

Review of Fitness to Study Policy, Regulation and Guidance

The Fitness to Study Policy and associated Regulation was first implemented at City in 2016/17.

The purpose of the Fitness to Study Policy is to support students for whom existing support mechanisms are found to be insufficient to support their well-being or manage concerns regarding behaviour or engagement with their studies which relate to a declared or suspected disability, mental or physical health condition or learning difference.

This Review was instigated in response to feedback received following one year of use.

The Review has involved staff in Student Support Services (Student Health, Student Counselling & Mental Health, and Learning Success), and Schools who have experience of the use of the original version of the Policy and Regulation and would be implementing any revised Policy and Regulation.

The Policy and Guidance was circulated to the Educational Quality Committee for consideration and approval in April 2018. The Regulation has been submitted to the Academic Governance Committee for consideration and approval. This is the second version of the revised Policy/Guidance and Regulation to be presented to the Educational Quality Committee, and reflects feedback received from Educational Quality Committee and Academic Governance Committee.

A summary of the revisions included in the current version is attached for reference.

Recommended action

Educational Quality Committee is asked to:

- (i) Note the further revisions to the documentation**

Summary of revisions to Fitness to Study Policy, Regulation and Guidance

General

- Text has been moved between Policy, Regulation and Guidance to best respond to feedback provided to reduce repetition and improve clarity
- Merging of the Policy and Guidance documents to reduce the number of documents to be referred to – the Policy and Guidance is now in one document, the Regulation in another document
- Clarification on the wording setting out the criteria for use of the Fitness to Study Policy. The wording in the Policy has been simplified. The wording in the Regulation has been amended to clarify when the standard approach is taken and when Emergency Action may be appropriate. Examples of circumstances in which the Policy might be relevant have been removed from the Guidance to avoid potential confusion.
- Repeated text has been removed to improve clarity
- Clarification of the definitions of fitness to study and what is considered a potential lack of fitness to study - examples of when a concern should be managed under FtS Policy are from original documentation
- Terminology has been changed to respond to feedback provided via Review
- Names of student support teams updated

Regulation (Appendix 1)

- “Level 1” (Informal Investigatory Level) has been moved out of the Regulation and into the Policy, and is now covered under via a Preliminary Investigation. This is was move in response to feedback from staff taking part in January 2018 Review Workshop,. This Investigation is intended to be a triage stage to identify whether the concern is suitable for consideration under the Fitness to Study Policy and determine how to proceed
- More detail provided about Emergency Action and protocol for approval of the immediate, temporary exclusion or suspension of a student
- Initial action under Fitness to Study process is now termed “Student Support Review” and intended to provide initial formal opportunity to review the concern and support for the student (and staff)
- Clarification to wording regarding the criteria for referring a concern to a Fitness to Study Panel
- options available to the Student Support Review and the Fitness to Study are now reasonably consistent (with additional options available, as appropriate)
- Changes to Fitness to Study Panel membership to address changing responsibilities with earlier action (Preliminary Investigation, and Student Support Review) and to avoid staff who are actively involved in managing the concern earlier being directly involved in the decision-making of the Fitness to Study Panel. Where the Programme Director has had heavy involvement, a suitable nominee could represent the School.

Policy & Guidance (Appendix 2)

- Some changes in text within Policy to align better with City’s current approach to Policy documentation
- Summary of contents is now provided
- More detail about when the Policy should and should not be applied – clarification of wording on when the policy would be appropriate to use and when Emergency Action in particular may be appropriate
- Clearer detail on management of a concern between Fitness to Study Policy and Disciplinary Regulation
- Outlining the requirement for a preliminary investigation and actions related to this

- Clearer statement about data protection and how sensitive information will be managed in accordance with our duties under GDPR
- More detailed Guidance overall – including: introduction of guidance on roles and responsibilities, example correspondence, example risk assessment, example Action Plan, specific guidance for the Fitness to Study Panel and a revised flowchart
- Our basis for processing information about the student under the Fitness to Study Policy and Regulation is clarified, to address coming changes under GDPR (from May 2018)

Additional proposals

- Training or information sessions to be made available
- Information sheet will be developed for quick access for all staff to use when they have a concern regarding a student
- Data collection on gender of students being considered under the Policy to monitor for gender imbalances that may need addressing
- Suggestion that Fitness to Study Panel are convened with gender balance in mind. City is committed promoting equality, diversity and inclusion in all its activities, and we have to have diverse membership of Panels and these will be convened mindful of City's duties under its Equalities Duties. Where possible a Panel will be convened to reflect this, however, given the specialist nature of the Panel's task this may not be possible and where it is not possible, we will be able to demonstrate this.

Additional comments on feedback provided during review and circulation to Academic Governance Committee and Educational Quality Committee

This Review has so far involved staff in Student Support Services (Student Health, Student Counselling & Mental Health, and Learning Success), and Schools who participated in a Review Workshop held in January 2018. These staff have experience of the use of the original version of the Policy and Regulation and would be implementing any revised Policy and Regulation. Draft revised versions of the Regulation and Policy were circulated electronically to those same staff, the Student Case Management Forum and the Students' Union. Feedback from that circulation was incorporated into further revised drafts which were circulated to Academic Governance Committee and Educational Quality Committee. The drafts presented here takes into account feedback received from those two Committees.

Revised documentation presented here is incorporates feedback from the stakeholders noted above and from Academic Governance Committee and Educational Quality Committee following circulation in April 2018.

