



# FITNESS TO STUDY POLICY

**Scope:** All taught and research programmes leading to an award of City, University of London.

**Senate Regulations**

[Senate Regulation 10: Fitness to Study](#)

**Date approved/re-approved**

Approved by Senate July 2018

Approved by Senate October 2020

# **Fitness to Study Policy**

## **Introduction**

1. This document outlines the general principles and the purpose of City's Fitness to Study Policy, and the context in which the Regulation will be implemented, and should be read in conjunction with the Fitness to Study Regulation. (Senate Regulation 10)

## **Context**

2. City, University of London is committed to protecting the health, safety and well-being of all students and stakeholders. City is an educational institution that aims to provide a supportive, engaging, and inclusive learning environment for students, conducive to education, research and a positive student experience.
3. In supporting these aims, City recognises the need for proactive management and support of concerns about a student's well-being and/or behaviour which may be related to ill-health, disability or other reasons.
4. Students are made aware of their entitlements and responsibilities at the outset of their studies and upon re-registration including accessing learning support and receiving reasonable adjustments (for those who are entitled to reasonable adjustments). City commits to providing equality of opportunity for all, respecting difference.
5. The Fitness to Study Policy will be applied in accordance with City's duties under the Equalities Act 2010. It should be noted that the provision of reasonable adjustments do not extend to the application of a genuine competency standard. City commits to its duty to ensure that reasonable adjustments are provided in supporting students to achieve a competency standard, and to ensure that the assessment methods used to test the competency standard do not disadvantage a student in demonstrating their competency.

## **Support for students**

6. City provides support for students via a number of mechanisms, including:
  - a. Reasonable Adjustments
  - b. Extenuating Circumstances Policy
  - c. Assessment deadline extensions (defined within the School)
  - d. Interruption of Studies (Assessment Regulations)

- e. Support provided by The Student Counselling, Mental Health and Accessibility Service (incorporating Neurodiversity and Disability)
- 7. If a student has declared to City as having a disability, health condition, or learning difference and registers with the relevant support service, relevant adjustments will be provided via reasonable adjustments, and other support as agreed.
- 8. Further information about these support mechanisms can be found on City's website (enquiries about assessment deadlines should be directed to the student's School).

**When the Fitness to Study Policy and Regulation will be used**

- 9. This Policy will be applicable to
  - a. students registered at City, University of London, throughout their registration in relation to their studies/research and to study/research activities undertaken elsewhere, including fieldwork and placements.
  - b. students registered on a distance learning programme, with the understanding of the limitations on the nature of support that can be practically provided to such students.
- 10. This Policy may not be applicable to
  - a. a student whilst they are engaged with a Study Abroad programme (where the host institution is responsible for providing support and ensuring reasonable adjustments are in place).
  - b. students who are on validated or partnership programmes (where the student's registration is managed by the partner institution).
  - c. students where a local Fitness to Practise Policy is already in place - whether this Policy or a local Fitness for Practise is applicable is for the student's School to determine.
- 11. This Policy may be used in circumstances when
  - a. there is a concern for potential significant risk to any or all of the following:
  - b. the student's own health and safety or well-being relating to a disclosed mental or physical health condition, disability or learning difference;

- c. the student's own health and safety or well-being where it is not known whether a student has a diagnosed mental or physical health condition, disability or specific learning difference;
  - d. the health and safety or well-being of other students and staff;
  - e. the teaching and learning environment (for the student and/or others);
  - f. the activities and/or health and safety of placement providers, mentors, visitors or the general public; and,
  - g. the normal support mechanisms for students are considered insufficient for supporting a student's well-being, managing a concern about a student's well-being or behaviour; or addressing a risk regarding the student's engagement with their studies or with fellow students, staff or other stakeholders.
12. City will at all times consider the most appropriate process to be followed when managing concerns about student well-being and/or behaviour.
13. Where the concern meets the criteria set out above, normally the concern will be managed, initially or wholly, as a Student Support Review, as outlined in the Regulation. Where the concern is determined to involve potential immediate and significant risk; requiring urgent action, the concern will normally be managed via Temporary Precautionary Measures, as outlined in the Regulation. Where the concern meets the criteria for direct referral to a Fitness to Study Panel, the concern may be referred directly to a Fitness to Study Panel, as outlined in the Regulation.
14. This Policy is not intended to deal with issues solely related to a student's academic performance (which would be managed under the Assessment Regulations) or a student's extenuating circumstances (which would be managed under the Extenuating Circumstances procedure). When a concern relates to either of these areas, support mechanisms outside the Fitness to Study policy should be used in the first instance.
15. Where the concern relates to behaviour which could potentially be considered misconduct under City's Student Discipline Regulation (Regulation 13), and there is evidence that the student may be experiencing health difficulties or registered as disabled, the Preliminary Investigation will seek to clarify whether the matter must be referred to Regulation 13 or may be better managed under the Fitness to Study Policy.

