

Fitness to Study Policy

Summary:	A policy outlining how students will be supported and the steps taken to provide appropriate response when there are concerns about their capacity to undertake their studies
Type:	Policy
Linked Policies:	Quality Manual; University procedures in relation to Fitness to Practise; Policy on Circumstances Affecting Students' Ability to Study/Complete Assessments; Voluntary Interruption of Study; Extenuating Circumstances Procedure; Code of Discipline for Students; Attendance and Engagement Policy; University's Maximum Period from Initial Registration;
Owner:	Quality and Standards Committee / Campus Life Division
Global Application (UNUK; UNMC, UNNC)	UNUK
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Introduction

The University of Nottingham is committed to supporting students in their progression through University from arrival to the successful completion of their studies and general participation in the University community. We look to ensure that students can take part as far as possible, in all of the opportunities that are available during their academic career. We recognise that University is a significant investment for students and that we have a responsibility to provide appropriate support as students seek to fulfil their potential.

The University is committed to enhancing our students' experience at Nottingham through the creation of a sustainable, consistent and empowering University culture where integrated, holistic health and wellbeing support helps students to make their own, informed choices. We encourage everyone to have an active involvement in creating their own appropriate support mechanisms and look to students to engage positively with early intervention activities and provision, where possible. It is our expectation that students access expert advice if they, or others, have any concern about their fitness to study.

Students studying at the University attend on the basis that they are well enough to do so. It is assumed that students have capacity to make this decision and, that through their registration with the institution, they can be given full responsibility for their actions and decisions whilst studying with us.

Policy scope

This policy and the accompanying procedures, in addition to the Extenuating Circumstances policy may be followed if one or more of these circumstances exist:

- where a student's behaviours give cause for significant concern;
- where it is believed either that there is an underlying physical or mental health condition that is actively impairing their ability to engage productively in their academic studies and/or university life in general, and where reasonable adjustments have been made as far as is possible;
- where a student regularly submits [extenuating circumstances](#) claims as a result of health concerns;
- where a student has themselves raised their own concerns about their ability to study due to health and wellbeing concerns;

- where a student's behaviours are causing significant, ongoing disruption or risk to the University experience of other students and/or staff members, notwithstanding that the student's academic work or progress may not be significantly adversely affected;
- where a student has received support from the University and has had engagement with extenuating circumstance and appeal processes, but continues not to engage as a result of the condition or demonstrates that they are at risk of continued failure;
- where the use of the [Code of Discipline for Students](#) and/or Faculty or School-specific Fitness to Practise procedures would be inappropriate to address concerns.

This policy applies equally to all students regardless of their status.

This policy also outlines the procedure for assessing a student's fitness to return to study after a period of absence or temporary withdrawal from the institution on the basis of their safety or health and wellbeing.

This policy and the accompanying procedures should in no way distract from any emergency situation where it is believed that a student represents an immediate risk to themselves or others. In this circumstance, emergency services should be contacted.

This policy is not an alternative to the Code of Discipline for Students. However, the University reserves the right to revert to the Code of Discipline for Students and/or Faculty or School-specific Fitness to Practise procedures to deal with inappropriate conduct, depending on the individual circumstances of the case, and where the student fails to respond positively to supportive interventions.

Procedure

General principles

The University of Nottingham may give consideration to a student's fitness to study and take temporary or permanent action, if it is believed that one of the following exists:

- The student has lost the capacity¹ to make decisions required to study
- The student lacks the ability to engage effectively with their studies having been given support to do so
- The student lacks the capacity to engage appropriately with support available
- The student refuses to engage with support being offered
- The student has engaged with support but concerns remain about their wellbeing and behaviour

An assessment of a student's fitness to study will include careful consideration of:

- Impact on the student's wellbeing, relationships, risk – emotional, psychological, physical, financial etc.
- Impact on the wellbeing and/or safety of other students and staff

¹ Capacity in the terms of this policy is defined as whether the student is able to make decisions about issues that affect them in relation to their University experience and daily life more generally. Someone lacking capacity would have difficulty doing one or more of the following things: Understanding information given to them about a particular decision; Retaining that information long enough to be able to make the decision; Weighing up the information available to make the decision; communicating their decision.