It has not been possible to implement some feedback, for various reasons:

- The purpose and some content of the Policy has been queried. City's current approach is to have separate Policy and Regulation documentation. The location of criteria for use of the Fitness to Study process has been retained within the Policy and the mechanism for how the process will be managed is retained within the Regulation to align with City's current approach for the content of Policy and Regulation.
- Suggestions regarding membership of Fitness to Study has been considered but not implemented at this point. Suggestions have been made that the Panel should not consist of a member of staff from within the student's School (to avoid

potential bias in decision-making). However, other feedback suggested that the same member of staff involved in earlier actions would be best placed to sit on the Panel, as they know the student's case well. A Panel member from specialist services has also been queried, on the understanding that the Fitness to Study Panel is asked to consider the case objectively. The proposed membership of the Panel has been left as it was following the initial feedback provided in January 2018, as this reflects the overall feedback from the initial practitioner feedback. If the Boards of Studies has a strong view on the membership of the Panel, we invite this now.

- The inclusion of specific periods of time in which a student should be notified of a referral of a concern regarding them to a Student Support Review meeting or Fitness to Study Panel have been queried. Specific time periods for initially notifying a student of a referral, with further detail to follow shortly after, has been supported by the Students' Union in the interests of the student and their preparation.
- Audio Recording of Fitness to Study Panels was queried. In the context of introduction of audio recording in Disciplinary Panel hearings and the current standard practice with Fitness to Practice Panels (School of Health Sciences) this has been retained.

Next actions

The draft revised Policy (incorporating Guidance) and Regulation is due to go to Senate in July 2018 for final approval, and it is hoped this should be ready for implementation from 2018/19.

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 Policy), and that 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 of 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 or exclusion.

6. The student may or may not have disclosed a mental or physical health condition, disability or learning difference, be known to be registered 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 one of 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;
 - ii. the Head of Academic Services 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 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. 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) – this individual will take responsibility for ensuring the scheduling of the Review and the management of any meetings, and co-ordinate any correspondence to the student confirming the outcome of the Review.
17. The Student Support Review will be scheduled as soon as practically possible following the decision to convene a Review meeting, unless agreed otherwise, to allow the student sufficient opportunity to prepare and seek support.

18. The student the student will be notified of the decision to convene a Student Support Review meeting within three working days of the decision. The student should be provided as soon as practically possible following the decision with 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).

Student Support Review

19. The Student Support Review will convene relevant staff from the student's School, staff in the relevant student support services and the student (and any individual accompanying the student).
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 is 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. a decision as to whether or not further consideration under the Fitness to Study is required;
- ii. the concerns are considered resolved, and no further action needs to be taken;
- iii. the matter cannot be resolved at this Level and is referred to a Fitness to Study Panel;
- iv. 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;
- v. the matter is considered resolved at this Level, but 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).
- vi. the student is referred to a service within City for further specific support;
- vii. the student decides to interrupt their studies, and is referred to the Interruption of Studies procedure – and the Review endorses this action;
- viii. 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;
- ix. the student may be referred to Occupational Health for assessment of their fitness to study.

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 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, which 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 the relevant support service and the Head of Academic Services (or nominee) for the student's School. If the Head of Academic Services (or nominee) determines that the matter must be referred to a Fitness to Study Panel, they will complete the *Referral to FSP* 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 Intuitional-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. 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 Panel may proceed in the student's absence if it considers it appropriate to do so. The Panel may postpone the meeting in these circumstances, at its discretion. 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 offering alternatives to allow the student to participate in the meeting (for example: telephone conferencing).
37. 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. The Panel will take into account

Commented [BN1]: AGC Feedback: suggestion that the Programme Director be replaced by a member of staff from outside the School (to ensure avoidance of potential bias).

If there were to be no one from the School on the Panel, the Panel would need to ensure it discussed any decision with the School to check for impact on the student's studies and compliance with programme requirements

- any impact of an exclusion before confirming this decision. This decision will be reported to the relevant School/Service for action;
- vii. 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). 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 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 Panel will ensure recommendations for support from OHS are followed up.
 - viii. 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 the Regulation 13 (Student Discipline);
 - ix. 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.
38. The Panel is encouraged to consider potential impacts of its decision on affected services or individual staff members, and agree with that service or individual that its decision is practical and acceptable.
39. 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.
40. 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.
41. Where the Panel decision means a change to the student's registration this will be referred to the student's School for action.
42. 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.
43. 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

44. 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.
45. 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.
46. 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.
47. The student will normally be provided with the outcome of the initial scrutiny within 21 calendar days of the receipt of the appeal.
48. 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.
49. 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.
50. 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.

51. 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.
52. 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.
53. 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.
54. 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.
55. 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).
56. An anonymised report of the outcome of the hearing will be reported to Senate.

Return to Study

57. 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.
58. A student is responsible for contacting City prior to the previously agreed due date for their review 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 at all, consideration will be given as to the reasons for this. The student will be invited to provide reasons why they did not contact City within the normal notice period. 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.

59. 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.

60. 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 [date]



FITNESS TO STUDY POLICY AND GUIDANCE

Scope

All internal taught and research programmes leading to an award of City, University of London.

Associated Senate Regulations: 10: Fitness to Study

Approved/re-approved: (tbc)

Date for review: To be reviewed as specified in the cycle of review of City policies and regulations, with allowance for minor updates by Educational Quality Committee, as required by changes in law or in operational practices.

Equality and Diversity statement

City, University of London is committed to promoting equality, diversity and inclusion in all its activities, processes, and culture, under its Public Sector Equality Duties and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.

Where relevant to the policy, decision-making panels will ensure a reasonable gender balance (with at least one man and one woman) and will actively consider representation of other protected groups.

Contents

Policy

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FITNESS TO STUDY POLICY

1. Context

1.1 This document outlines the general principles and the purpose of this Policy, and the context in which the Regulation will be implemented, and should be read in conjunction with the Fitness to Study Regulation.

