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Fitness to Study Procedure



1. Purpose

- 1.1 The Fitness to Study Procedure aims to provide a robust, transparent, and equitable approach where there are serious and significant concerns for a student and their capacity to undertake academic study, manage the demands of university student life or adhere to specific professional, regulatory or statutory body requirements.
- 1.2 The Fitness to Study Procedure will be initiated by the Head of Student Wellbeing Services where a student has been under the Support to Study Procedure and the concerns have not been resolved through an action plan, and/or a risk assessment deems the level of risk to the student and/or others is considered unacceptable by the University.
- 1.3 The Fitness to Study Procedure may also be initiated by a Head of School in consultation with the Head of Student Wellbeing Services where there is cause to believe there has been a potential or actual breach of a regulatory body requirement for professionally regulated courses; or where the student has failed to engage with the monitoring and assessment requirements in relation to regulatory compliance.
- 1.4 In situations where the student is unable to attend the Panel, the decision of the Panel will usually be communicated to the student within 5 working days.

2. Fitness to Study Panel

- 2.1 A Fitness to Study Panel will be arranged as a matter of urgency to review the concerns and determine further action. The Panel members to include:
 - PVC Student Experience or Academic Planning or nominee (Chair);
 - Head or Deputy Head of Student Wellbeing Services or nominee;
 - Head of the student's School or nominee;
 - A representative from the Students' Union;
 - If the student is a Tier 4 student, a member of staff from Visa Compliance.

For professionally regulated courses, the Chair may invite a relevant external specialist or industry representative as a member of the panel.

The Student Wellbeing Services, SWS or Student and Academic Registry Services, StARS Advisor who has been supporting and working with the student, may be invited to the Panel to give information, but will not be part of the decision-making process.

- 2.2 The student will be notified in writing of the decision to hold a Fitness to Study Panel, outlining the reasons for this; the date, time, and place of the panel meeting; information on the order and conduct of the proceedings; and be provided with a copy of the evidence that will be shared with the panel. The student will be invited to submit supporting evidence for the Panel to consider, for example, a letter from a GP, therapist or other professional third party and

if they wish, any personal statement or written representation for the panel to consider.

- 2.3 The student will be invited to attend the Panel meeting but is not required to do so. The student will be advised that they can nominate individuals to meet the panel as witnesses for their hearing and if the student attends, they can bring a friend, family member, colleague in a supportive capacity only.
- 2.4 The Panel may order the meeting agenda at its discretion, may invite witnesses, and request further medical evidence.
- 2.5 Possible Panel outcomes include, but are not limited to:
- Approval to continue with studies or return to studies, which may include a Support to Study Action Plan with enhanced support, including reasonable adjustments.
 - An immediate suspension to allow the student to be assessed by a medical professional, access services both internal and external to the University or to enable the University to obtain further information. The student will be marked as suspended on their student record during the period of suspension and will not accrue accommodation or tuition fees during this period.
 - Suspension from University with conditions. A student who is suspended from the University may be prohibited from participating in University activities, from entering University premises or the premises of relevant work based or academic placements or have restricted rights to enter these premises, for their own safety and/or the safety of others. The terms of the suspension will be determined on a case-by-case basis and the student informed in writing.
 - Withdrawal of Registration. If the Panel concludes, after considering the individual circumstances of the case and appropriate supporting evidence (including medical), that there is no reasonable prospect of the student re-engaging with their programme of study, or there has been a serious breach of the required professional standards, the student's registration may be withdrawn. This outcome should only be considered in the most serious of cases.
 - Where a student has been suspended from the University and has failed to engage or communicate with the University for a period of at least 12 months in relation to assessing fitness to return to study; the University reserves the right to withdraw the student from the University on the basis that there is no reasonable prospect of the student re-engaging with their programme of study.
 - Any other action or conditions considered to be appropriate and proportionate.

Where a student is also an employee of the University or the Students' Union, the Director of Human Resources and/or CEO of the Students' Union will be informed of the suspension.

2.6 The Panel decision will be given to the student in writing within 5 working days.

3. Emergency (precautionary) suspension

3.1 In situations where there is significant concern about a student's health or safety, or risk of harm to others, the University may impose immediate conditions, including suspension and/or prohibition from entering University, work based or placement premises, to safeguard the safety of the student or others. Any student who has been detained under the Mental Health Act will be referred for an emergency suspension.

3.2 An emergency suspension will be for a specific length of time and authorised by a Pro-Vice Chancellor or University Secretary.

3.3 An emergency suspension can be reviewed on request from the student, usually no earlier than 4 weeks after the notification of suspension was received.

4. Return to Study after a suspension

4.1 The student will be required to provide appropriate medical evidence that states they are fit to return to their studies, meet the academic and professional requirements of their course and live independently. The University may require the student attend a 'fit to return to study assessment' (or a Fitness to Train to Teach assessment for ITT students) with an independent specialist provider, funded by the University. Returning students for professionally regulated courses may also be required to undertake new DBS checks.

