

REGULATION 10 FITNESS TO STUDY

Use of this Regulation

1. This Regulation should be read in conjunction with the Fitness to Study Policy and Guidance. The Guidance will highlight where this Regulation interacts with other City, University of London Policy, Regulation, and Professional Body requirements.
2. This Regulation will be used only following a preliminary investigation (as described in the Policy), and the conclusion of that preliminary investigation is that action under the Fitness to Study Policy is necessary and appropriate.
3. The Regulation will be applied with consideration to any potential for actions taken under this Policy to exacerbate the cause for the concern regarding a student, and where possible action will be taken to avoid exacerbation of the student's situation.

Standard use of the Fitness to Study Regulation (non-emergency cases)

4. The Policy sets out when the Fitness to Study Policy and Regulation will be used. Normally a concern will be managed, initially or wholly, under Level 1 of the Regulation. A concern may be referred to Level 2 of the Regulation (Fitness to Study Panel) where the concern meets the criteria set out in the Regulation.

Emergency Action

5. Emergency Action, in the form of temporary, immediate suspension or exclusion of a student may be used when
 - a concern meets the criteria for consideration under the Fitness to Study Policy, *and*
 - there is good cause to believe the concern may represent an immediate, significant risk to the safety of that student or others if that student was to continue engaging with their studies in general or with specific study-related or City-related activities/facilities/requirements and requires urgent action.

The Guidance outlines further detail about suspension and exclusion.

6. The student may or may not have disclosed a mental or physical health condition, disability or learning difference, be known to have registered with City as disabled or known to have a health condition or learning difference, registered with a student support service or have reasonable adjustments in place.
7. Where the student's behaviour relates to evidence of confirmed or potential criminal activity the request for temporary, immediate suspension or exclusion should be managed under City's Disciplinary Regulation in the first instance. Where evidence becomes available that the student's behaviour may likely be related to a diagnosed disability or health condition or learning difference, the case may later be referred for further consideration under this Regulation by a Student Support Review or Fitness to Study Panel.
8. Where the student's behaviour is thought to potentially represent a risk, the School and the support service supporting that student (or, where the student is not registered with a support service, the support service identified as being the most appropriate by the School) must confer (in person or via email) regarding the evidence for the concerns and agree

whether or not Emergency Action is supported and, if so, what the preferred action is (ie. suspend or exclude the student from specific activities/facilities/requirements).

9. The School will contact Student & Academic Services (see Guidance for appropriate contacts) to request that Emergency Action be taken, providing details of the cause for the concern, rationale for seeking the Emergency Action, specifying the type of Emergency Action sought, and providing confirmation that this request has been agreed by the School and the relevant student support service.
10. Student & Academic Services will seek authorisation for the Emergency Action from the President (or nominee) who must agree with the proposed Emergency Action before this can be applied.
11. Student & Academic Services will co-ordinate all communications with the student in relation to the Emergency Action.
12. Following an immediate, temporary exclusion or suspension of a student, Student & Academic Services will refer the case directly to a Fitness to Study Panel for further consideration.

Level 1 - Student Support Review

13. Action at this Level may be instigated in the following circumstances:
 - i. interventions taken via preliminary investigations have not resulted in an acceptable amount of change in behaviour or significant concerns about a student's well-being or risk to themselves or others continue; and/or
 - ii. the Head of Academic Services (or nominee) in the student's School determines that the actions taken in relation to reasonable adjustments, or other student support mechanisms have been insufficient to adequately resolve concerns about the student's well-being or other risks.
14. Where the student is already receiving support from a student service, the Head of Academic Services (or nominee) will liaise directly with the student's nominated contact in that support service to confer and agree whether or not a Student Support Review should take place.
15. Where the student is not currently known to be registered with a student support service, the Head of Academic Services should contact the most appropriate student support service for advice.

Arrangements for the Student Support Review

16. The Student Support Review will assemble relevant staff from the student's School, staff in the relevant student support services and the student (and any individual(s) accompanying the student).
17. It is recommended that the group of staff meeting for the Student Support Review will be led or 'chaired' by a member of staff from within the student's School (appointed by the Head of Academic Services or nominee) – this individual will take responsibility for ensuring the scheduling of the Review and the management of any meetings and records, and co-ordinate any correspondence to the student confirming the outcome of the Review.