1.2 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.

1.3 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.

1.4 City's Student Charter outlines rights and responsibilities of students and staff in relation to learning support and reasonable adjustments. 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.

1.5 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 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.

1.6 This Policy will be applicable to

1.6.1 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

1.6.2 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.

1.7 This Policy may not be applicable to

1.7.1 a student whilst they engage with a Study Abroad programme (where the host institution is responsible for providing support and ensuring reasonable adjustments are in place).

1.7.2 students who are on validated or partnership programmes (where the student's registration is managed by the partner institution).

1.7.3 students where a local Fitness to Practise Policy is already in place - whether this Policy or a local Fitness for Practice is applicable is for the student's School to determine.

2. Support for students

2.1 City provides support for students via a number of mechanisms, including:

- Reasonable Adjustments
- Extenuating Circumstances Policy
- Assessment deadline extensions (defined within the School)
- Interruption of Studies (Assessment Regulations)
- Support provided by student support services, including the Disability Team, Student Counselling and Mental Health Team, and Learning Success.

2.2 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.

2.3 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).

3. When the Fitness to Study Policy and Regulation will be used

3.1 This Policy may be used in circumstances where

- there is a concern for potential significant risk to any or all of the following:
 - the student's own health and safety or well-being relating to a disclosed mental or physical health condition, disability or learning difference;
 - 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 learning difference;
 - the health and safety or well-being of other students and staff;
 - the teaching and learning environment (for the student and/or others);
 - the activities and/or health and safety of placement providers, mentors, visitors or the general public; *and*,
- 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.

3.2 City will at all times consider the most appropriate process to be followed when managing concerns about student well-being and/or behaviour.

3.3 Where the concern meets the criteria set out above, normally the concern will be managed, initially or wholly, under Level 1. Where the concern is determined to involve potential immediate and significant risk; requiring urgent action, the concern will normally be managed via Emergency Actions, 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.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

4. Preliminary Investigation

4.1 It is not always initially possible to be certain whether the cause of the concern or the unacceptable behaviour is a result of a health condition, disability or 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.

4.2 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 and the support service 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.

4.3 The outcome(s) of a preliminary investigation could include:

- A decision that the action take as part of the preliminary investigation is sufficient and no further action will be taken.
- 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)
- The concern is referred for support under a relevant process, for example: Extenuating Circumstances Policy, Interruption of Studies process, extension to assessment deadline
- A decision that the support for the student needs a comprehensive review, and the concern is referred to a Student support Review
- a decision that the concern is 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

5. Consideration under the Fitness to Study Policy

5.1 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.

5.2 A Student Support Review or Fitness to Study Panel will be conducted in accordance with the relevant section of Regulation 10, and the outcome(s) will be as outlined in the Regulation.

6. Right of appeal

6.1 Any student subject to a decision by a Fitness to Study Panel will be able to appeal the outcome of that Panel.

6.2 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 in the relevant section of Regulation 10.

7. Data Protection & Confidentiality

7.1 This Policy will be applied in accordance with City's duties under the Equality Act 2010 and General Data Protection Regulation 2016 (GDPR) [from May 2018].

7.2 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.

7.3 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, in the following circumstances where the use of the information is necessary for the assessment of the student's fitness to study or to assess the support needs of the student.

7.4 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. 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).

7.5 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 professional who might be best placed to offer the support they might need.

7.6 City's obligations of confidentiality will not apply in relation to information:

- which is or becomes public knowledge other than as a result of a breach of confidentiality by City;
- which City is required to be disclosed under its Regulatory and Professional Body Requirements (eg. 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.

8. Reporting and Monitoring

8.1 City will maintain anonymised records on the usage of this Regulation for the purposes of ongoing regulatory review.

8.2 The information collected will be compiled for annual reporting within Schools and to Senate.

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

9.1 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.

Fitness to Study Policy – Guidance

1. Relevant Documentation

1.1 The **Fitness to Study Policy and Guidance** is available here: [\[link will be updated\]](#)

1.2 The **Fitness to Study Regulation (Regulation 10)** is available here: [\[link will be updated\]](#)

1.3 Related City, University of London Policy and Regulation that may interact with this Policy includes:

- Reasonable Adjustments (policy in development in 2017/18)
- Extenuating Circumstances Policy – details are included in Senate Regulation 19 (Assessment Regulations) *
- Interruption of Studies Policy – details are included in Senate Regulation 19 (Assessment Regulations)*
- Fitness for Practice (applies to programmes within School of Health Science and Counselling Psychology) – staff in the relevant Schools who are unsure about the use of the Fitness to Study Policy as opposed to the Fitness to Practise process should take specialist advice from the relevant School and a relevant student support service
- Student Discipline Policy & Regulation – details are included in Regulation 13*
- Student Complaint Policy & Regulation – details are included in Regulation 26*

1.4 Where a student may be subject to Professional Bodies requirements, it should be noted that actions taken in accordance with the Fitness to Study Policy is not considered disciplinary action.

*<https://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations>

2. Definition of what is considered “fitness to study”

2.1 The following lists what would be considered reasonable expectations of any student:

- awareness of their own health and safety and that of others.
- awareness of the risk of physical danger to themselves and others.
- the ability to communicate reasonably effectively with fellow students, staff and other professionals.
- the ability to undertake periods in private study without supervision.
- the ability to attend and engage effectively in lectures and tutorials, with reasonable adjustments if necessary.
- the ability to submit coursework within standard academic timescales (or within agreed timescales with reasonable adjustments, if agreed).
- the ability to attend examinations and engage effectively with the examination process, with reasonable adjustments if agreed.