- Progress of study – both for the individual student and in terms of their impact on other students

Any case should be looked at holistically with consideration given to all the above. Care should be taken to ensure an assessment considers carefully the rights of the individual and does not discriminate against them.

Process flow

The Fitness to Study process is organized in the following steps:

- 1st Stage – Initial concerns
- 2nd Stage – Case review
- 3rd Stage – Senior review

A flowchart outlining the stages of the Fitness to Study procedure can be found in appendix A of this document.

Timeframes

There will be no minimum or maximum time limits between the initiation of and/or movement between stages. Judgments around the need to move to specific stages should be driven by the perceived seriousness of the case. That said, where a support plan has been agreed to support studies, sufficient time must have elapsed as to ensure that the plan has not been successful before seeking to return to the formal stages of this policy.

Where colleagues are unclear about matters relating to timeframes, informal advice can be sought from the Campus Life Director and the Head of Student Welfare.

Interaction with Fitness to Practise procedures

Where the student is identified as requiring attention under this policy and that student is also registered on a course of study that has Fitness to Practise requirements, a discussion must take place between the Fitness to Practise lead and the appropriate initiator (as outlined in the Identification of concerns section of this policy). Through this discussion it will be decided which process is most appropriate to consider the student's case. The University retains the right to suspend one procedure until the other has concluded or to decide not to pursue one procedure in favour of the other.

1st Stage – Initial concerns (Informal stage)

Before the policy and accompanying procedures are enacted, anyone raising a concern about a student should, as far as they can, look as to whether relevant support is already being provided. In the first instance, a student requiring support should be encouraged to engage with relevant support services and/or staff with a specific support role. This would include:

- Personal Tutors
- Online resources e.g. relevant University webpages
- Relevant support networks e.g. Autism Social Network
- Support and Wellbeing Officers/Managers
- Disability Liaison Officers
- Hall Wardens
- Chaplaincy

- GP and / or other external medical or health professional or support service
- Staff in Specialist Services including University Counselling Service, Mental Health Advisory Service, Accessibility – Academic and Disability Support

It should be understood that due to confidentiality some services may not be able to confirm whether a student is engaged with them. Where a concerned party is unable to ascertain whether a student is currently engaged with support, they should refer the matter to a Support and Wellbeing Officer who can investigate further

In the majority of cases, it is expected that the student will respond positively and the concerns will be addressed. Where support is refused by the student, or where support has been given but the concerns continue and the situation does not improve, then the next phase of the procedure may be initiated.

Identification of concerns

Concerns about a student's safety or wellbeing could be raised by anyone – both inside and outside of the University community and in the informal stage should be raised in line with the guidance on identifying and supporting students in difficulty. However, the Stage 2 and Stage 3 procedures outlined below can only be initiated by the following individuals:

- Trained School/Department staff member who has been nominated by the Head of School/Department
- Head of Student Welfare
- Campus Life Director

In order to initiate the procedures at both Stage 2 and Stage 3, a formal case must be prepared detailing the concerns using the template outlined in appendix B.

A reporting party cannot be part of the decision making process e.g. where a Welfare Manager reports a concern, that member of staff should then have no further involvement with the case or the way in which an outcome is decided. A reporting party can provide evidence to the meeting at which fitness to study is decided.

Fitness to Study Review Panel Chairs and Staff Training

The Fitness to Study Review Panels (as outlined in the 2nd and 3rd stages of this policy) will be chaired by specifically trained and recruited staff members. Only staff members who have been appropriately trained can act as panel members in Stage 2 and 3 of this procedure. This includes Heads of School/Department and Faculty Pro-Vice-Chancellors.

2nd Stage – Case Review

A 2nd Stage Case Review would usually be held when lower-level or informal interventions have not resolved the concern, where the concern raised is too serious to be dealt with informally, or where the student has refused to engage with the informal stage.