16. Where there is evidence of confirmed or potential criminal activity this should be referred for consideration under City's Disciplinary Regulation in the first instance.
17. In the situation where a concern relates to behaviour which could potentially be considered misconduct under City's Student Discipline Regulation (Regulation 13), but the decision has been made to manage the concern under the Fitness to Study Policy, and a student does not co-operate with agreed action plans created under the Fitness to Study Policy, City reserves the right to refer the matter for consideration under Regulation 13 (Student Discipline) if this is considered necessary. The decision regarding the referral under these circumstances will be managed by the Head of Academic Services (or nominee) in consultation with appropriate City student support services and Student & Academic Services.

### **Preliminary Investigation**

18. It is not always initially possible to be certain whether the cause of the concern or the unacceptable behaviour is a result of a physical or mental health condition, disability or a specific learning difference. A preliminary investigation will be conducted before a concern is referred for consideration under the Fitness to Study procedure to allow an opportunity to determine the context of the concern, what evidence there is to support the concern, assess the facts and discuss the concern with the student. Ultimately, this preliminary investigation will confirm whether or not the concern warrants further consideration and if so, whether or not this should be managed in accordance with the Fitness to Study Policy, or referred to a different City procedure.
19. A preliminary investigation will be co-ordinated by the relevant School, which will be responsible for ensuring this preliminary investigation takes place and an outcome is reached. The investigation will usually include a gathering of information about the concern and a meeting with the student concerned (or if the student is unable to be personally present, via telephone conference or similar). Where a student is being supported by a student support service (that is, registered with a support service), preliminary action may include a meeting between the student, the support service and a School representative to discuss the concerns raised. Where a student is not known to be registered with a student support service, this preliminary meeting should be managed by the School with a referral thereafter to the relevant student support service where appropriate.

20. The outcome(s) of a preliminary investigation could include:
  - a. A decision that the action taken as part of the preliminary investigation is sufficient and no further action will be taken;
  - b. The student is referred to a student support service for support (where reasonable adjustments could be reviewed or discussed with a view to implementing these);
  - c. The concern is referred for support under a relevant process, for example: Extenuating Circumstances Policy, Interruption of Studies process, extension to assessment deadline;
  - d. A decision that the support for the student needs a comprehensive review, and the concern is referred to a Student Support Review;
  - e. A decision that the concern regarding the student's behaviour could represent misconduct and it is not appropriate for consideration under the Fitness to Study Policy - the matter is referred to City's Disciplinary Regulation.

### **Consideration under the Fitness to Study Policy**

21. Where a decision is made that a concern regarding a student requires further consideration under the Fitness to Study Policy, the concern will be referred to the most appropriate level of the Regulation (that is, either Level 1 or 2) as guided by the criteria set out in the Regulation and this referral will be made in accordance with the Regulation.
22. A Student Support Review or Fitness to Study Panel will be conducted in accordance with this policy, and the outcome(s) will be as outlined in the Regulation.

### **Student Support Review Process**

23. The Student Support Review will assemble input from relevant staff from the student's School, and from staff in the relevant student support services and the student (and any individual(s) accompanying the student).
24. 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.