3. Circumstances in which use of the Fitness to Study Policy may be considered

3.1 Circumstances in which the use of the Fitness to Study Policy and Regulation may be appropriate is set out in the Policy.

3.2 More detailed advice on whether a particular concern may warrant consideration under the Fitness to Study Policy can be obtained from a relevant student support service – see the section regarding Support below for contact details of staff who can provide advice.

4. Information and Support for students and staff

4.1 Students who are currently registered with a support service (eg. Health Centre, Student Counselling & Mental Health Team, Learning Success) may like to raise a query about the Fitness to Study Policy with their contact in that Service.

4.2 Students are encouraged to seek advice and support from Students' Union about the use of the Policy and application of the Fitness to Study Regulation – contact details for the Students' Union are available on their website: www.culsu.co.uk and listed below.

4.3 The list of Services below outline services within City which can provide advice and support to staff who have concerns regarding the well-being of a student, or provide advice about the use of the Fitness to Study Policy and Regulation.

4.4 Both students and staff are encouraged to refer to the table below and contact the Service they believe is most relevant to the nature of their enquiry.

Name of the Service	Type of enquiry the Service may be able to help with	Contact details
Student Health Service	This service provides advice on minor illnesses, accidents and general advice on health matters. This service may be able to support staff if they are concerned that a student may have a health issue but they would like to discuss this concern further, or the staff member would like to get information to help support a student with a health issue.	020 7040 5999; healthservice@city.ac.uk
Student Counselling and Mental Health Service	<p>Student Counselling This Service offers confidential, emotional support to current students who may be experiencing personal or academic issues</p> <p>Mental Health Team This service supports students with diagnosed mental health condition(s), students referred by the Counselling Service, and students who are care leavers (see their website for further information about the support provided to Care leavers). The Service can provide support, advice, in-house mentoring.</p>	020 7040 8094; coun@city.ac.uk (Counselling Service); mentalhealth@city.ac.uk (Mental Health Team)
Learning Success	Learning support is provided by three teams within Learning Success: Disability Support,	020 7040 0246

	Neurodiversity Support and Academic Learning Support.	www.city.ac.uk/study/student-support/learning-support
Disability Support	<p>This service works with students with diagnosed with a range of disabilities and long-term health conditions. They can provide work with students to identify strategies and reasonable adjustments to support students in their studies.</p> <p>This service can also support temporary arrangements in relation to short-term injury or illness.</p>	<p>020 7040 0246;</p> <p>disability@city.ac.uk</p>
Student & Academic Services (Student Voice team)	Information about the Fitness to Study Policy, Regulation, Guidance and other potentially relevant processes; Use of the fitness to study process	<p>020 7040 0234;</p> <p>ace@city.ac.uk</p>
Union Advice - City Students' Union	Independent, confidential and impartial advice on academic processes and regulations such as fitness to study, academic misconduct, appeals, complaints, extenuating circumstances, fitness to practise, student conduct and disciplinary matters.	<p>020 7040 5600</p> <p>unionadvice@city.ac.uk</p> <p>www.citystudents.co.uk/advice/</p>

Staff are encouraged to contact the above teams initially with queries regarding a concern or support for a student. Should liaison with City's Safety Office or Occupational Health be considered appropriate, this can be discussed with a support service team noted above.

5. Emergency action

5.1 In the event of a life-threatening emergency - where someone is seriously ill or injured or their life is at risk, an ambulance should be called via dialling *9 – 999* or *9 – 112*. Following this, Security should be informed (via 020 7040 3333) as soon as possible so they can facilitate access for any emergency services.

5.2 In the event of an emergency that requires first aid – staff should call for the nearest First Aider or contact Security on 020 7040 3333.

5.3 Where the situation is not life-threatening, but still requires serious and prompt action, a process for Emergency Action is outlined in the Fitness to Study Regulation. Staff should refer to the Regulation for details.

5.4 Temporary, immediate suspension or exclusion of a student may be considered when:

- the student's behaviour may represent immediate risk to the safety of the student or others to the extent that the School and the relevant specialist student support service agree that the student's registration should be suspended or the student

should be excluded from specific City-related activities/facilities/requirements for their own and/or others' safety

- the student may or may not have been considered under the Fitness to Study procedure already
- the student may or may not be registered with a student support service

5.5 Temporary, immediate suspension or exclusion of a student is intended for situations where a risk assessment demonstrates a valid concern of an immediate, significant risk to the student's safety or to other members of City's community should that student continue to engage with that particular aspect of their studies or City activity.

5.5 Suspension might be appropriate where there is significant concern for the student's well-being or concern about their general behaviour, and it is considered that the student continued engagement with their studies or City activity overall is putting that student or other members of City's community at an immediate, high level of risk.

5.6 Exclusion might be appropriate where there is some concern about the risk associated with a student's engagement with particular aspects of their studies, specific City facilities or particular students or staff – exclusion would work to manage the risk without removing the student from their studies.

6. Record keeping

6.1 The Regulation outlines what information should be collated to assist with the consideration of any concern raised. The Regulation also outlines what information should be provided to the student at specific times.

6.2 The Head of Academic Services in the student's School should ensure the appointment of a member of staff to co-ordinate the collation and retention of the record of the process that takes place within the School. All documents relied on in the consideration of any concern should be retained on the student's record within the School. Material should be retained in accordance with the Information Retention Guidance (refer to City's Information Compliance for further information).

6.3 Once a referral to a Fitness to Study Panel is made, Student & Academic Services takes over responsibility of management of the file. Following the outcome of the Fitness to Study Panel, where the student continues with their studies, the responsibility for management of the file returns to the School.

6.4 The Regulation outlines what steps should be taken in the instance that a student does not agree with the record of a meeting, or similar.