Having been initiated, a Fitness to Study Review Panel will be drawn together to assess the case and consider the need for further actions to support the student's ongoing engagement with their studies and wider University experience. This panel should include the following members:

- Fitness to Study Review Panel Chair
- Head of School/Department (or their nominee)
- A Senior Tutor
- A Welfare Officer/Manager
- A note taker who is not part of the decision-making

At the discretion of the Chair and where available, an appropriate staff member from Welfare Services (including Accessibility) can be invited to join the panel.

Where one of the appropriate panel members has a conflict of interest, they should declare this at the point that the panel is initiated and an alternative must be sought by the Chair of the panel ahead of the meeting. If it becomes clear during the meeting that a panel member is compromised in this way, they should withdraw immediately. If a panel member refuses to withdraw they can be required to at the direction of the Chair.

As far as possible, the case review meeting should be a space in which to have a supportive, open discussion with the student and, where possible, reach collaborative agreement as to any follow-up actions. The student should be informed in writing that the panel meeting is being drawn together, informed of the purpose of the meeting, and will usually be given at least ten working days' notice of the meeting and asked to confirm their attendance. It should be made clear that the intention is to provide support to the student so that they can be successful whilst at University. A template letter for Stage 2 process meetings can be found in appendix C of this document.

The meeting should be conducted in line with the provisions laid out in appendix E of this document.

On the basis of their review of the case material, the review panel can take the following actions:

- Dismiss the case and take no further action
- Refer the student for further medical assessment before making a decision
- Propose the creation of a support plan to support continued studies
- Modify an existing support plan
- With the consent of the student, agree a transfer to a different mode of study
- With the consent of the student, agree a temporary period of withdrawal from the University
- With the consent of the student, agree permanent withdrawal from the University
- Refer the case to be considered at stage 3 of this procedure

Where the case is dismissed and the student has a disability, consideration should be given to whether new or modified reasonable adjustment is required.

Where it is agreed that a support plan to support continued studies is required, this should include:

- Any steps that the student will need to take (including timescales);
- Any support which the University will provide;
- That any proposed special academic or other arrangements may need to be agreed with the relevant School and/or relevant University staff before they can be implemented;
- That it will be subject to regular review with clearly outlined review dates;

This plan should also detail what will happen if the student does not meet the requirements of the support plan. This would usually involve referring the matter to Stage 3 of this procedure.

Again, consideration will be given at this stage to the requirement for reasonable adjustment to any timescales outlined within the support plan. In addition, in cases where reasonable adjustments are required, the appropriate staff members must be consulted.

3rd Stage – Senior Review

This stage of the procedure will only be initiated in the following circumstances:

- Following a referral from a Stage 2 Fitness to Study Review Panel
- Where the concerns and / or risks identified are deemed by the Head of School/Department and the Head of Student Welfare to be serious enough to require an intervention above Stage 2 of this procedure
- Where appropriate external medical advice and / or evidence has previously been sought and provided, and where a remedy has not been possible to achieve at Stage 2
- Where new medical advice and / or evidence has been provided after Stage 2 that requires further attention at Stage 3. For the avoidance of doubt, new medical advice and / or evidence alone would not by itself be sufficient to initiate Stage 3.

Having been initiated, a senior review panel will be drawn together to assess the case. This panel should include the following members:

- Fitness to Study Review Panel Chair
- A Faculty Pro-Vice-Chancellor (or their nominee)
- Campus Life Director (or their nominee)
- Appropriate staff member from Welfare Services
- A note taker who is not part of the decision-making

To ensure independence of process, a different Fitness to Study Review Panel Chair should be used at Stage 3 to the Chair that heard the case at Stage 2.

The Head of School/Department (or their nominee) and/or the Head of Student Welfare will present the case to the Senior Review panel, outlining specifically why the case must be considered at Stage 3 and detailing any previous actions that have been taken under the policy.

As at Stage 2, the student should be informed in writing that the panel meeting is being drawn together, informed of the purpose of the meeting, and will usually be given at least ten working days' notice of the meeting. A template letter for Stage 3 process meetings can be found in appendix D of this document.

