

Section 21 Fitness to Study policy

21.1 Purpose

- 21.1.1 The University is committed to supporting its students and recognises the importance of students' health and wellbeing in relation to their academic progression. It has a responsibility to respond appropriately to situations where a student's illness, disability or psychological or emotional state may have a profoundly challenging impact on the individual student and/or the wellbeing of the wider university community.
- 21.1.2 The purpose of the Fitness to Study Policy is to investigate and manage concerns about risk to the health, safety and wellbeing of a student or other students, or to the activities of the University. The policy is used to coordinate relevant departments and services to manage risk.
- 21.1.3 This policy is supportive, not disciplinary, in nature. Its primary aim is to enable students to continue their studies wherever possible, with appropriate support, and to ensure that decisions are proportionate, evidence-based and taken in accordance with the University's duties under the Equality Act 2010 and relevant regulatory requirements.
- 21.1.4 The University will act in accordance with the principles of natural justice, procedural fairness, proportionality, transparency and timeliness, consistent with the Office of the Independent Adjudicator (OIA) Good Practice Framework.

21.2 Scope

- 21.2.1 This policy applies to students as set out in [section 1](#).
- 21.2.2 The equivalent procedure to be followed in relation to programmes delivered by a franchise partner institution (franchise provision), or by a validated partner organisation (validated provision) will be set out in the programme documentation provided by the partner.

21.3 Policy

- 21.3.1 A student's behaviour may also breach the [Student Behaviour and Disciplinary Policy](#). Other procedures, such as 'Fitness to Practise' (refer to [section 22](#)), may also be relevant. The University reserves the right to decide the appropriate procedure to use in any given student case. Where more than one procedure may be relevant, the University will determine which procedure is most appropriate, taking into account the predominant concern. Students will be informed in writing which procedure is being followed and why.
- 21.3.2 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 or where there are serious ongoing health concerns. Where possible, the support services available to students should be used as the first port of call prior to taking any formal action. It should be remembered that mental health conditions may meet the legal definition of disabilities under the Equality Act 2010. The University is committed to avoiding discrimination on the grounds of disability. Therefore, before initiating this policy it should be considered if the student has reasonable adjustments in place, if these have been fully implemented, and if these are effective for the student. Referral back to the Disability Support and Inclusion team for review may be appropriate.
- 21.3.3 Stage 2 of this policy should only be invoked after consultation with either the Academic Registrar, Head of Governance and Compliance, Head of Student Wellbeing, Disability and Inclusion or the Complex Student Case Lead. A written record of this consultation will be retained.
- 21.3.4 Fitness to study can relate to the entire student experience, encompassing ability to engage with studying, to live independently and harmoniously with others and not to have an adverse impact on others.

- 21.3.5 A student's fitness to study may be questioned if any of the following arise:
- Health problems or behaviour disrupt the student's own study.
 - Health problems or behaviour affect the study of other students.
 - Health problems or behaviour place unreasonable demands on staff or other students.
 - There is credible evidence of significant risk to the health, safety or wellbeing of the student or others.
- 21.3.6 The Fitness to Study procedure detailed below has 3 stages. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the 3 stages. If the student is unwilling or unable to engage with the University or disengages from the process at any point in the procedure, efforts will be made to re-engage the student, and reasonable adjustments to the process may be considered, such as alternative meeting formats (remotely, for example). If the student is still unwilling or unable to engage, the University may continue the process in their absence. The University will normally provide at least **3 working days'** notice of formal meetings and will provide the student with relevant documentation in advance.
- 21.3.7 If concerns are raised while a student is on placement, where the University's ability to engage with the student may be limited, the University will discuss with the placement provider alternative arrangements that might address any concerns. If concerns that are raised are of a serious nature, the University may remove the student from the placement. Any removal from placement will be proportionate and recorded in writing.
- 21.3.8 The student may choose to be accompanied by a supporter at the meeting as defined in [section 2.1.11](#). Consent to representation will not be unreasonably withheld or withdrawn. They will also be provided with copies of the relevant documentation. The supporter may address the meeting but may not answer questions on the student's behalf unless agreed as a reasonable adjustment.
- 21.3.9 Audio or video recordings of the meeting must not be made by the student or any accompanying person. AI notetaking software must not be used during the meeting by the student or any accompanying person.
- 21.3.10 In cases where the University requires a specialist opinion or medical assessment of the student, a student may be asked to submit themselves for a medical examination by a doctor or specialist nominated by the University. Such a request will only be made where it is reasonable and proportionate to do so, and with the student's informed consent. The University will bear the cost of such an assessment where it is requested by the University and will be limited to an immediate assessment. A medical assessment will seek to establish the following:
- The nature and extent of any medical condition that the student is experiencing.
 - Prognosis of their medical condition.
 - The extent to which it affects their ability to study and live within the University community independently.
 - Impact or risk it may have on others.
 - The level and type of support a student requires to enable them to continue to study effectively.
- 21.3.11 If a student refuses to undergo a medical assessment the University will progress with information already held on record.
- 21.3.12 The University may enact the following outcomes:
- a) In the informal stages a student may be kept under review and be expected to access the support provided.
 - b) In the formal stage of the procedure, the University may:
 - require the student to suspend their studies (enforced suspension), **or**
 - require the student to externally resit, **or**
 - enforce the withdrawal of the student where the risk posed by the student to themselves or others is considered serious enough, **or**
 - take other action the University deems appropriate to the circumstances.
- 21.3.13 Any decision to enforce withdrawal will include written reasons explaining why lesser measures were not considered sufficient.
- 21.3.14 Enforced suspension or enforced external resits may only be recommended if the student can still complete all study and assessments within 24 months following the standard period of study for their programme (refer to [General Regulation 1.15](#)).