18. The Student Support Review will be scheduled as soon as practically possible following the decision to convene a Review meeting, unless agreed otherwise, and should allow the student sufficient opportunity to prepare and seek support.
19. The student will be given very basic notification of the decision to convene a Student Support Review meeting within three working days of the decision. Following this, the student should be provided as soon as practically possible with more detailed information including the following:
 - a rationale for the decision;
 - confirmation of the date, time, and location of the Review meeting;
 - a copy of any supporting documentation as relevant;
 - details of who will be attending the Review meeting and in what capacity;
 - invitation for the student to be accompanied by one other person of their choice for support (the student may be accompanied by more than one person, but only with the agreement of the staff member co-ordinating the Review meeting);
 - a request that the student confirm with the Head of Academic Services (or nominee) at least 48 hours in advance of the meeting who they will be accompanied by. It is recommended that the student be accompanied by someone other than a City staff member, to avoid the potential for conflict of interest (a representative from the Student Union would be ideal).
 - the student should be informed that they can receive support from the Union Advice Service on explaining the regulations and process, advising the student on their response, how to put together a statement, accompanying them to their meetings and providing ongoing advice throughout the process.

Student Support Review

20. This Review is intended to be a facilitative process aimed at thoroughly reviewing the concerns about the student's well-being or their behaviour, the actions taken so far in supporting the student, and all support options for the student.
21. Whilst the intention is for the student to be an active participant in the review of their support, it is recognised that it may not always be possible to have the student participating in this meeting. If the student cannot attend, refuses to attend, does not respond to invitations to attend or agrees to attend but does not attend without or with very late notice, the meeting may proceed in the student's absence if the staff managing the meeting consider it appropriate to do so. The meeting may be postponed in these circumstances if the staff managing the meeting consider it appropriate. Where a student is unable to attend due to being unable to physically travel to the hearing, but is fit to engage with the meeting, the staff managing the meeting should consider offering alternatives to allow the student to participate in the meeting (for example: telephone conferencing).
22. The Student Support Review will normally (but not be limited to) cover the following, as appropriate or relevant:
 - what incident/concern prompted the meeting of the Review group, and why this Review is required;
 - assess the student's insight into their well-being or the impact of their behaviour on themselves and others
 - what actions have already been taken in relation to supporting the student;
 - what support is accessed by the student internally and externally;

- whether disability related reasonable adjustments (newly agreed or an adaption of that already agreed) are already in place or required; and if they are already in place, whether these adjustments need to be adapted;
- providing the student the opportunity to ask questions about any concerns raised, and the process being used, and if they wish to respond to the concerns raised and the decision to refer their case to the Review;
- all available options, including whether it would be helpful for the student to have a break from their studies for an agreed period of time – the terms under which return to study will occur should be identified clearly (eg. documentation required, procedure(s) that need to be followed, staff to be contacted).

23. The potential outcomes of this Review may include any one, or a combination of, the following:

- i. the concerns are considered resolved, and no further action needs to be taken;
- ii. the matter cannot be resolved at this Level and is referred to a Fitness to Study Panel;
- iii. the Review recommends the introduction of, or a change to, agreed reasonable adjustments for the student. Any reasonable adjustments will be agreed and put in place in accordance with the normal reasonable adjustments process;
- iv. the student is required to attend a meeting with a member of staff nominated by this Review following a brief interval (2-6 weeks) to monitor the student's well-being and to ensure that all appropriate action has been/is being taken. If not, appropriate action should be agreed between the student and the nominated member of staff and taken. That nominated member of staff is responsible for ensuring those agreed actions are taken.
- v. the student is referred to a service within City for further specific support;
- vi. the student decides to interrupt their studies, and is referred to the Interruption of Studies procedure – and the Review endorses this action;
- vii. an Action Plan is drawn up and the Review nominates a member of staff to monitor the Action Plan. The Action Plan will record the outcome of the Review, and identify any additional educational or personal support to be provided by City. The Action Plan will also include standards regarding conduct and behaviour that the student is expected to maintain in the learning environment. The Action Plan will be monitored on a regular basis, and at least termly, by the member of staff appointed by the Review who will report to the Review group any further concerns;
- viii. the student may be referred to Occupational Health for assessment of their fitness to study. Where a decision is made that a student should be referred for an OH Assessment, staff responsible for correspondence with the student will need to discuss this decision with the student and obtain their consent to make the referral.

24. The Review may recommend other additional actions that would be supportive to the student (excluding those outcomes only available to a Fitness to Study Panel).

Actions following the Student Support Review

25. A note of the occurrence of the outcome(s) and actions taken following the Review will be recorded, even where it is decided that no further action need be taken. This will be circulated to the student for their agreement. A student may suggest amendments to this record, but it is at the Head of Academic Services discretion whether any amendments to the record will be made. A note of the student's suggestions may be attached to the note as an addendum, at the discretion of the Head of Academic Services.