7. Correspondence

7.1 The Regulation sets out when students should be sent correspondence and what should be included in correspondence.

7.2 Examples of correspondence to be sent out at relevant stages of the Fitness to Study process are included with this Guidance note – see Appendix.

8. Risk Assessment

8.1 The purpose of a Risk Assessment is to identify what hazards or risks might exist to a particular student or others (including students, staff, City's partners) and work out what

steps can be taken to prevent or reduce those risks. The Risk Assessment will note what actions (if any) have already been taken to manage the potential risks, and who is responsible for ensuring these actions are taken.

8.2 A Risk Assessment should be undertaken by the relevant student service supporting the case (e.g. Student Counselling and Mental Health Team or Student Health Service) to identify the level of risk to the student and/or others and to consider whether continued study may put the student and/or others at unacceptable risk or exacerbate the student's difficulties.

8.3 A Risk Assessment should be conducted at the instigation of the use of the Fitness to Study process and may be conducted again should a concern exacerbate or a new concern emerge.

8.4 The Risk Assessment will be recorded on a Risk Assessment Report (the template is attached to this Guidance – see the Appendix). The Report should be retained by the School for reference. If the concern is referred to a Fitness to Study Panel a copy of the Report should be provided to the Panel.

9. Level 1 – Student Support Review

9.1 The Regulation outlines the process which should be followed if using Level 1. Staff and students are asked to read the Regulation for full details.

9.2 If a student does not engage with the Student Support Review, the meeting can still proceed in the student's absence. Consideration should be given to whether the student's non-engagement is consistent with the original concern, and whether the agreed actions from the Review may respond to the student's non-engagement.

10. Level 2 – Fitness to Study Panel

10.1 The Regulation outlines how the Panel should be managed. Staff and students are asked to refer to the Regulation for full details.

10.2 It would normally be expected that only the most serious, urgent or chronic concerns be directed immediately to this Level. Normally, a concern should be resolved via preliminary investigation and associated action(s) or directed to Level 1 (Student Support Review) in the first instance.

10.3 The template Form to request the referral to a Fitness to Study Panel should be completed to initiate action under Level 2. The form is available from the Quality Manual – Section 4 (see the Forms tab) and should be completed by the Head of Academic Services (or nominee) within the relevant School.

11. Action Plans

11.1 This is intended to be a record of agreed commitments and actions for the student, School and/or the student service(s) supporting the student. The Plan could take a variety of formats. An example has been provided in the Appendix.

12. Return to study

12.1 This guidance applies only to those students whose registration is Interrupted (by their own choice, during consideration under the Fitness to Study Policy) or suspended or excluded as a result of a decision made by a Fitness to Study Panel.

12.2 Where a student has sought an Interruption of Studies themselves (outside of the Fitness to Study Policy), the arrangements for their return should be managed in accordance with the Interruption of Studies process.

12.3 The Regulation outlines the expectations relating to managing a student's return from an Interruption, suspension or exclusion. Staff are asked to refer to the Regulation for full details.

12.4 Even in the case where a student believes their health and well-being has improved significantly since the last occasion their situation was considered under the Fitness to Study Policy and they wish to return to their studies before the agreed review date, the agreed review date should be retained with no option to bring the review day forward. This policy is in place to ensure appropriate management of the student's studies within the normal academic year, and maintaining the agreed review and return dates support best management of the student's studies.

13. Student Complaints during preliminary actions or actions taken under Level 1 of the Fitness to Study Policy

13.1 The Regulation outlines how complaints raised by the student whilst their case is under consideration should be managed.

13.2 This section of the Regulation refers to where a student raises a complaint or concern about any aspect of City's services which is unrelated to the concern which is the focus of the action under the Fitness to Study procedure - for example, the student could have concerns about the delivery of a service unrelated to the concern being discussed, or City facilities which have no relevance to the concern. In this instance, the Student should be asked to raise their complaint under City's complaint process (Regulation 26).

13.3 Where a student raises complaints about the Fitness to Study process itself (the process as it is set out in the Regulation, or how this being applied) these complaints should, where possible, be managed and responded to within the process by the staff managing the process. Where a student complaint has been considered within the Fitness to Study process, the Fitness to Study process has come to a conclusion and the student continues to be dissatisfied, the student should be referred to City's Student Complaint procedure.

This process is outlined in Regulation 26 – see <https://www.city.ac.uk/about/education/academic-services/student-appeals-and-complaints/complaints> for further information.

14. Student Appeals against Fitness to Study Panel process or outcome

14.1 Any student subject to a decision by a Fitness to Study Panel is able to appeal that decision. The Regulation outlines that right to appeal, how the student may submit an appeal, and the process by which the appeal would be managed.

14.2 In order to appeal, the student must submit a written statement (there is no form to complete). The statement could be submitted via email to ace@city.ac.uk, via post to Student & Academic Services (Student Appeals) or in person addressed "Student Appeal -

Student & Academic Services” via the Student Centre. . Student & Academic Services can be contacted for further details about submitting the appeal (see contact details above). Appeals against the outcome of a Fitness to Study Panel will be managed by Student & Academic Services.

14.3 Where a student’s appeal is referred to an Appeal Panel, this Panel will have had no prior involvement in the student’s case. Papers to support the Appeal Panel’s consideration of a student’s appeal will be shared with the student, and this will include a suggested order of business for the panel.