25. 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.
26. The student will be given very basic notification of the decision to convene a Student Support Review meeting within 3 calendar days (this does not include weekends and bank holidays) of the decision. Following this, the student should be provided as soon as practically possible with more detailed information including the following:
  - a. a rationale for the decision;
  - b. confirmation of the date, time, and location of the Review meeting;
  - c. a copy of any supporting documentation as relevant;
  - d. details of who will be attending the Review meeting and in what capacity;
  - e. 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). Please note this should not be a legal representative;
  - f. 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);
  - g. 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.
27. 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.
28. 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. 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).

29. The Student Support Review will normally (but not be limited to) cover the following, as appropriate or relevant:
- a. what incident/concern prompted the meeting of the Review group, and why this Review is required;
  - b. assess the student's insight into their well-being or the impact of their behaviour on themselves and others
  - c. what actions have already been taken in relation to supporting the student;
  - d. what support is accessed by the student internally and externally;
  - e. 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;
  - f. 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;
  - g. 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 (e.g. documentation required, procedure(s) that need to be followed, staff to be contacted).

30. The potential outcomes of this Review may include any one, or a combination of, the following:
- a. the concerns are considered resolved, and no further action needs to be taken;
  - b. the matter cannot be resolved at this Level and is referred to a Fitness to Study Panel;
  - c. 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;
  - d. 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.
  - e. the student is referred to a service within City for further specific support;
  - f. the student decides to interrupt their studies, and is referred to the Interruption of Studies procedure – and the Review endorses this action;
  - g. 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;
  - h. 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.

31. 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).
32. 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.
33. The agreed record will be circulated to the student and appropriate staff members, normally within 14 calendar 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.

#### **Fitness to Study Panel Process**

34. The Fitness to Study Panel may be instigated in one of the following circumstance(s):
  - a. following Temporary Precautionary Action
  - b. a Student Support Review has agreed to refer the concern,
  - c. 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
  - d. where a referral has been made from City's Disciplinary Regulation
35. 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.

36. 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. At a Fitness to Study Panel, the responsibility for proving that there is a valid cause for concern, i.e. the

“burden of proof”, lies with the University and the level of proof required is measured using the “balance of probabilities”.

37. The Panel will be scheduled as soon as practically possible following the decision to refer the matter to the Panel.

**Burden of Proof:**

The “burden of proof” determines whose responsibility it is to prove an issue. In a disciplinary case we would expect the burden of proof to be on the provider, that is, the provider must prove that the student has done what they are accused of doing. The student should not have to disprove the allegation.

**Standard of Proof:**

The “standard of proof” is the level of proof required. In legal proceedings the standard of proof in criminal cases is normally “beyond reasonable doubt”, which is a very high standard. In civil cases it is normally “the balance of probabilities”, that is, it is more likely than not that something happened. Although the “balance of probabilities” standard is lower than “beyond reasonable doubt”, decisions must still be supported by evidence. The standard is higher than simply believing that something is likely to have happened.”

(Office of the Independent Adjudicator (OIA), The Good Practice Framework, Disciplinary procedures June 2018, Page 23)

38. 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 calendar days (this does not include weekends and bank holidays) of the decision.

39. The student will be provided with information normally 14 calendar days in advance of the Panel, including:

- a. confirmation of the date, time, and location of the Panel;
- b. a copy of any supporting documentation (including a copy of the Referral to Fitness to Study Panel Form).

- c. who will be attending the Fitness to Study Panel and in what capacity (see Guidance for further details);
  - d. 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).
  - e. The student may be accompanied by more than one individual only with the agreement of the Chair.
  - f. The student will be invited to submit documentation for the Panel's considerations – this must normally be submitted no later than 7 calendar days prior to the Panel, unless otherwise agreed between the Chair of the Panel and the student.
40. 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).
41. The Panel will comprise three members of staff:
- a. 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;
  - b. Programme Director of the student's programme (or nominee);
  - c. Head of Student Counselling, and Mental Health and Accessibility Service (or nominee) or representative of the Student Health Centre (or nominee).