26. The agreed record will be circulated to the student and appropriate staff members, normally within 14 days of the record being agreed. Staff should refer to accompanying

Guidance with regards to responsibility for drawing up, circulating and retention of the record.

Level 2 – Referral to Fitness to Study Panel

27. This Level may be instigated in one of the following circumstance(s):
- i. following Emergency Action
 - ii. a Student Support Review has agreed to refer the concern,
 - iii. where the concern is that the student's on-going engagement with their studies represents a potential risk to their safety or to others' safety, and requires urgent consideration
 - iv. where a referral has been made from City's Disciplinary Regulation
28. A request that a student be considered by a Fitness to Study Panel must be agreed between a relevant support service and the Head of Academic Services (or nominee) in the student's School. The Head of Academic Services (or nominee) will be responsible for submitting the referral to a Fitness to Study Panel, by completing and submitting the *Referral to FSP* form. The Guidance outlines where to direct the Referral form, and who will take action in response to that form.

Fitness to Study Panel

29. The Fitness to Study Panel is responsible for investigating serious concerns about a students' engagement with their studies, and/or their behaviour and/or well-being considered to pose a significant risk to themselves and/or other students, staff or the education and research environment and, is thought to be related to ill-health, disability or learning difference. On completion of its investigation, the Panel will determine appropriate action to take.
30. The Panel will be scheduled as soon as practically possible following the decision to refer the matter to the Panel.
31. The student will be provided with a brief written notification of the decision to refer the concern to a Fitness to Study Panel normally within 3 working days of the decision.
32. The student will be provided with information normally 14 calendar days in advance of the Panel, including:
- confirmation of the date, time, and location of the Panel;
 - a copy of any supporting documentation (including a copy of the Referral to Fitness to Study Panel Form).
 - who will be attending the Fitness to Study Panel and in what capacity (see Guidance for further details);
 - notice that the student may be accompanied by one other person of their choice and should confirm with the secretary at least 48 hours in advance of the meeting who they will be accompanied by. It is recommended that the student be accompanied by someone other than a City staff member, to avoid the potential for conflict of interest (a representative from the Student Union would be ideal). The student may be accompanied by more than one individual only with the agreement of the Chair.
 - The student will be invited to submit documentation for the Panel's considerations – this must normally be submitted no later than seven calendar days prior to the Panel, unless otherwise agreed between the Chair of the Panel and the student.

33. Where the student is not able to attend, or does not notify the Chair that they cannot attend in advance of the meeting of the Panel: at the Chair's discretion the Panel may proceed in the student's absence. If the student cannot attend, refuses to attend, does not respond to invitations to attend or agrees to attend but does not attend without or with very late notice, the meeting may proceed in the student's absence if the staff managing the meeting consider it appropriate to do so. The meeting may be postponed in these circumstances if the staff managing the meeting consider it appropriate. Where a student is unable to attend due to being unable to physically travel to the hearing, but is fit to engage with the meeting, the staff managing the meeting should consider offering alternatives to allow the student to participate in the meeting (for example: telephone conferencing).
34. The Panel will comprise three members of staff:
- Senate nominee, chosen from the list of staff annually approved by Senate to sit on Intuition-level Panels, who will act in the role of Chair;
 - Programme Director of the student's programme (or nominee);
 - Head of Student Counselling and Mental Health (or nominee) or Head of Learning Success (or nominee) or representative of the Student Health Centre (or nominee).
35. The Panel's considerations will include, but not be limited to, the following:
- the Referral to Fitness to Study Panel Form;
 - documentation recording previous actions taken under this Regulation (where relevant);
 - documentation relating to support provided to the student so far (where relevant);
 - representations from appropriate members of staff from the student's host School, and/or another City department – either in person (verbally) or in writing, or both. The Chair will determine whether or not staff are invited to make representations to the Panel;
 - representations from the student – either in person (verbally) or in writing, or both. The student may have another person make representations on their behalf with the agreement of the Chair.
 - Information provided by consultants, where relevant – eg. information provided by experts about the student's mental or physical health condition/disability/learning difference; or staff members with expertise in Tier 4 rules (these consultants do not have a role in the decision-making)
36. The Panel is authorised to agree one or more of the following outcomes:
- i. determine there is no concern that warrants consideration under this Regulation and no further action will be taken under the Fitness to Study Policy;
 - ii. prepare, review or continue an Action Plan with regular monitoring by a member of staff appointed by the Panel;
 - iii. make recommendations for the introduction of, or a change to, agreed reasonable adjustments for a student. Any reasonable adjustments will be agreed and put in place in accordance with the normal reasonable adjustments process;
 - iv. endorse the student's decision to interrupt their studies. The student will be referred to the Interruption of Studies procedure;
 - v. determine that a temporary suspension will be applied to the student's registration. The Panel will agree an initial period of time for the suspension, who the contact should be for the student during the interruption, and what the student's registration status is whilst their studies are suspended, and when the suspension will be reviewed and who is responsible for the review and decision as to whether or not the student will be permitted to return and when;
 - vi. determine that the student must be excluded (permanently or temporarily) from a specific aspect of their programme study or City-related activity (e.g. sport team, placement, or