Appendix 1

Roles and Responsibilities

Role	Responsibilities
Student	<p>Engages with staff when invited to attend meetings to discuss concerns</p> <p>Where relevant, provides accurate information to relevant staff about their disability, health condition, learning difficulty etc. in a timely fashion</p> <p>Gives due consideration to support offered/provided</p> <p>Engages with support mechanisms as appropriate</p>
Head of Academic Services, School	<p>Leads on management of concern regarding student at Preliminary Investigation stage</p> <p>Makes decision (in consultation with relevant student support service, and Student & Academic Services) regarding referral of concern</p> <p>Where a nominee is acting in the place of the Head of Academic Services, this nominee should have appropriate knowledge, experience and delegated authority to perform in this role.</p>
Programme Director, School	<p>Sits on a Fitness to Study Panel</p> <p>Where a nominee is acting in the place of the Programme Director, this nominee should have appropriate knowledge, experience and delegated authority to perform in this role.</p>
Student Support Service (e.g. Disability Team, Student Counselling & Mental Health Team, Learning Success)	<p>Provides support to a student</p> <p>Provides information and advice to School and Student & Academic Services regarding best management of concerns regarding student</p> <p>Provides professional expertise in Student Support Review</p> <p>Sits on Fitness to Study Panel (nominated staff member within relevant team with no prior direct involvement in support for student)</p>
Student & Academic Services	<p>Oversees application of Fitness to Study Policy and Regulation</p> <p>Provides information and advice to students and staff regarding use of Policy and Regulation</p> <p>Provides secretarial support to Fitness to Study Panel</p>
Fitness to Study Panel	<p>Responsible for consideration of high risk concerns</p> <p>Makes recommendations on support for student</p> <p>Where necessary, makes decision to change student registration status</p>
President	<p>Approves request for immediate, temporary exclusion or suspension</p>

**Appendix 2
Example Risk Assessment Report**

Risk Assessment for [student's name]	Who is at risk?	What is already been done to manage the risk/hazard?	What other action could be done?	Who will take the action?	Date of Assessment: Action to be taken from [date] to [date/unending]	Notes/ Record of action taken
What is the hazard/risk? (Personal, academic, physical, well-being)	Who is at risk?	What is already been done to manage the risk/hazard?	What other action could be done?	Who will take the action?	Date of Assessment: Action to be taken from [date] to [date/unending]	Notes/ Record of action taken
Eg. Student is unable to work in group scenarios	Closely spaced assessments can cause significant stress and anxiety, which can trigger exacerbation of mental health condition. Student's wellbeing is at risk Student is being supported by MHT and school is aware of circumstance. Staggered assessment are accommodated - to be discussed with school.	Student is being supported by MHT. School is aware of student's situation.	Student could be given alternative assessment – would need to be discussed with Programme Team	MHT to liaise with Programme Director	Term 1- end of Term 2	tbc

Appendix 3

Example Correspondence

These are examples of correspondence that may be sent to a student during the Fitness to Study process. Notes are included with each example to suggest when such correspondence would be sent and by whom. The examples can be used as a basis for correspondence and will need to be adapted to accommodate the particulars of a student's situation and the support provided to them.

Invitation to student to a Preliminary Investigation meeting.

This is would be sent to a student at the point when it is not clear what the cause for concern is. The concern may or may not be related to a Fitness to Study issue, and the wording of any correspondence at this stage should be careful not to assume what the concern relates to.

Dear Student,

I write to you regarding some concerns that have been reported to me relating to your well-being and your studies. These concerns have arisen following reports from your lecturers in *Introduction Studies* about your attendance at lectures and tutorials and your apparent distress when you met with your lecturer on Monday of this week.

I would like to meet with you to discuss these concerns. We would like to work with you to consider what support might be useful to you and what support the School could provide.

I have been referring to your attendance records – we are concerned about your continuing lack of attendance and the potential impact on your studies and would like to discuss these with you when we meet. I enclose a copy of the records for your information now.

I can meet with you on Friday at 2pm in my office (X101). Please let me know as soon as possible if this time suitable for you?

You are welcome to bring one person with you if you wish to have some support during this meeting. If you would like someone to accompany you but don't wish to bring a friend or family member, you may like to contact the Students' Union to ask them for advice. I would appreciate if you could let me know if you intend to be accompanied at the meeting.

Yours sincerely,

Confirmation of the outcome of Preliminary Investigation meeting

This correspondence would be sent as soon as possible following a meeting.

Dear Student,

Thank you for meeting with me today.

It was very helpful to discuss our concerns about your well-being with you today, and to hear from you about your situation. Thank you for being willing to discuss your circumstances with us – we appreciate the opportunity to provide support to you at this difficult time.

You said that you have been experiencing family difficulties for the last few months, and that this is having direct impact on your ability to attend lecturers and tutorials. You explained that you have been experiencing what you described as high levels of stress during this time, and this likely affected your behaviour during your meeting with your lecturer.

We discussed the options available to you. We agreed that you would seek an appointment with the Student Counselling & Mental Health Team. We agreed that you would contact the Programme Director to make an appointment to discuss your current situation, and seek some guidance on catching up on the content you will have missed and to see if there's any other support the Programme team can provide whilst you are working on managing your family difficulties. We did discuss interrupting your studies, however, you expressed a wish not to pursue that option at this stage. If you change your mind in the future, you agreed to contact me as soon as possible.

You agreed to contact your Personal Tutor to discuss your circumstances with them and the option of submitting an extenuating circumstances claim.

I enclose a note of what we discussed. Let me know if you have any questions about this note.

I will contact you again in 3 weeks to check in with you about how you are managing and see if there's any further help we can provide you with.

Yours sincerely,

Invitation to Student Support Review

This example correspondence is set within the scenario of the student having met with staff in the School previously. This invitation could be sent following a meeting having been held under a Preliminary Investigation. This correspondence should normally be sent by the School. Staff should refer to the Regulations for further detail about what to include in the correspondence and what additional documentation a student may require at this point.

Dear Student,

I write to you following our initial meeting with you on [date].