42. The Panel's considerations will include, but not be limited to, the following:
- a. the Referral to Fitness to Study Panel Form;
  - b. documentation recording previous actions taken under this Regulation (where relevant);
  - c. documentation relating to support provided to the student so far (where relevant);
  - d. 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;
  - e. 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.
  - f. Information provided by consultants, where relevant – e.g. information provided by experts about the student's mental or physical health condition/disability/Specific Learning Difference; or staff members with expertise in Tier 4 rules (these consultants do not have a role in the decision-making).
43. The Panel is authorised to agree one or more of the following outcomes:
- a. determine there is no concern that warrants consideration under this Regulation and no further action will be taken under the Fitness to Study Policy;
  - b. prepare, review or continue an Action Plan with regular monitoring by a member of staff appointed by the Panel;
  - c. 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;
  - d. endorse the student's decision to interrupt their studies. The student will be referred to the Interruption of Studies procedure;
  - e. 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;

- f. 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;
  - g. 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.
  - h. 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);
  - i. 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.
44. 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.
45. 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.

46. Where the outcome means the student will be withdrawn, suspended or excluded, the Fitness to Study Panel is encouraged to note any potential indirect impact on the student. The Panel should identify any potential impact 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
47. support services (within City or externally) for guidance and advice in relation to any potential impact.
48. Where the Panel's decision means a change to the student's registration, this will be referred to the student's School for action.
49. 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.
50. 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.

### **Right of appeal**

51. Any student subject to a decision by a Fitness to Study Panel will be able to appeal the outcome of that Panel.
52. The right of appeal, the process by which a student may submit an appeal and the process by which that appeal is dealt with is set out below, in line with the provision of regulation 10.

### **Appeal Process**

53. A student who is subject to a decision by a Fitness to Study Panel is entitled to appeal that decision on one or more of the following grounds:
  - a. that there was a material error in the proceedings associated with the Panel's decision, which affected that decision;

- b. that new information has become available, which is material to the Panel's decision, and which could not have been made known to the Panel for a demonstrated, valid and over-riding reason.
  - c. that the decision was not one which the Panel could have reasonably reached on the basis of the evidence presented.
- 54. This is not a re-hearing of the case. Dissatisfaction with the outcome does not constitute grounds for appeal.
- 55. A written statement setting out the appeal, accompanied by any appropriate evidence, should be submitted to Student & Academic Services within 21 calendar of the date of the correspondence confirming the Panel's decision. The responsibility for proving that there are valid grounds for appeal against the Panel's decision, i.e. the "burden of proof", lies with the student. The level of proof required is measured using the "balance of probabilities".

**Burden of Proof:**

The "burden of proof" determines whose responsibility it is to prove an issue. In a disciplinary case we would expect the burden of proof to be on the provider, that is, the provider must prove that the student has done what they are accused of doing. The student should not have to disprove the allegation.

**Standard of Proof:**

The "standard of proof" is the level of proof required. In legal proceedings the standard of proof in criminal cases is normally "beyond reasonable doubt", which is a very high standard. In civil cases it is normally "the balance of probabilities", that is, it is more likely than not that something happened. Although the "balance of probabilities" standard is lower than "beyond reasonable doubt", decisions must still be supported by evidence. The standard is higher than simply believing that something is likely to have happened."

(Office of the Independent Adjudicator (OIA), The Good Practice Framework, Disciplinary procedures June 2018, Page 23)

- 56. The appeal will undergo an initial scrutiny by two members of City staff nominated by the Director of Student and Academic Services and Registrar. This scrutiny will seek to confirm that:
  - a. the statement sets out clearly the basis for the appeal demonstrating potential grounds for appeal; and
  - b. the claim includes sufficient evidence to support the appeal which can justify further consideration.

57. The student will normally be provided with the outcome of the initial scrutiny within 21 calendar days of the receipt of the appeal.
58. 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, in a Completion of Procedures (“COP”) Letter. Following this, a student who is dissatisfied with the final decision on their case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: <http://www.oiahe.org.uk>.
59. 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.
60. 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:
  - a. The date, time and venue of the Appeal hearing. The hearing will be convened within 28 calendar days of the outcome of the initial scrutiny, unless it would be unreasonable or impractical to do so within this period of time;
  - b. Who will be attending the Panel, and in what capacity;
61. 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 (e.g. telephone conferencing). The student is welcome to be accompanied by one other person of their choice, but they should give at least 7 calendar days’ notice of who they will be accompanied by.
62. 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.

