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OF ESTATE MANAGEMENT

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Fitness to Study

Procedure

Version: 5.00
Status: Final
Date: 11/02/2025

Fitness to Study Procedure

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Fitness to Study Procedure

1. Introduction

UCEM is committed to supporting student wellbeing and recognises that we have a duty of care to provide a positive approach to managing physical and mental health. This is crucial to students' learning and overall academic achievement.

This procedure is in place to ensure any concerns regarding a student's fitness to study are managed and addressed in a supportive, fair and timely manner.

The Fitness to Study Procedure applies to UCEM students registered on programmes or modules including undergraduate taught students, postgraduate taught students, apprentices and Postgraduate Research (PGR) students. The term student is used throughout this procedure to refer to all the above learners.

If a member of staff, student, or an apprentice employer, is concerned that the physical or mental health of a student is affecting the student's learning, then a concern should be raised according to the procedure set out below.

2. Key Principles

The Fitness to Study Procedure aims to follow these key principles:

- The health and wellbeing of the student and safety of other students and staff are paramount;
- Students should be supported to remain on and succeed on their course wherever possible, with the best interests of the student in mind;
- Reasonable adjustments to the procedure must be permitted to accommodate the needs of students with disabilities and/or support needs;
- All students should receive a fair meeting, where decisions are made by a trained Panel;
- Students should be offered support as they go through Fitness to Study proceedings;
- This procedure is not a disciplinary procedure, and it aims to identify and put in place relevant support for students to engage with their studies when possible;
- All cases are treated confidentially and adhering to GDPR.

3. Definitions

Fitness to study: a student's ability to engage safely and effectively with their studies and to meet the academic requirements of their course, without unreasonably affecting their physical or mental wellbeing, or that of other members of the University community.

Circumstances or behaviours that may indicate a student is not fit to study include (but are not limited to) an inability to participate effectively with the requirements of their programme due to physical or mental health issues, aggressive, violent or otherwise inappropriate behaviour. Consideration will also include whether the student is at risk of harm to themselves or to other students.

Safeguarding: UCEM adopts the National Institute for Health and Care Excellence's (NICE) definition of safeguarding: "the protection of a person's health, wellbeing and right to live in safety, free from harm, abuse and neglect". UCEM has a Safeguarding team which offers support to students in matters relating to safeguarding and/or their welfare.

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4. Criteria

This procedure applies to all registered students and may be used if a student's circumstances compromise their fitness to study, regardless of whether they are currently studying a module.

This procedure also applies to applicants to UCEM's programmes, where they were required to participate in a Fitness to Study Panel meeting when they last studied with UCEM, if this was within the last 6 years.

This procedure will be used where there are concerns regarding a student's Fitness to Study. It may be used alongside other relevant procedures where appropriate (for example UCEM's Safeguarding Procedure, Prevent Procedure or Disciplinary Procedure). Where a student has been referred through one or more UCEM procedures alongside Fitness to Study, it will be decided on a case-by-case basis which procedure is most appropriate (or whether multiple procedures are appropriate).

5. Supporting Students

UCEM is committed to supporting students at every stage of the procedure, and taking any steps practicable to ensure that a student's concerns are minimised. All students will be informed of, and encouraged to engage with, support available to them throughout the Fitness to Study Procedure. Students can contact UCEM to request support for their wellbeing by emailing safeguarding@ucem.ac.uk.

6. Enhanced Support

UCEM recognises that some students will experience complications which may make it difficult for them to successfully complete their studies. UCEM has a number of support services that may be referred to prior to a student being put forward for fitness to study. Where a student has been identified as struggling due to their complex circumstances they may be offered enhanced support.

Enhanced support is delivered collaboratively by teams at UCEM. Students will usually be offered enhanced support prior to them being referred on to the Fitness to Study Procedure. If enhanced support is not effective or the student cannot engage with the support offered, they will be referred on for consideration under fitness to study.

On occasion, a Fitness to Study Panel Chair may decide that it is not appropriate for other support processes to be used, and instead immediately refer a student through the Fitness to Study Procedure.

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7. Fitness to Study Panel

The role of the Fitness to Study Panel is to review student's fitness to study cases, to assess whether students are fit to study, and to decide suitable outcomes in the best interest of the student where it is found that they are not fit to study.