The meeting should be conducted in line with the provisions laid out in appendix E of this document.

On the basis of the case presented, the Senior Review panel can take any of the actions that are available at Stage 2. In addition, the Senior Review panel can take the following actions:

- Propose the creation of a new support plan or the modification of an existing support plan
- Transfer the student to a different mode of study

- Recommend that the Registrar suspend or exclude, the student from the University, temporarily or permanently, under the provisions of Section XXIV (2) of the University Ordinances
- Take any other action that the panel considers to be appropriate and proportionate

Where the panel concludes that a student must be suspended from the University, that student will not participate in University activities and may either be prohibited from entering the University grounds or have restricted rights to enter University grounds. The terms of the suspension will, as far as possible, be communicated to the student in person, as well as being communicated in writing. The period of suspension may vary depending on the individual circumstances of the case as decided by the Senior Review panel.

Students returning from suspension must satisfy the Return to Study criteria as outlined below.

Where the panel concludes that a student must be excluded from the University, that student will be prohibited from participating in University activities and from entering the University grounds. The exclusion will, as far as possible, be communicated to the student in person, as well as being communicated in writing.

The recommendation to permanently exclude a student from the University should only be made in the most serious cases, where there is clear medical evidence, and where it is felt that there is no reasonable prospect of the student re-engaging with their programme in the short to medium term or within the completion of studies timeframes set out within the Quality Manual. Decision-makers should also take into account the University's Maximum Period from Initial Registration, mindful of the potential need to consider adjustments to these criteria.

Timing of interruptions

In requiring a student to interrupt studies the timing of the interruption and proposed return point should be considered and agreed. Normally, a student should interrupt at a clearly defined point e.g. the end of a semester or academic year so there is a clear future return point.

The School or Department will consider whether the student should be required to repeat modules already passed on return where the syllabus for that module has been updated, or take new modules to replace outdated modules previously passed. In these cases, the marks from the repeated or new modules will replace the marks gained from the outdated modules. Where a student is on an accredited degree or a programme leading to professional registration and their normal period of study has been extended it may be necessary for them to undertake additional assessment in order to prove competency prior to conferral of their award. Repeat study may incur a financial cost and the implications of this should be discussed with the student and support offered to address any concerns.

In making a decision, consideration should be given to the permitted maximum duration from first enrolment and any visa implications of an interruption. A student will not be able to return if the University is unable to act as an immigration sponsor.

Emergency or Urgent Situations

In circumstances where there is serious urgent concern about a student's wellbeing the University retains the right to require the individual to withdraw on the grounds of health and safety without needing to initiate stages 1 through 3 of this procedure.

In these circumstances, where it is felt that a student must be immediately required to withdraw from the University or from some part of it, the Registrar may suspend or exclude the student by exercising their powers under Section XXIV(2) of the University Ordinances. This would be taken as a temporary, precautionary measure until a Stage 3 hearing can take place.

Any exclusion will be subject to periodic review in the light of developments and any written representations made by the student or anyone acting on their behalf. Students returning from suspension must satisfy the Return to Study criteria as outlined below.

Return to studies

Where a period of withdrawal has been imposed the student must provide medical evidence that they are fit enough to engage with academic study prior to the next period of proposed registration. The University reserves the right to request specific forms of evidence or assessment from a named body or clinician before a case to return will be considered. The University may ask that the following is considered within this assessment:

- The risk to the student's health
- The risk to staff and other students
- A general risk assessment of the university environment in regards to the student and other individuals
- An assessment of risk within student accommodation
- An assessment of whether the student would be capable of engaging academically

Students will be informed of this condition of return as part of the communication of the decision to suspend their studies.

The decision regarding the return to studies based on the consideration of evidence provided by the student should be taken by the Head of School (or their nominee) in consultation with the Head of Student Welfare. The University reserves the right to commission its own professional assessment and requires the student's reasonable cooperation in obtaining that assessment.

A student who has interrupted their study may be required to change cohort on their return to study and the regulations applying to the cohort they have joined will be applicable, which may have implications for their progression or final award for the programme.

