrate they can consistently reside in accommodation in a way that does not present a risk to or serious concern to themselves and / or unreasonable disruption or a risk to other members of the College community.

## Fitness to Reside Considerations

14. A concern about fitness to reside may be raised by Professional Services staff (in particular Residences (Customer Services & Housekeeping) Hall Life, or Student Advisory & Wellbeing teams) academic or administrative staff, or through information provided by another student. A cause for concern about a student's fitness to reside may relate to a wide range of concerns including, but not limited to:
  - (i) Behaviour or conduct that would ordinarily be dealt with as a misconduct issue but where that student's behaviour may be a demonstration of an underlying physical or mental health illness (Student Conduct Regulations Appendix 4)
  - (ii) Severe health concerns (physical or mental) including lack of management or understanding of these concerns
  - (iii) Violent, indecent, disorderly, threatening, or aggressive behaviour
  - (iv) Serious criminal behaviour, conviction of a serious criminal offence, or relevant sanctions following conviction of a serious criminal offence where the safety of Halls, residents or staff may be compromised
  - (v) Where a student has a relevant, unspent criminal conviction. Relevant convictions may relate to (a) any kind of violence (b) sexual offences (c) supply of controlled drugs or substances (d) firearms offences (e) offences involving arson and (f) offences listed in the current Terrorism Act.
  - (vi) Drug, Alcohol, Substance abuse or misuse
  - (vii) Behaviour or conduct where the safety, health and wellbeing of students, staff, visitors, or the wider campus community may be at serious or immediate risk
  - (viii) Behaviour or conduct which significantly negatively or dangerously impacts other residents or staff or impacts on the day-to-day operational running of the Halls of Residence.
  - (ix) When the students support needs require resources which are not considered to be a reasonable adjustment or is not currently available within the normal provision of Halls accommodation
15. There is an aim to encourage early intervention and collaboration from relevant College services (and external support services) to support the student where there are concerns about a student's fitness to reside and to manage circumstances without referring to a Fitness to Reside Panel.

16. The Policy is not intended to replace emergency responses to situations within Halls. All concerns should be escalated or referred to the relevant services as promptly as possible to enable support to be put in place and to avoid a high risk crisis situation. In the event of crisis situation or an emergency staff and / or students should consult the [College advice on getting help](#) with an emergency or contact Campus Security.
17. When at the application or Halls allocation stage a student is identified as having specific accommodation needs their case will be assessed by the Student Advisory & Wellbeing (primarily Disability & Dyslexia Services) and the Residences (Customer Services & Housekeeping) team to ensure appropriate resources are available and reasonable adjustments are considered, and where possible, implemented before the student is recommended, offered, or guaranteed a place in Halls.

### **Support for Students**

18. Students are strongly encouraged to seek support from relevant services at all stages of the Fitness to Reside process. These services include Student Advisory & Wellbeing (Disability & Dyslexia Services, International Support & Inclusivity, Student Counselling and Student Wellbeing); the student's GP or other medical practitioner or therapist, and the Students' Union Advice Centre.
19. Students seeking advice and guidance on the process being followed should consult with the Students' Union Advice Centre ([advice@su.rhul.ac.uk](mailto:advice@su.rhul.ac.uk)).

## **Fitness to Reside Process**

### **Raising Initial Concerns**

#### **Emergency / acute health concerns**

20. Where there is an immediate risk or similarly urgent situation relating to fitness to reside (e.g. where a student poses an immediate risk to themselves or others) the concerns must be reported to Campus Security who will alert the relevant member of staff and / or on-call emergency contact (e.g. Silver Command or Bronze Support) where required. Health or wellbeing advice or support can also be sought from the Head of Student Advisory & Wellbeing, Head of Disability & Dyslexia Services, Head of Student Wellbeing, Head of Student Counselling or Head of International Support & Inclusivity.

#### **Conduct or behavioural concerns**

21. Non-emergency / non-acute concerns should be directed to the usual Professional Services teams within the College. These may include, but are not limited to, Student Advisory & Wellbeing, Hall Life, the Student Services Centre or Residences (Customer Services or Housekeeping). The response should follow normal protocols for wellbeing or misconduct issues. If staff are unsure who to alert they should contact [wellbeing@royalholloway.ac.uk](mailto:wellbeing@royalholloway.ac.uk) for advice.