The Fitness to Study Panel may be chaired by one of the following members of staff:

- Safeguarding Manager
- Head of Disability and Welfare
- Director of Student Services

This person may be known throughout this document as "The Chair".

In addition, any combination of three of the following staff will be selected to sit as members of the Panel:

- A member of UCEM's Academic Delivery team;
- A manager of UCEM's Academic Support and Enhancement Team (ASET) ;
- Another possible Fitness to Study Panel Chair (to sit as a panellist, rather than a Chair);
- A manager from UCEM's Apprenticeship team;
- A member of UCEM's Senior Leadership team;
- A manager from UCEM's Academic Registry team.

It is possible to select more than one panellist from any one group if required. For apprentice students, at least one panellist will always be a manager from UCEM's Apprenticeship team.

75% attendance is required from the Panel (including the Chair) in order for it to be quorate.

A secretary will also be present at the meeting to record minutes.

UCEM will make every effort to inform a student of who will sit on the Panel in their meeting.

However, there may be circumstances where UCEM may be required to change panellists; where this occurs, the student will be notified as soon as possible.

All Chairs and panellists will receive training on their role in advance of attending a meeting, including information on how to communicate with students in a compassionate and empathetic manner.

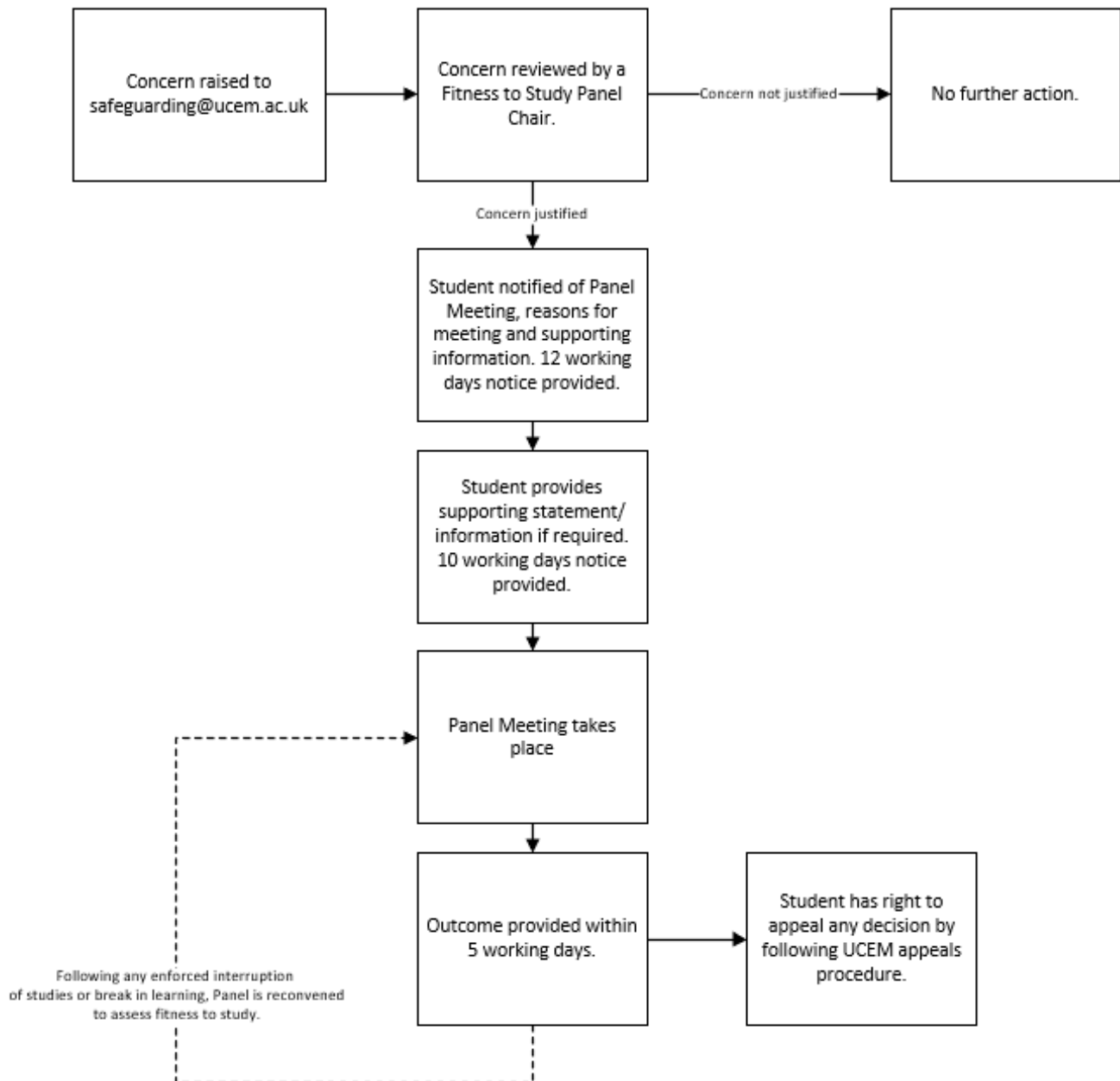
7.1 Conflicts of Interest

Upon receipt of an invitation to sit as a Chair or a Panel member in a Fitness to Study meeting, staff must declare if they have any conflicts of interest, which means that they would be unable to participate in a fair hearing for a student. This may include (but is not limited to) where a staff member has been involved in a complaint or disciplinary meeting involving the student. If a member of staff is not sure whether they have a conflict of interest, they should discuss this with the Chair.

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8. The procedure

A summary of the procedure can be found below:



Fitness to Study Procedure

8.1 Referral to the procedure

Any member of staff, student or the student's employer (if an apprentice) may raise a concern that a student may not be fit to study by emailing the safeguarding@ucem.ac.uk email address.

Referrals to this Fitness to Study Procedure can also be made as an outcome of, and/or run alongside, [UCEM's Safeguarding Procedure, Disciplinary Procedure, Mitigating Circumstances Procedure](#) (taught programmes) and/or extenuating circumstances (postgraduate research programmes) (opens new window). Referrals to the Fitness to Study Procedure may also be made due to a student's request for interruption of study.

A Chair may begin this procedure without a referral if they have direct contact with a student that raises concerns, whether raised by the student themselves or raised by another student. In this instance, a different Chair will lead the Panel meeting.