4.2 A Fitness to Study Panel will be convened to review the suspension and if the student is fit to return, what support may be required and if any further conditions should be applied.

5. Appeal against the outcome of a Fitness to Study Panel

5.1 Students have the right to appeal against a decision to suspend or withdraw registration taken under this Procedure. The only grounds of appeal that will be accepted are that:

- a. There is relevant evidence which was not considered by the Fitness to Study Panel before the decision was taken and which may have affected the outcome. In this case, the new evidence must be included in support of any appeal at the time the request is lodged and the student must

explain why they were not able to submit the new evidence to the Fitness to Study Panel; no appeal shall be permitted if all the evidence submitted was considered by the Fitness to Study Panel or if the new evidence could reasonably have been submitted to the Fitness to Study Panel by the student before the decision was taken; or

- b. The procedures were not followed correctly prior to decisions being taken and that irregularity may have affected the outcome.

5.2 Submission of an Appeal

If the student wishes to appeal the decision of the Fitness to Study Panel, they must lodge their appeal with the Vice-Chancellor within ten working days from the date of notification of the Fitness to Study Panel's decision. Such appeals must be made in writing, clearly specifying the ground(s) for appeal, and attaching all supporting evidence. Extensions to the deadline for the submission of supporting evidence must be agreed by the Vice-Chancellor.

5.3 Consideration of an Appeal

The Vice-Chancellor shall nominate a member of the University's Senior Leadership Group who has not had any previous involvement with the case to review the appeal. That individual shall decide if the appeal has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of the University's Senior Leadership Group decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered, then it shall be referred to a Fitness to Study Appeals Panel. If not, then the decision of the Fitness to Study Panel will stand. The student shall be notified in writing of the decision together with the reasons for the decision as soon as practicable after the decision has been made.

6. Fitness to Study Appeals Panel

6.1 Composition

Membership of the Fitness to Study Appeals Committee shall consist of any three members of the Board of Governors appointed by the Chair of the Board of Governors. The Chair shall have regard to the need to ensure that all members of the Panel are impartial.

6.2 Assistance to the Panel

A person will be appointed to act as Clerk to the Fitness to Study Appeals Panel, to provide procedural advice and to assist the Panel as it thinks fit. The Clerk will arrange for a note of the proceedings to be taken.

6.3 Procedure

Subject to the provisions of this Procedure, the order of proceedings shall be at the discretion of the Chair of the Panel. At least ten working days prior to the hearing, the Clerk to the Fitness to Study Appeals Panel will ensure that the student is sent the time, date, and venue of the appeal hearing.

6.4 Terms of Reference

The Terms of Reference of the Fitness to Study Appeals Panel shall be:

- a. to review the case presented to the Fitness to Study Panel but not to re-hear the evidence (witnesses will therefore not usually be permitted at the hearing);
- b. to examine any relevant evidence which was not considered by the Fitness to Study Panel before the decision was taken and which may have affected the outcome, and which the student was not able to submit to the Fitness to Study Panel;
- c. to determine whether the procedures were followed correctly by the Fitness to Study Panel;
- d. where the result of the Fitness to Study Panel action was suspension or withdrawal, to consider whether the nature of the situation justified the sanction, i.e. to determine whether or not to uphold the Fitness to Study Panel's decision.

6.5 Outcome

After consideration of the appeal, the Fitness to Study Appeals Panel shall have the power to annul, vary or confirm the decision of the Fitness to Study Panel. The decision of the Fitness to Study Appeals Panel shall be final and the student shall be notified in writing of the decision, together with reasons for the decision. There shall be no further permissible appeal against the outcome.

7. Office of the Independent Adjudicator for Higher Education (OIA)

If, after the University's internal procedures have been exhausted, the student is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator (OIA), subject to the rules of the OIA's independent complaints scheme. Once the University's procedures have been exhausted, the University will issue a "Completion of Procedures" letter. Students must apply to the OIA within twelve (12) months of the issue of this letter if they wish to make a complaint. For information on how to submit a complaint to the OIA, please refer to the OIA's website: www.oiahe.org.uk

Document Details

Responsible Office: Student Experience

Responsible Officer: Head of Student Wellbeing Services

Approving Authority: Academic Board

Date of latest approval: November 2022

Effective Date: November 2022

Related Policies and Procedures: Academic and Student Policies

<https://www.bathspa.ac.uk/about-us/governance/policies/>

Support to Study Procedure

Mental Health Framework

Student Disciplinary Procedure

Bath Spa University Privacy Notice

Safeguarding Policy

Data Protection Policy

Supersedes: N/A

Next review due: 2025