- other). The Panel will take into account any impact of an exclusion before confirming this decision. This decision will be reported to the relevant School/Service for action;
- ix. Refer the student to the Occupational Health Service for assessment of their fitness to study (this could be immediately following the Panel meeting, or any time during the student's suspension/exclusion or Interruption of Studies). Where a decision is made that a student should be referred for an OH Assessment, staff responsible for this decision will need to discuss this decision with the student and obtain their consent to make the referral. The student has the right to refuse a referral to the OHS but if this is the case, it should be made clear to the student that a decision about fitness to study will have to be made without full knowledge of what might be genuine mitigating circumstances. The OHS will advise on what (if any) other services should be involved. The OHS may request medical evidence from the student's GP/specialist. The Panel will ensure recommendations for support from OHS are followed up.
 - vii. Determine that there is no appropriate action that can be taken under this Regulation, but refer the concerns regarding the student's behaviour for consideration under Regulation 13 (Student Discipline);
 - viii. Determine that the student must be permanently withdrawn from their programme of study. This decision will be reported to the relevant Assessment Board for noting.
37. The Panel is encouraged to consider potential impact on resources of affected services or individual staff members as a result of its decision, and agree with affected services or individuals that its decision is practical and acceptable.
38. The Panel is responsible for ensuring that follow up actions are clearly defined in the record of the proceedings of the hearing; responsibilities for actions are clearly agreed and recorded; and, where the Panel want to review information/progress of actions at some point in the future, this is clearly decided and recorded and responsibility for this is clearly allocated.
39. Where the outcome means the student will be withdrawn, suspended or excluded, the Fitness to Study Panel is encouraged to note any potential in-direct impacts on the student. The Panel should identify any potential impacts on the student in relation to maximum registration periods, the student's fees (and any fee refunds), student loans, bursaries, grants, visa-related issues (for International students with a Tier 4 visa) and the student's accommodation. The student should be referred to appropriate support services (within City or externally) for guidance and advice in relation to any potential impacts.
40. Where the Panel decision means a change to the student's registration this will be referred to the student's School for action.
41. The Secretary will produce a record of the proceedings of the Panel, including its decision and the rationale for the decision. The meeting of the Panel will normally be recorded in writing and in audio format (audio format held on record only for a period of 21 calendar days - should it be required for an appeal - after which it is destroyed). This will be shared with the student normally within 14 calendar days of the date of the Panel meeting. A student may suggest amendments to this record, but it is at the Chair's discretion whether any amendments to the record will be made. A note of the student's suggestions may be attached to the note as an addendum, at the Chair's discretion.
42. The formal record of the Panel's decision will normally be circulated to the student and relevant staff members, within 14 calendar days of the record being agreed. The Panel may make recommendations for the format in which the note is circulated to the student (and others) to best support the student.