A Chair will initially decide upon receipt of concerns if the concerns raised are justifiable. Where concerns are deemed to be justified, a Fitness to Study Panel will be organised. Where there are significant concerns around the safety of other students or UCEM staff, a student may be temporarily excluded with immediate effect before the opportunity to attend the meeting. This decision may be made by a member of the Vice Chancellor or on the authority delegated to the Deputy Vice Chancellor. Exclusion is where your access to the VLE is temporarily removed and your right to access any UCEM services is temporarily stopped.

8.2 Notifying the student

A Chair or nominated deputy will formally notify the student (and apprentice employer if relevant), that there is and/ or remains a serious concern regarding their fitness to study, and that they are requested to attend an online Panel meeting. Students will be provided information on how they can participate with the meeting if they are unable to attend for any reason, or feel able to attend but not able to present information. The student will normally be given **12 working days** notice of the meeting. The notification to the student will contain:

- The nature of the concerns about the student;
- Any information that will be presented at the meeting*;
- The date, time and location of the meeting;
- The names and job titles of the Chair and Panel members;
- Details of any staff members invited to present information at the meeting;
- Deadlines for the student to confirm their attendance at the meeting;
- Information on how the student can present their response either in writing and/or through attendance at the meeting;
- Information on the student's right to reschedule the meeting on one occasion, including the deadlines to do so, and that if they attempt to reschedule more than once or do not attend the meeting then the meeting will proceed in their absence;
- Notification that a student has the right to be accompanied to the meeting;
- Information on how a student can request reasonable adjustments or special requirements for the meeting, and the deadlines for doing so;
- Notification that if they fail to provide a response in writing by the required deadline and/or fail to attend the meeting, the meeting will proceed in their absence;

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- A copy of the Fitness to Study Procedure, and other other procedures (if appropriate);
- Details of how the student can access advice and support.

**On occasion, UCEM may discover additional information that they wish to present at the meeting. When this occurs, this will be provided to the student as soon as is reasonably possible.*

A member of UCEM's Safeguarding team will offer to support the student in the time between the notification and the Panel meeting. This support may include helping to prepare information for supporting statements for the meeting if required.