At that meeting, it was agreed that you would make an appointment with the Disability Support Team and provide them with medical evidence confirming your disability. The purpose of this was to enable the Team to discuss the options for reasonable adjustments with you and the School. You agreed that you would do this by [date].

Whilst we appreciate that you say that you continue to be supported by the Student Counselling Service, unfortunately, we are aware that the issues raised with you when we met on [date] continue to be causing concern for you and your studies. We understand that you have not yet made an appointment with the Disability Team.

Given the increasing concerns about your well-being and the potential risks to your studies, and the range of support that we would like to offer you, we have decided that this would be best co-ordinated by a meeting with you and a number of staff from student services. We have scheduled this meeting for [date/time] – please let me know as soon as possible if you can attend this meeting. Also attending will be your Programme Director and [name] from [student service] and [name] from [student service].

Yours sincerely,

Confirming the outcome of Student Support Review

Staff should refer to the Regulations for further detail about what to include in the correspondence and what additional documentation a student may require at this point.

Dear Student,

Thank you for meeting with us today in our Student Support Review. It was very helpful to discuss our concerns about your well-being and progression with you today, and to discuss the options for support.

At this meeting, we agreed the following actions:

- You will provide the Disability Support Team with evidence to assist them to update the reasonable adjustments in place for your support
- You will make an appointment to meet with a member of the Mental Health Team, aiming to meet with them by [date]
- By [date] you will submit an extenuating circumstances claim in relation to your assessment that was due [date]
- We will meet on [date] to assess the progress of these actions and review the support already in place

You agreed that I may contact your Personal Tutor to explain what support has been agreed. As discussed, if the agreed actions (noted above) are not taken, and the concerns regarding your well-being and your progression in your studies continue, it may be necessary to refer your case to a Fitness to Study Panel. We discussed what a Fitness to Study Panel would involve, but if you would like more information please refer to the copy of the Regulation we provided you with or contact me.

As agreed I look forward to our meeting in three weeks.

I enclose a copy of the record of the Review for your information. If you have any questions about this record, please contact me.

Yours sincerely,

Confirming a referral to a Fitness to Study Panel

This correspondence may be sent at any point, as long as the concern meets the criteria for consideration by a Fitness to Study Panel. The nominated contact in the School should send this correspondence, unless otherwise agreed where there is a concern that this may exacerbate a student's distress or the well-being of the staff member.

Dear Student,

Thank you for meeting with me and X from the Disability Support Team today.

During our meeting it was decided that there is sufficient concern about your well-being and the potential risk to your health if you are to continue to engage with your studies to warrant asking a Fitness to Study Panel to consider your case. We discussed what a Fitness to Study Panel was, and what this would involve.

We will need to pass over the details of the concern about your well-being to Student & Academic Services so they can co-ordinate the Panel. They will contact you directly with more detail about the Panel and the arrangements for your meeting with the Panel.

If you have any questions about this correspondence, please do contact me directly.

Yours sincerely,

Notification about Fitness to Study Panel

This correspondence would be sent by Student & Academic Services Staff should refer to the Regulations for further detail about what to include in the correspondence and what additional documentation a student may require at this point.

Dear student,

I write to you in relation to our receipt of a request from your School that a Fitness to Study Panel consider your case. I am based in Student & Academic Services, and I am co-ordinating the Fitness to Study Panel.

You may already be familiar with the term Fitness to Study Panel as we understand that staff in the School have explained this is part of City's Fitness to Study process.

The School believe that your case needs further consideration and have decided to refer your case to a Fitness to Study Panel for more consideration.

What is a Fitness to Study Panel?

A Fitness to Study Panel is comprises approximately four City staff who have no prior direct involvement with you. This Panel is asked to consider the concerns raised about your well-being and your studies; what actions have been taken so far to support you; and, what options are available to the School and City to support you. The Panel is authorised to make decisions about the allocation of further support, and/or the options in relation to your on-going studies.

Further information about the Fitness to Study process is available via the Policy (see [this link](#)), and the Regulation (see [this link](#)). You can also seek advice about this process from the Mental Health team (which I understand you have been in contact).

I have started the process of identifying a date for this meeting and once I have confirmed a date, I will write to you to provide you with details and to invite you to attend. We anticipate that it may be possible to schedule this meeting to take place in about 3 weeks.

You are invited to provide the Panel with any information or documentation you would like to be considered during this Fitness to Study Panel meeting. If you would like to provide us with documentation, please do let me know as soon as possible. Documentation will be circulated to all those attending the meeting approximately seven calendar days prior to the meeting.

If you have any questions about this email or anything about the Fitness to Study Panel, please do let me know.

Yours sincerely,

Confirming outcome of Fitness to Study Panel

This correspondence is sent out by Student & Academic Services

Dear Student,

Fitness to Study Panel meeting

I write following the meeting of the Fitness to Study Panel on [date]. Thank you for attending this meeting.

This letter confirms in writing the Panel's decision, which was initially provided verbally at your meeting with the Panel. The accompanying note of the meeting provides further detail about the meeting.

The Panel's decision is outlined below:

- (a) The Panel noted that you wished to interrupt your studies (via City's *Interruption of Studies* procedure) – the Panel endorsed your intention to apply for Interruption of Studies effective as soon as possible. You should submit your application for Interruption to your School;
- (b) The Panel permit you to return to your studies dependent on receiving a report from your doctor that you are able to return safely. This would be from next academic year;
- (c) Once you return you are asked to register with the Disability Support team and meet with them regularly, as agreed with that team;
- (d) Disability Support and your School will co-ordinate any reasonable adjustments put in place following your return to studies;

Please continue to keep in contact with your School and liaise with them if you have any questions about providing your doctor's report.