Appeal

A student may appeal in writing against a Panel's decision at stage 3 of this procedure, against the decision of the Registrar to immediately suspend or exclude, or against the decision of a Head of School not to allow return after a period of imposed interruption. This appeal must be made within one calendar month of receipt of written confirmation of that decision. Appeals submitted after this period will only be considered in the most exceptional circumstances and where there is good reason, supported by evidence, for the late submission. Any decision made stands until the appeal has been heard.

An appeal against a decision of a committee at stage 3 of this procedure will be heard by a Faculty Pro-Vice-Chancellor who has not had previous involvement with the case.

An appeal against a decision of the Registrar to immediately suspend or exclude a student in line with the Emergency or Urgent Situations section of this procedure will be considered by a Pro-Vice-Chancellor who has not had previous involvement with the case.

For clarity, any suspension or exclusion imposed by either a panel or by the Registrar will remain in place for the duration of the appeal and for any further period during which the matter is under consideration.

Appeals can only be submitted on the following grounds:

- i. That there was a procedural irregularity that resulted in unfairness to the student.
- ii. That there is a compelling argument put forward that the decision of the Panel was manifestly unreasonable.
- iii. That there is fresh evidence or evidence which, for good reason, was not presented to the initial Panel and which might reasonably have resulted in a different decision.

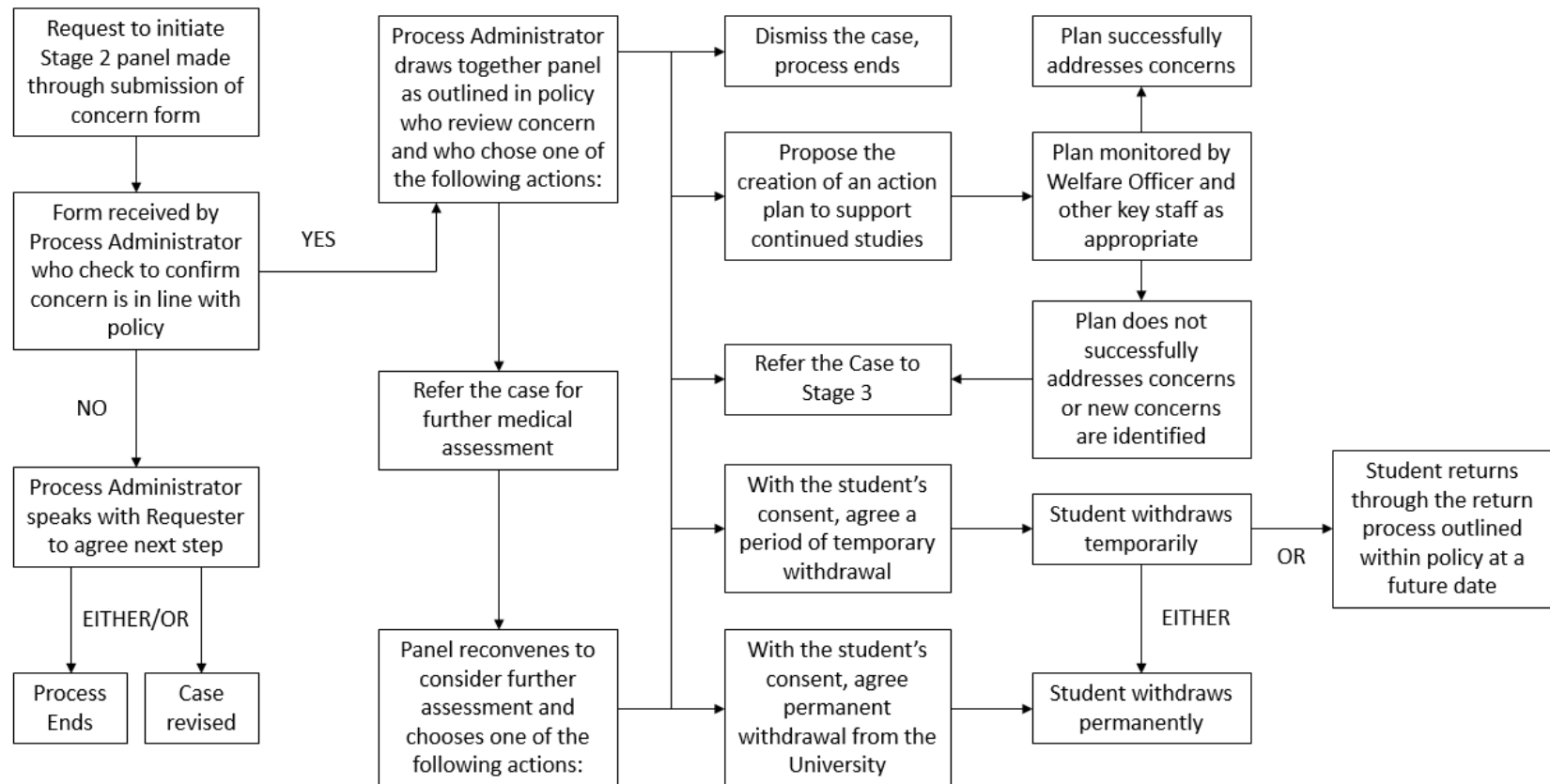
Upon receiving the appeal the Pro-Vice-Chancellor may take one of the following actions:

- Disallow the appeal;
- Refer the matter back to the original panel (where new evidence has been produced);
- Refer the matter back to a new committee composed of staff unrelated to the case previously at the appropriate stage for further consideration

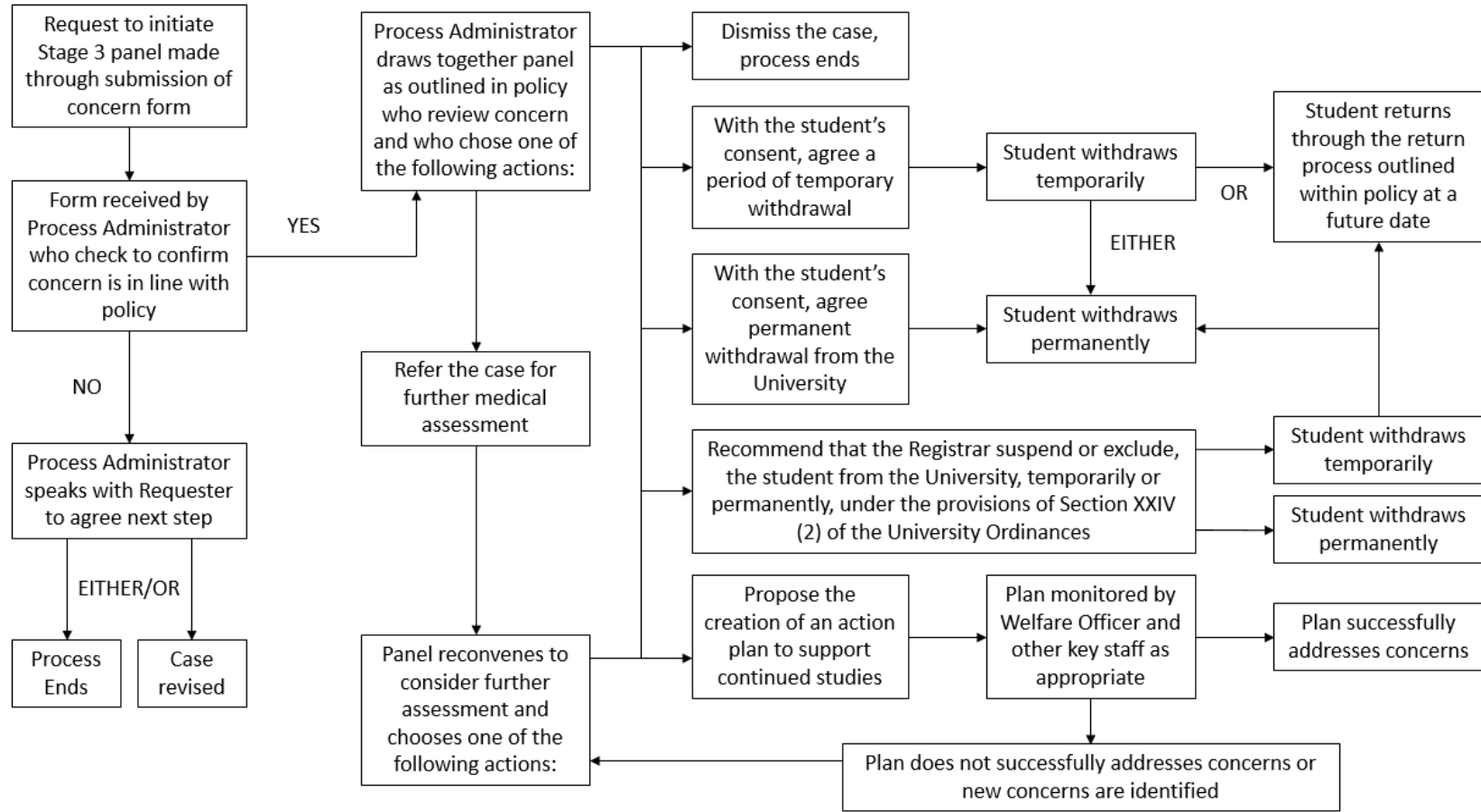
Office of the Independent Adjudicator

Once the Fitness to Study procedure has been completed, if the student is dissatisfied with the outcome they will be issued with a Completion of Procedures letter and may take their complaint to the Office of the Independent Adjudicator (OIA). The OIA operates externally to the University. It will not normally look at a complaint unless and until all relevant procedures have been exhausted. Further information is available from the OIA website (<https://www.oiahe.org.uk/>).

Appendix A – Flowchart of Fitness to Study procedure Stage 2 process



Stage 3 process



Appendix B – Fitness to Study Concern Form

Student name:		Student ID:	
Your name:		Your email:	
Date concern raised:			
Outline below the concerning behaviour that you believe means that the student should be considered under the Fitness to Study Policy. (Please refer to the Fitness to Study policy for guidance on scope)			
Are you aware of any history of support (within or outside of the University) for this student? Please outline below			

Appendix C – Stage 2 Template Letter

Dear

Student Name:

Student ID:

I am writing to inform you that a panel meeting is being drawn together to consider your ongoing fitness to study in line with Stage 2 of the University's Fitness to Study policy.

Concerns have been raised about your fitness to study. The purpose of this meeting is to consider these concerns and understand what needs to be put in place to support your ongoing studies at the institution.