#### **Support or reasonable adjustment concerns for documented disabilities or medical conditions**

22. First contact should be made with the Head of Disability & Dyslexia Services or The Environmental Health Supervisor or Residences Manager to assess or re-assess the student's needs in accommodation and what reasonable adjustments could be put in place to support the student in their accommodation. Discussion should also be held with the Estates Directorate where there are considerations relating to buildings or estates resources.

#### **General wellbeing concerns**

23. First contact should be made with the Head of Student Wellbeing, or Campus Security out of hours, to assess or re-assess the student's wellbeing and needs and to review what internal or external support can be provided for the student.

#### **Criminal or suspected criminal behaviour which has an immediate impact on fitness to reside**

24. First contact should be made with Campus Security who will alert Surrey Police and / or the on call emergency contact (e.g. Silver Command) where required for review and action.
25. The response should follow normal protocols for allegations of crime or criminal activity which will include a review of fitness to reside under the Student Conduct Regulations.

### **Step 1: Initial Actions**

26. Before a formal Fitness to Reside Panel is convened the College should ensure all other available options have been explored and proportionate action taken to address the concerns raised directly with the student and allow them to fully respond to the concern.
27. The informal actions should allow the student to discuss the issues openly with College staff (for example, Student Advisory & Wellbeing, Hall Life, the Student Services Centre) and to discuss or agree actions that would enable them to continue living within Halls of Residence.
28. The student should have access to all relevant College & Student's Union services and be made aware of relevant external support and resources.

29. If the informal actions have not resolved the areas of concern then consideration should be given to convening a Fitness to Reside Panel.

### **Step 2: Fitness to Reside Panel**

30. The informal actions should be reviewed by at least two senior College staff members from relevant Professional Services. If they agree all informal routes have been followed but without success they may request a Fitness to Reside Panel be convened.

31. The Fitness to Reside Panel will include:

- A Head of a relevant Professional Service or Department as Chair;
- A member of Student Advisory & Wellbeing (e.g. Head of team);
- A Students' Union representative (Sabbatical Officer or nominee). *If a student representative is not available the panel may continue in their absence.*

*An appropriate School staff member who is known to the student (for example Personal Tutor), may be invited to attend to observe the Panel meeting, to provide the Panel with information relevant to the case) and to offer support to the student (in addition to their accompanying person).*

32. Members of the Panel should not have been closely involved with the case prior to be added to the Panel.

33. A member of Hall Life or Residential Services will act as Secretary to the Panel.

34. The Chair will ask the Fitness to Reside Panel Secretary to arrange a Panel and give formal notice to the student of the Fitness to Reside Panel. The formal notice must give five working days' notice and include:

- The date, time and location of the Panel meeting;
- Details of where the student can seek help and advice about the process;
- All evidence that may be considered by the Panel;
- Information about the student's right to be accompanied to the hearing by another staff member of College or a Students' Union Advisor not previously involved with the case.

35. All reasonable efforts should be taken to allow the student to attend the Fitness to Reside Panel and to agree a mutually convenient time. If, however, the student is unable to attend the Panel – either in person or electronically (e.g. Skype) - they can submit a written statement to the Secretary which will be fully considered by the Panel in their absence. Support in writing this statement can be provided by the Students' Union Advice Centre and the student will be given sufficient time to prepare this.

36. The Secretary will provide all Panel members with copies of the formal notice sent to the student and all relevant evidence to be considered.

37. The Head of Disability & Dyslexia Services or Head of Student Wellbeing (*whichever is most appropriate for the concerns raised*) (or nominee) will present the case and evidence to the Panel for their consideration.

38. The Panel procedure will follow the principles of the hearing / meeting process in Appendix 7 of the Student Conduct Regulations (Major Misconduct). The Panel will consider the evidence, the response from the student, and may ask questions to all those present.