A student who is subject to a decision by a Fitness to Study Panel may appeal the Panel's decision, but only on the ground that the Fitness to Study Panel was not conducted in accordance with the relevant regulations. Further information about the appeal process can be found in Regulation 10 – you can find a copy of this in the papers circulated in advance of the meeting with the Panel.

If you have any questions about this correspondence, please do not hesitate to contact me.

Yours sincerely

Appendix 4

Example of Action Plan

Student Name and Registration No.: X, 12345678

School: School of Sport

Programme: BSc Sport Studies

Date this Action Plan was agreed: [DATE]

X will attend 60% of lectures and 90% of tutorials over the next term (date – date);

X will meet weekly with Y of the Student Mental Health Team over the next term – to be reviewed after 10 weeks;

X will submit “Coursework” by (revised due date); or X cannot do so, will submit an EC claim within 7 days of this date;

Y will provide the School with weekly updates of X’s status

Z (Module lead) will meet with X once every 2 weeks to run through the content of the module and ensure X has appropriate support.

(Agreed by student – Signature or via email)

(Agreed by Y)

A copy of this document will be provided to the student and the staff mentioned in this agreement.

Appendix 5

Guidance for Fitness to Study Panels

This Guidance is specifically for members of Fitness to Study Panels

Purpose and Remit of the Panel

The purpose of the Panel is outlined in the Regulation. The Panel is called on to consider concerns that are agreed to have met criteria set out in the Regulation. These concerns will represent potential significant risk to the student themselves, other students, staff or the learning environment.

Membership of Panel

Chair is chosen from a list of staff members nominated by Deans of Schools to be approved (on an annual basis) to sit on institutional-level Panels (such as Disciplinary Panels and Validated Appeal Panels). These staff members will be considered by their Deans to have considerable experience and expertise in the consideration of student cases and management of panel investigations. Panel members will be representing the School (Programme Director, or nominee) and the relevant student support service(s).

Responsibility of the Chair

The Chair is responsible for:

- ensuring the Panel is convened in accordance with the Regulation
- that conflicts of interest are addressed
- that the Panel takes due account of all relevant City policies, and assessment requirements
- that the Panel upholds the principles of fairness and natural justice both for the individual student and the City community in general
- that Panel members and attendees fulfil their designated roles during the hearing
- that the Panel has access to specialist representation where needed (e.g. Visa Compliance)

The Chair should convene a short briefing meeting for the Panel Members and Secretary to ensure the smooth running of the meeting (eg. that it will run to time, that all the relevant information will be available). This meeting will normally run for approximately 10 minutes, directly prior to the meeting.

The Chair should ensure that the Panel is satisfied that all relevant information has been presented, and the student has had a full opportunity to make any statements or provide any information. The Panel will normally ask the student to withdraw from the meeting whilst the Panel deliberates before reaching its decision. The Panel Secretary and any specialist advisors may remain for the purpose of recording the decision and advising on relevant Regulation and Policy; they do not, however, form part of the Panel and should not take part in the discussion apart from for the purposes stated. The Panel Advisor may also reference relevant precedents to assist the Panel; these are non-binding and the Chair should ensure that decisions are taken within the context of each individual case.

Following the Panel the Chair will ensure that the written record of the meeting is a true record and the decisions are accurately noted.

Where agreement with another area of City is required following the Panel recommendation, the Chair will ensure this is resolved (with support from the Secretary). The Chair will also ensure in the notification to the student is clear and supportive.

Responsibility of Panel members

Panel members will be responsible for:

- the consideration of high risk concerns regarding our duty of care in relation to student well-being or safety;
- The Panel will be responsible for ensuring that all relevant information is considered during the course of the Panel process, identifying any information that should be made available and ensuring this is sought;
- ensuring the recommendations made in relation to the concern (e.g for support or further actions) are in line with the outcomes set out in the Regulations;

- ensuring that the Panel's decision is clear, that any actions are clearly defined, responsibilities are allocated, and deadlines for actions are clear;
- that decisions that have an impact on other stakeholders (School staff, support services) are agreed with the affected area or individual(s)
- making any recommendations

Role of Secretary

The Secretary is responsible for:

- ensuring the student is informed about the referral of the concern to a Panel, they have information about the Panel process and they know they can be accompanied and submit documentation ;
- liaising with the student's support service to ensure any reasonable adjustments for the meeting are taken into account;
- scheduling the Panel meeting (convening the Panel members);
- making arrangements for a suitable venue for the meeting;
- collating the papers for the Panel to consider and circulating these to all attendees;
- recording the process of the hearing, the decision and rationale, and any actions/deadlines and responsibilities
- sending correspondence out to the student

Involvement of consultants

City staff members or external experts may be called on by the Panel to provide information or advice to the Panel. This expertise may be provided in person (at the meeting of the Panel) or in writing or via telephone conference (or similar). They will have no role in the decision-making.

Conflicts of interest

What is important is:

- that no individual responsible for decision-making relating to the complaint at an earlier level, is then responsible for decision-making at a later stage (eg. Student Support Review/Fitness to Study Panel)
- that no individual who might potentially be biased through prior knowledge of the case be responsible for decision-making at a later stage of the process
- that no individual involved in consideration of the matter at School-level is later responsible for decision-making at Fitness to Study Panel
- Potential conflicts of interest might include where an academic has had substantive involvement in the teaching or assessment of a student, or conducted a preliminary investigation prior to Panel and has been party to information not disclosed in the documentation or subsequently made available to the rest of the Panel. In both these cases the individual might be called on to give evidence at a Panel but it might not be appropriate for them to be members of that Panel with responsibility for the decision. If you feel there is a potential conflict of interest speak to the Secretary as soon as possible.