You may bring a supporter to accompany you to the meeting. The supporter must be either;

- an Education Adviser from the Students' Union,
- a fellow student,
- a member of staff,
- or a Union representative (e.g. BMA, RCN).

Your supporter may take notes on your behalf, and make representations on your behalf and ask questions, but they may not answer questions on your behalf.

Please can you reply to confirm your attendance at this meeting.

If you are unable to attend you can submit a written statement to the Chair which will be considered at the review meeting. Where you are unable to attend, and do not submit a written statement, the review meeting may still proceed in your absence.

I enclose a copy of the University's Fitness to Study policy for reference.

For further guidance about next steps, we would recommend contacting Students' Union Advice by telephone on 0115 8468730 or by email at SUAdvice@nottingham.ac.uk.

Yours sincerely

Appendix D – Stage 3 Template Letter

Dear

Student Name:

Student ID:

I am writing to inform you that a panel meeting is being drawn together to consider your ongoing fitness to study in line with Stage 3 of the University's Fitness to Study policy.

Concerns have been raised about your fitness to study. The purpose of this meeting is to consider these concerns and understand what needs to be put in place to support your ongoing studies at the institution.

You may bring a supporter to accompany you to the meeting. The supporter must be either;

- an Education Adviser from the Students' Union,
- a fellow student,
- a member of staff,
- or a Union representative (e.g. BMA, RCN).

Your supporter may take notes on your behalf, and make representations on your behalf and ask questions, but they may not answer questions on your behalf.

Please can you reply to confirm your attendance at this meeting.