The Chair may also decide that it is not appropriate for the student to attend the meeting, in which case they will be allowed to submit a written statement instead. This will be made clear within the notification where appropriate.

8.2.1 Confirming Your Attendance at the Meeting

Students are required to confirm that they will attend the meeting within **10 working days** from the date that the meeting notification is sent (2 working days prior to the scheduled meeting). If a student does not confirm attendance within this timescale, the student will be notified that the meeting will run in their absence. Students will not be allowed to join the meeting if they have not provided appropriate notice of their intention to do so.

If students wish to provide a written statement to be read at the meeting, or wish to bring any information to present at the meeting for discussion, they must provide this to UCEM within **10 working days** of the date the meeting notification is sent (2 working days prior to the scheduled meeting). UCEM can support students to prepare a written statement at the request of the student.

UCEM acknowledges that a student may not be able to attend the selected meeting date. Students may request to reschedule their Panel meeting on one occasion. The request to reschedule the meeting must be received within **10 working days** from the date that the original meeting notification was sent (2 working days prior to the scheduled meeting). Any requests sent later than this deadline will not usually be considered, and the meeting will run in the student's absence.

On occasion, a student may experience emergency circumstances which mean that they are not able to provide 10 working days' notice that they need to reschedule the meeting (for example due to illness). UCEM will consider requests after this deadline on a case-by-case basis and will require evidence (such as a doctor's note) to confirm why a student was not able to notify the Panel within the original deadline.

For a full list of timescales involved in this procedure, please see [section 8.7](#).

8.2.2 Accompaniment to the meeting

The student is entitled to bring one additional person for support, which could be a parent/guardian, colleague, friend or UCEM Student Representative. This person cannot act as a legal representative. They should play no active part in the meeting except to offer support to the student.

Students studying on an apprenticeship programme may also be accompanied by their employer. Employers will be invited to attend Panel meetings, as the outcome is relevant to a student's progress on their apprenticeship.

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Where the student is 18-24 year old and also care experienced, the student's parent/guardian may be informed, and the student's parent/guardian may also attend the meeting. Again, the parent/guardian shall act as support only, and will have no active part in the meeting.

8.3 The Panel Meeting

The purpose of the Panel Meeting is for the Chair and the Panel to listen to concerns about a student's fitness to study, and to decide an appropriate outcome in the best interest of the student. Relevant staff involved with a student (e.g. academics, or members of the Disability and Welfare team) may be invited to the meeting to present information. The Chair may also invite experts (e.g. doctors or other qualified professionals) to present information if necessary.

At the start of the meeting, the Chair will introduce themselves, the panellists, and any other attendees. The Chair will then explain how the meeting will be conducted, and provide attendees a final opportunity to disclose any conflicts of interest. The Chair will advise that the meeting will be recorded, and that a secretary is present to take minutes. The Chair will confirm that everyone has the relevant documentation for the meeting to go ahead.

The Chair will then take the Panel through the information pack for the meeting, referring to any relevant supporting documentation. The Chair will invite people to speak in the following order, and the Chair and Panel will ask questions as required:

- Relevant UCEM staff
- Additional witnesses/experts (if applicable)
- Student

If the student is in attendance, the Chair will ask whether the student wishes to present their case, referring to any relevant information. If preferred, the Chair may read a student's information or supporting statement aloud for the Panel. If the student is absent, the Chair will read the student's written statement and/or information aloud for the Panel if this has been provided.

When the Panel and the Chair are satisfied that there are no further questions, the student and other invitees will leave the meeting. The Chair and the Panel will remain, along with the secretary for minute-taking purposes, to deliberate on the outcome of the case.

The Chair of the meeting has the power to adjourn or reconvene the meeting for any reason, so long as the meeting is reconvened within a reasonable period.

8.4 Possible outcomes of the Fitness to Study Panel Meeting

Outcomes of the Panel meeting may include but are not limited to:

- The student's fitness to study is not impaired and that they may continue with their studies and no further action or support is required
- The student's fitness to study is impaired and the following actions may be taken:
 - Close supervision by the Enhanced Support Working Group including a mandatory action plan to be drawn up and implemented.
 - Identification and implementation of specific support which may enable a student to effectively continue with their studies.