- 21.3.15 If the student does not attend a meeting to which they have been invited, decisions will be taken by the Panel in their absence.
- 21.3.16 A student will have the right of appeal against any decision to enforce suspension or withdraw them from the University, using the standard university Appeals Policy and procedure (refer to [section 48](#)).
- 21.3.17 When an action plan or other measure taken under this procedure has come to an end, the University will decide whether further steps should be taken or whether the Fitness to Study procedure is no longer required in respect of the student. The procedure may be re-invoked if concerns arise again.

Return to study

- 21.3.18 Return to study after a period of enforced or voluntary suspension of studies will be subject to satisfactory outcome from a Return to Study Case Review meeting.

21.4 Fitness to study procedures

Stage 1 – Emerging concerns

- 21.4.1 At this stage, concerns have been raised about an individual student's health, safety, or wellbeing. Examples of this could include but are not limited to the following:
- A member of staff notices signs of an individual student's behaviour changing in the academic situation.
 - A member of staff notices instances of an individual student's behaviour that is causing concern whilst on university premises.
 - Students or third parties may have approached university staff to raise concerns about a student's behaviour.
 - A student's academic performance has deteriorated suddenly and significantly.
 - Problems arise within student accommodation and are noticed by accommodation staff.
 - A placement provider notices signs of an individual student's behaviour changing in the placement situation.
 - Concerns raised by the Exceptional Circumstances Panel following multiple exceptional circumstances claims on the same or similar health grounds.
- 21.4.2 At this stage, the emphasis should be on a meeting with the student in a supportive manner. It is preferable that a member of staff with knowledge of the individual student should contact them. The nature of the concerns should be clearly identified to the student, and the student will be given an opportunity to respond; any proposed supportive measures will be considered. Information regarding sources of support, both internal and external to the University, may be discussed and the student encouraged to access appropriate support. Notes will be recorded on either Engage or the CRM system (Customer Relationship Management system) and appropriate staff will be informed of any Stage 1 process and outcomes.
- 21.4.3 The member of staff leading the initial meeting should informally review the case within a specified timeframe, to be agreed in the meeting, and monitor the student's response to the intervention. If the student responds positively and there are no further concerns, the staff member may decide not to proceed any further under the 'Fitness to Study' procedure.
- 21.4.4 If the student does not respond positively, or if concerns remain, the staff member leading the initial meeting will discuss the situation with the Head of Student Wellbeing, Disability and Inclusion (if not already involved) and/or other senior members of staff to determine if it is appropriate to invoke Stage 2 of the procedure.
- 21.4.5 At this initial stage, if a student's behaviour gives cause for concern within a School and relates to poor engagement and unsatisfactory academic performance, the 'Support to Study' procedure (refer to [section 19](#)) may be used.

Stage 2 – Formal / continuing concerns

- 21.4.6 At this stage, continuing concerns about the student's health, safety or mental wellbeing will be considered more formally.

21.4.7 The student will be asked to meet formally with some or all of the following staff members (or their nominees):

- Associate Head/Dean of School.
- Programme/Course Lead.
- Head of Student Wellbeing, Disability and Inclusion.
- Complex Student Case Lead, where appropriate.
- Head of Disability Support and Inclusion or nominated representative, where appropriate.
- Other academic staff relevant to the case, where appropriate.
- Staff from professional services, where appropriate.
- Registry representative, where appropriate.