If you are unable to attend you can submit a written statement to the Chair which will be considered at the review meeting. Where you are unable to attend, and do not submit a written statement, the review meeting may still proceed in your absence.

Please be aware that one of the potential outcomes from a Stage 3 panel meeting is suspension or exclusion from the University, temporarily or permanently. I enclose a copy of the University's Fitness to Study policy for reference.

For further guidance about next steps, we would recommend contacting Students' Union Advice by telephone on 0115 8468730 or by email at SUAdvice@nottingham.ac.uk.

Yours sincerely

Appendix E – Provisions for conducting panel meetings at Stage 2 and 3 of the Fitness to Study process

Supporters

The student should be informed that they may bring a supporter to accompany them to the meeting. The supporter must be either;

- an Education Adviser from the Students' Union,
- a fellow student,
- a member of staff,
- or a Union representative (e.g. BMA, RCN).

Consideration will be given to requests for reasonable adjustments to the above in line with the University's policy regarding [Communications with Third Parties](#).

The supporter may take notes on the student's behalf, make representations on the student's behalf and ask questions, but may not answer questions on the student's behalf.

Meeting in the student's absence

If the student is unable to attend they can submit a written statement to the chair which will be considered at the review meeting. Where a student is unable to attend, and does not submit a written statement, the review meeting may still proceed in the student's absence.

There may be situations where it is not in the best interests of the student to be in attendance at the panel meeting. In these circumstances, the student should be met separately outside of the panel meeting to ensure that their views are fully expressed as part of the process. As with the panel meeting, the student would be entitled to a supporter being present here.

Documentation

The student will be provided with all documentation / information to be considered by the panel in advance of any meeting. This should be provided usually within 3 working days of the meeting.

Meeting process

The meeting itself should follow the below structure. If, for whatever reason, these arrangements become impracticable, the Chair has the discretion to vary them provided this does not put the student at a disadvantage:

- The Chair will welcome the Panel Members and ask them to confirm that they have no conflict of interest² with the case. If any Panel Member confirms a conflict the Chair will ask them to withdraw from the meeting.
- The Student and their Supporter (if attending) will then join the meeting.
- The Chair will introduce by name and explain the functions of the members of the Panel.

² A Conflict of Interest is defined in this context as where the panel member has a pre-existing relationship, interaction, or set of interactions with the student that could be seen as negatively biasing their viewpoint in relation to providing a supportive outcome to the student.

- The Chair will explain the purpose of the meeting and the actions that the Panel can take, as outlined within this procedure.
- The Chair will present the concern as outlined in the formal case document that initiated the panel.
- The Chair will invite the student or their supporter to make a statement, and present any medical evidence they wish to submit for consideration.
- Members of the Panel will be invited to discuss the situation with the student, asking open and positive questions to clarify points in order to gain the fullest picture of the current circumstances.
- At each stage the Chair has discretion to allow questioning by all of the members of the panel to each other in order to create a supportive dialogue that clarifies all matters.
- Once the Chair is satisfied that the Panel has completed their questioning and that the Student has had a reasonable opportunity to convey information to the Panel, the Student and their Supporter (if attending) will withdraw.
- The Panel will then discuss the case and take action as outlined within the procedure section of the Fitness to Study policy. Once the panel has concluded their discussions, they will invite the Student and their Supporter back into the meeting to outline the actions to be taken.
- If for any reason the Panel requires further clarification on any aspect of the case, the Chair will invite the Student and their Supporter (if attending) back into the meeting while the questioning takes place. When the Chair so determines, they will then leave the meeting again.
- The decision of the Case Review panel including a record of the meeting must be sent in writing to the student within ten working days of the meeting with a copy kept on the student's record.

Consideration will be given to requests for reasonable adjustments to the process. At any point the chair may adjourn the meeting if they believe that this is a useful and appropriate action.

Records of the meeting

Whilst notes will be taken to capture the key points of discussion, a verbatim record will not be made. The student will be provided with a copy of the notes of the meeting which they attended/were eligible to attend. This must be sent to the student within ten working days of the meeting