63. 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.
64. 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 following 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.
65. 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.
66. The outcome of this Panel hearing, with reasons, will normally be conveyed to the student within 14 calendar days of the hearing. This decision will be conveyed in a Completion of Procedures ("COP") letter. Following this, a student who is dissatisfied with the final decision on their case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: <http://www.oiahe.org.uk>.
67. An anonymised report of the outcome of the hearing will be reported to Senate.

#### **Data Protection & Confidentiality**

68. This Policy will be applied in accordance with City's duties under the Equality Act 2010 and General Data Protection Regulation (2018).
69. The Regulation will be operated with due consideration to a student's confidentiality. City will seek to manage or process information students provide whilst accessing support or during the use of the Fitness to Study Policy in accordance with our duties under GDPR.

70. Any sensitive information provided by a student to City staff or generated by a City staff member about the student will be shared only with those individuals that need to have this information in order to support the student or the process, where the use of the information is necessary for
71. the assessment of the student's fitness to study or to assess and/or implement the support needs of the student.
72. City will seek to ensure that a student understands how their personal information may be shared. Where possible, information will be disclosed in accordance with the terms agreed with the student. Where a student has not already agreed for their information to be shared within City (for example, the student may not have already agreed this with a support service), the student will be contacted with information about how we intend to use and share information about them and to seek their agreement to this (as appropriate). City will consider a student's request that sensitive information not be disclosed to staff within City or external parties, but will ensure the student is made aware of the implications of non-disclosure (that is, the consideration of the student's situation and provision of appropriate support will be limited).
73. Where a student refuses to provide explicit consent that their sensitive information is shared, and City determines that it has a duty to provide that student with adequate support, City will disclose this information to other departments or professionals who might be best placed to offer the support they might need.
74. City's obligations of confidentiality will not apply in relation to information:
  - which is or becomes public knowledge for reasons other than as a result of a breach of confidentiality by City;
  - which City is required to disclose under its Regulatory and Professional Body Requirements (e.g. the Nursing and Midwifery Council, The Health and Care Professions Council, The Law Society);
  - when City is required to disclose by law;
  - when City is required to give proper instructions to any professional adviser who has an obligation to keep any such information confidential;
  - where it will impact on City's duty of care to students, staff and its partners

- where it will impact on City's duty of care to Professional Bodies and City students' potential ability to practise.

### **Reporting and Monitoring**

75. City will maintain anonymised records on the use of this Policy and Regulation for the purposes of ongoing review.
76. The information collected will be compiled for annual reporting within Schools and to Senate.

### **The Office of the Independent Adjudicator for Higher Education (OIA)**

77. City subscribes to the OIA scheme, and this Policy and associated Regulation is therefore subject to its review. City is committed to complying with any formal decision and/or recommendation(s) issued by the OIA arising from a student complaint considered by the OIA, noting that the student complainant is not bound to comply with the OIA decision.

## Policy Details Table

<b>Document title:</b>	Fitness to Study Policy
<b>Maintained by:</b>	Education & Student Strategy
<b>Owned by:</b>	Student and Academic Services
<b>Approving Committee or Body:</b>	Senate
<b>Last updated:</b>	October 2020
<b>Review date:</b>	October 2023  To be reviewed on a periodic basis, with allowance for minor annual updates of roles and responsibilities by Educational Quality Committee, as required by changes in law or in operational practices.
<b>Current version:</b>	Version 1.1
<b>Location of master document:</b>	Drive Address: S:\QUAD\Quality Manual
<b>Website Link:</b>	<a href="https://www.city.ac.uk/about/governance/quality-manual">https://www.city.ac.uk/about/governance/quality-manual</a>
<b>If you have queries about this document or if you require this document in an alternative format, please contact:</b>	<a href="mailto:ace@city.ac.uk">ace@city.ac.uk</a>