Other panel members may include:

- Administrative support (PASS team).
- If appropriate, a representative from the employer for Degree Apprenticeship students.

21.4.8 A minimum of two staff members (excluding administrative support) must be in attendance.

21.4.9 An action plan will be put in place to address the situation. This will be embedded in a support agreement and will specify actions, dates for review and consequences for non-engagement with the agreement. It will include expectations for future behaviour. This will not affect the rights of the School to determine appropriate standards for the academic performance of the individual student and if necessary, call a Support to Study Stage 4 meeting (refer to [section 19](#)).

21.4.10 A record of this meeting and the agreed action plan will be made with copies provided to the student and the staff members concerned. The action plan will state who is responsible for ensuring that the plan is followed; if it is not followed, or if the student does not respond positively to the action plan or if difficulties continue, this person or their nominee will hold a Case Review meeting as set out in Stage 3.

Stage 3 – Formal case review

21.4.11 If significant or persistent concerns are raised about an individual student's actions or behaviours that put the student's own health, safety wellbeing or academic progress or those of other members of the University community at significant risk, the Associate Head/Dean of School or Head of Student Wellbeing, Disability and Inclusion or other appropriate staff member will convene a Fitness to Study Case Review meeting. The Case Review will assess the student's fitness to study.

21.4.12 The student will receive written notice of the concerns, the evidence to be considered, and the possible outcomes in advance of the meeting.

21.4.13 The Panel will consist of some or all of the following (or their nominees):

- Associate Head/Dean of School.
- Programme/Course Lead.
- Complex Student Case Lead.
- Head of Disability Support and Inclusion.
- Head of Student Wellbeing, Disability and Inclusion.
- Administrative support (PASS team).
- Representative from Registry.
- Other relevant staff members (for example, tutor).
- If appropriate, a representative from the employer for Degree Apprenticeship students.

Where possible, membership will reflect appropriate separation from earlier stages to ensure impartiality.

This panel may request medical evidence from the student that they are fit to study. The student may choose to be accompanied by a supporter at the meeting as defined in [section 2.1.11](#). Consent to representation will not be unreasonably withheld or withdrawn.

21.4.14 The Fitness to Study Case Review Panel will determine:

- Whether to agree an enhanced action plan to support the student with agreed review dates.
- Whether to recommend an enforced suspension of the student's studies.
- Whether to recommend enforced withdrawal.
- That no further action is required.

21.4.15 The Panel must be satisfied, on the balance of probabilities, that any identified risk is significant and cannot be adequately mitigated before recommending suspension or enforced withdrawal.

21.4.16 Enforced suspension may only be recommended if the student can still complete all study and assessments within 24 months following the standard period of study for their programme (refer to [General Regulation 1.15](#)).

21.4.17 After the review, the student may be invited to meet with the Associate Head/Dean of School or Head of Student Wellbeing, Disability and Inclusion, or other appropriate person to discuss the recommended actions from the Fitness to Study Case Review meeting.

21.4.18 Stage 3 meetings and the resulting recommendations will always be minuted; minutes are normally published within **5 working days**. In some cases, the Visa and Compliance team will be consulted post-meeting, and minutes cannot be released until this consultation has taken place. The student will receive a copy of the minutes of the meeting, which will be emailed to their university email address; the minutes will be placed on the student's [e:Vision](#) record.

21.4.19 Where there is a recommendation to enforce suspension or action an enforced withdrawal due to programme failure, this recommendation is reported to the Chair of the School Assessment Board, or nominated representative, for a decision to be made. Following approval, the student will be informed in writing of the decision.

Return to study

21.4.20 Any enforced or voluntary suspension of studies will be subject to periodic review in the light of further developments or improvements in the student's situation and their ability to undertake academic study again.

21.4.21 When the student confirms their intention to return from a period of suspension of studies, a meeting will be convened to determine whether or not the student is fit to return to study. The panel membership will be on the same basis as that set out for the Case Review, above. Sufficient medical evidence will be required to verify that the student is fit to return to study. Requirements for medical evidence will be reasonable, proportionate and clearly specified in writing in advance. Appropriate support mechanisms will be discussed and shared with the student when they return.

21.4.22 Should the Panel decide the student is not fit to return to study, this recommendation will be referred to the Chair of the School Assessment Board for a decision.

Appeal

21.4.23 Students may appeal any decision taken following a Stage 3 Formal Case Review through the standard university Appeals Policy and procedure (refer to [section 48](#)). The deadline for appeals is **10 working days** from the time the student is notified of the decision.

21.5 Fitness to study procedure flowchart