Appeal

43. A student who is subject to a decision by a Fitness to Study Panel is entitled to appeal that decision but only on the ground that the Panel was not conducted in accordance with these regulations. Dissatisfaction with the outcome does not constitute grounds for appeal.
44. A written statement setting out the appeal, accompanied by any appropriate evidence, should be submitted to Student & Academic Services within 21 calendar days of the date of the correspondence confirming the Panel's decision.
45. The appeal will undergo an initial scrutiny by two members of City staff nominated by the President. This scrutiny will seek to confirm that:
 - i. the statement sets out clearly the basis for the appeal demonstrating potential grounds for appeal; and
 - ii. the claim includes sufficient evidence to support the appeal which can justify further consideration.
46. The student will normally be provided with the outcome of the initial scrutiny within 21 calendar days of the receipt of the appeal.
47. Where the appeal is not considered to include sufficient evidence to support the appeal or provide sufficient justification for further consideration, the appeal will be rejected. The student will be informed of this decision, with reasons, via a Completion of Procedures letter, as required by the Office of the Independent Adjudicator for Higher Education.
48. Where there is sufficient evidence to merit consideration of the appeal on the grounds set out above, the appeal will be referred to an institutional-level Appeal Panel for further consideration.
49. Where a student's appeal is referred to an institutional-level Appeal Panel, the student will normally be provided with the following information at least 14 calendar days in advance of date of the Appeal Panel:
 - The date, time and venue of the Appeal hearing. The hearing will be convened within 28 days of the outcome of the initial scrutiny, unless it would be unreasonable or impractical to do so within this period of time;
 - Who will be attending the Panel, and in what capacity;
 - The student will be invited to attend this hearing. It is not required that the student attend – it is for the student to decide if they wish to attend or not. The student may be represented by another individual in their absence only by agreement of the Chair. Where the student declines to attend, cannot attend, does not respond to invitations to attend, fails to attend the hearing without advance notice, the Panel may meet in the student's absence (under which circumstances, the Panel's considerations will be based on the student's written statement of appeal). Where a student is unable to attend due to being unable to physically travel to the hearing, but is fit to engage with the Panel, the Panel should consider alternatives to allow the student to participate in the hearing (eg. telephone conferencing). The student is welcome to be accompanied by one other person of their choice, but they should give at least five working days' notice of who they will be accompanied by.
50. The Appeal Panel will consist of three members of staff selected from the list of staff approved annually by Senate to sit on institutional-level Panels.

51. A representative of the Fitness to Study Panel will be invited to attend or provide representations to assist the Appeal Panel with its considerations of the appeal. This representative does not form part of the Appeal Panel and will not be present during the Panel's deliberations.
52. The Panel will exhaust its enquiries before coming to a conclusion on the merits of the appeal. The Panel does not need to come to a conclusion on the day of the hearing, and where the Panel do not come to a conclusion on the day, the Appeal Panel will inform the student of the reasons for any additional time required, and an estimate of when a decision may be issued. The follow outcomes are available to the Appeal Panel:
 - a. To reject the appeal;
 - b. To refer the matter to a freshly convened Fitness to Study Panel (that is, a Panel with no prior involvement in the matter) for reconsideration.
53. A record of the proceedings of the Appeal Panel, including the decision and the rationale for the decision, will be drawn up. This will be shared with the student normally within 14 calendar days of the date of the Panel. A student may suggest amendments to this record, but it is at the Chair's discretion whether any amendments to the record will be made. A note of the student's suggestions may be attached to the note as an addendum, at the Chair's discretion. The agreed record will be circulated to the student and appropriate staff members, normally within 14 calendar days of the record being agreed.
54. The outcome of this Panel hearing, with reasons, will normally be conveyed to the student within 14 days of the hearing. This decision will be conveyed via a Completion of Procedures letter (as required by the Office of the Independent Adjudicator for Higher Education).
55. An anonymised report of the outcome of the hearing will be reported to Senate.

Return to Study

56. Where a student has elected to interrupt their studies via City's Interruption of Studies process, their return should be agreed via that process. The stipulations set out in this Regulation relate to actions that must be taken following a decision to interrupt or suspend a student's studies as part of actions taken at Level 1 or 2 of this Regulation.
57. Where a student has been suspended (as opposed to taken Interruption of Studies) via the Fitness to Study Regulation, that student is responsible for contacting the nominated staff member City prior to the previously agreed due date for their review to return to confirm their wish to return. The student should contact City no later than three months prior to the agreed review date to allow a reasonable time period for actions to be taken by various services across City. Should the student delay in contacting City within the specified time period, this may have an impact on when the student may be permitted to return to City. Should the student not contact City within the agreed time period, the student will normally be contacted and any reasons they did not contact City within the normal notice period will be considered. City may ultimately decide that the student should be formally withdrawn, but this decision will be given careful consideration and will not be actioned automatically.
58. Any required documentation required as agreed by the Fitness to Study Panel will be reviewed before confirming the student's fitness to return to study. All actions (including referral to Occupational Health and/or specified support service) as part of the Fitness to

Study Panel decision must be completed (unless alternatives are agreed with the Fitness to Study Panel) before final approval for the student's return to study can be confirmed.

59. The timing of the student's return to study may be affected by the point reached in the academic year and may result in the need to defer re-joining until the start of the next academic year.

Approved 13.07.16 (Senate) (version 1)
Revised by Senate 11.07.18