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- Compulsory interruption of studies (students on non-apprenticeship programmes) or break in learning (students on apprenticeship programmes) or study break (students on postgraduate research programmes) for a specific period of time up to a maximum of two semesters.
- The student may be permitted to continue studying on a reduced number of modules per semester.
- Removal from studies by UCEM (end of contract, in line with UCEM regulations).

The student (and employer for apprenticeship students) will be notified of the outcome of the meeting within **5 working days** wherever possible. This notification will include a summary of the discussion held and outline the student's right to appeal. The outcome of this meeting will be recorded on the student's record.

8.5 Returning to study/ Re-application to UCEM

Following a period of enforced interruption of studies or study break, the Fitness to Study Panel should meet again to discuss whether the student is fit to return, and if so any Action Plan that will need to be in place. If a student feels that they are now fit to study and wishes to return to study before the period of enforced interruption of study is finished, they must make a request to UCEM by emailing safeguarding@ucem.ac.uk which will be reviewed by the Panel. If the Panel decides that a student is fit to study, they will be allowed to rejoin their studies at the start of the next semester.

When a student has been removed from their studies as an outcome of the Fitness to Study procedure, if a student later believes that they are fit to study they may wish to apply for the same or another UCEM programme. In these instances UCEM reserves the right to review the student's fitness to study case should this event occur within 6 years of the original withdrawal or commencement of studies. In such a case, a fitness to study assessment will be undertaken by a Chair who will provide a recommendation to the Fitness to Study Panel, along with a proposed support plan (if required) should the student be deemed fit to study. To allow sufficient time for a Panel meeting to take place to assess a student's Fitness to Study, students must notify UCEM no later than 6 weeks prior to the application deadline for the semester in which the student wishes to study. Application deadlines can be found on the UCEM website.

If the student reapplies after 6 years of withdrawal or commencement of studies, the previous history of the student's fitness to study will be considered irrelevant.

8.6 Confirmation of Fitness to Study

In some instances, a student may complete the actions required of them by the Fitness to Study Panel. In these instances, the Panel may review a case and decide that a student is now fit to study, and no longer requires monitoring under this process. In these cases, the student will be notified in writing, and any support offered to the student may be accepted on a voluntary basis.

Confirmation of fitness to study does not prohibit a student from being re-referred to the procedure at a later date if there are further concerns about a student's fitness to study.

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8.7 Timescales for Panel Meeting

| Action | Timescale | Person Responsible |
|---|---|---------------------------|
| Student receives notice of Panel meeting, including reasons for attendance and information to be presented. | 12 working days before meeting | Chair or nominated deputy |
| Student to notify Chair or nominated deputy whether they are able to attend the meeting. | 10 working days after notification of Panel meeting is sent (2 working days before the meeting) | Student |
| Student has opportunity to reschedule meeting on one occasion if applicable. | 10 working days after notification of Panel meeting is sent (2 working days before the meeting) | Student |
| Student to provide Chair or nominated deputy with any supporting statements or information which they wish to present at the meeting. | 10 working days after notification of Panel meeting is sent (2 working days before the meeting) | Student |
| Student is notified of the outcome of the meeting in writing. | 5 working days following the date of the meeting. | Chair or nominated deputy |

9. Right of Appeal

Any decision of the Fitness to Study Panel is subject to the student's right of appeal under the following procedures:

- For undergraduate and postgraduate taught students and apprentices via the [Student Appeals Procedure \(opens new window\)](#).
- For PGR students via the Postgraduate Taught Appeals Procedure (opens new window).

10. Confidentiality

The confidential nature of sensitive personal matters that may be discussed under this procedure will be respected by all involved.

At any point in this procedure it may be deemed necessary for the safety of the student to inform the student's employer, if they are an apprentice, or parents/guardians, if the student is aged under 18 or where the student is a 18-24 year old and also care experienced, of the student's circumstances. If this is the case, UCEM will always inform the student of anyone who is being contacted.

There are certain circumstances where UCEM may need to share certain information in order to safeguard a student or a child. More details can be found in UCEM's Code of Practice: Safeguarding and Prevent.

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For students on postgraduate research programmes the Graduate Research School will be informed of any enforced study breaks and they may need to inform external funders as appropriate.

UCEM may be required to inform relevant Professional Statutory and Accrediting Bodies about fitness to study cases.