### Fitness to Reside Panel Outcomes

39. The Fitness to Reside Panel will hear the case and will determine one of the following outcomes:
- a) **The student is considered fit to reside and the case should be dismissed:** but with the caveat that the student should be advised specifically on which emergency / acute health concern; conduct or behavioural concern; support or reasonable adjustment concern; general wellbeing concern; or criminal or suspected criminal behaviour led to the Panel, why this was so, and how such concerns may be avoided in future.
  - b) **The student is considered fit to reside if a managed support plan is followed:** the Head of Disability & Dyslexia Services or Head of Student Wellbeing will liaise with appropriate services to ensure the support plans is feasible and will include provision for follow up to ensure engagement with this support plan has taken place. This may include the student moving to an alternative Hall.
  - c) **The student is considered unfit to reside and has not shown any commitment and / or capacity to change their conduct, behaviour or actions in the immediate future to enable them to remain in their Halls of resident:** The accommodation contract with the student will be terminated and the student issued with a formal Notice to Leave.
  - d) **The student is considered unfit to reside and to allow them to remain in their Halls accommodation during the formal Notice to Leave period would not be appropriate:** The student could be required to move for the notice period to more suitable alternative Halls accommodation (if appropriate and available). The College also reserves the right to require a student to cease living in Halls immediately if their presence could reasonably be considered to be prejudicial to the safety and good order in that Hall. This would apply if there were: (i) serious concerns about the safety and wellbeing of the student, other students, staff, or visitors; or (ii) significant disruption or negative impact on the day-to-day operational running of the Halls and the student living experience. *(This outcome must also link to the requirements of the Licensed Terms and Conditions section 21.4).*
40. If at the Panel hearing serious additional concerns about safety and wellbeing are identified. the Head of Student Advisory & Wellbeing (or a nominee) may discuss these with external support services including the NHS, Community Mental Health & Recovery Service or Police to enable appropriate action or referral to MASH (Multi-Agency Safeguarding Hub) to take place.
41. Within five working days, or as soon as reasonably practicable thereafter, of the Fitness to Reside Panel, the Panel Chair via the Panel Secretary will issue an outcome letter to the student. The outcome letter will include:
- A summary of the major areas of discussion during the Panel meeting;
  - A statement of the Panel's deliberations and findings;
  - Details of how the student may appeal the outcome and the grounds for appeal
42. The outcome letter should be copied to all members of the Fitness to Reside Panel. The Student Services Centre, Student Fees and Hall Life will be notified of the outcome to complete relevant billing and administrative functions.

### **Fitness to Reside Panel Appeals Process**

43. To exercise their right to appeal the student can submit an appeal, in writing, to the Secretary of the Panel within five working days of the letter notifying them of the outcome of the Panel.
  44. The student's appeal will require them to clearly explain the reasons for appeal which may only be on one or more of the following grounds:
    - (a) That the finding was against the weight of evidence. The student should indicate clearly the areas in which they feel this to be the case.
    - (b) That the outcome is too severe or otherwise inappropriate. The student should indicate why they believe this to be the case.
    - (c) That the process was not in accordance with the principles and procedures set out in these regulations, or were contrary to natural justice. The student should indicate clearly the areas in which they feel this to be the case.
    - (d) That fresh evidence can be presented, which was not available, or could not reasonably have been made available, to the panel. A summary of fresh evidence should be provided to the secretary and it should be indicated why the student could not present this at the original hearing and why they feel this would have influenced the outcome.
  45. A Director of a Professional Service and two other staff representatives shall consider the appeal together with the evidence considered by the Fitness to Reside Panel. The Director of a Professional Service and the staff representatives will complete these as a paper exercise and can uphold, amend or rescind the outcome of the Panel. Those on the appeal panel should have had no prior involvement in the case.
  46. The student will be advised of the outcome of the appeal in writing, within five working days, or as soon as reasonably practicable thereafter, with an explanation of the reasons for the decision.
  47. The student will have completed the College's internal processes and will be issued with a Completion of Procedures letter which will enable them to consider taking their appeal to the Office of the Independent Adjudicator for Higher Education.
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## Fitness to reside process

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All stages must be carefully and appropriately communicated to the student with support options provided on each occasion

