

# **Fitness to Study**

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## Procedure

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# **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.

Although the staff at UCEM will always do their best to provide additional support to students, UCEM also recognises there are sometimes circumstances where it is in the best interest of a student for them to stop academic study, either temporarily or permanently. Equally, UCEM understands that there are instances beyond a student's control which can affect a student's behaviour. This can affect a student's physical or mental fitness to study. At all times we seek to promote diversity ensuring we fully support all students reach their full potential.

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. It provides a suitable and coordinated response where other internal procedures, such as disciplinary procedures, are not appropriate.

If a member of staff, an apprentice employer, or fellow student 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. Definition of fitness to study**

Fitness to study is a student's ability to engage effectively and safely with their academic studies as a student of UCEM in accordance with the expectations set out in the Student Charter, without unreasonably affecting their wellbeing, or the wellbeing of other students and staff. This includes reaching the academic requirements of their programme, undertaking the learning and personal development activities required for their academic programme and engaging with the disability and wellbeing service at the earliest opportunity should the need arise.

Circumstances or behaviours that may indicate a student is not fit to study include (but is not limited to) non-engagement due to 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. It should be noted that this is in addition to the expectations for engagement required of UCEM's apprenticeship students.

# **3. 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 may also apply to applicants to UCEM's programmes, where they were required to participate in a Fitness to Study Stage 2 meeting when they last studied with UCEM, if this was within the last 6 years.

# 4. The procedure

A summary of the procedure can be found in [Appendix A](#).

*Throughout the procedure where job roles are accompanied by an asterisk\* the role can also be performed by a nominated deputy.*

## 4.1 How students are referred to this procedure

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

Referrals to this Fitness to Study Procedure can also be made as an outcome of [UCEM's Safeguarding Procedure, Disciplinary Procedure and/or Mitigating Circumstances Procedure](#) (opens new window). Likewise, this procedure may refer students to the Safeguarding Procedure which can run alongside this procedure.

The Safeguarding Manager\* may also begin this procedure without referral if they have direct contact with a student that raises concerns, whether raised by the student themselves or raised by another student. Referrals to the Fitness to Study Procedure may also be made due to a student's request for interruption of study.

The Safeguarding Manager\* will initially decide, within 5 working days, if the concerns raised are justifiable. Where there are justifiable concerns that a student may not be fit to study, the case will begin at Stage 1. If the concern is deemed to be urgent or there is sufficient concern regarding the student's immediate wellbeing, then the case can be referred directly to Stage 2 as well as being handled under the Safeguarding Procedure.

## 4.2 Stage 1 – Emerging concerns/ cause for concern

UCEM recognises the importance of early intervention when there are concerns about a student's fitness to study. UCEM commits to dealing with such matters non-judgementally and with sensitivity. Therefore, Stage 1 of this procedure will take the form of a discussion meeting, usually via teleconference, between the Safeguarding Manager\* (with the option to include other staff if required) and the student. For an apprenticeship student, this discussion may include the employer.

The initial Stage 1 discussion will be arranged directly with the student (and employer if on an apprenticeship programme) by the Safeguarding Manager\* in a timely manner and should not be unreasonably delayed. There is a balance between ensuring the meeting occurs quickly, in order to support the student, and avoiding notifying the student at an inopportune point in their studies, adding to their stress.

If possible and appropriate, students need to be allowed a reasonable amount of time to prepare and participate. The student will be given at least 5 working days' notice of the meeting but students can request up to 10 working days' notice in order to prepare themselves. The discussion will be recorded by the Safeguarding Manager\* and action points clearly communicated to the student, such as expectations on the student and any additional support that is being arranged.

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Where the student provides advance notice, they may request to reschedule their Stage 1 meeting up to 2 times, after which the student will be referred to Stage 2 of the procedure unless evidence of an exceptional circumstance preventing the student from attending the Stage 1 meeting is provided. If the student does not participate in Stage 1, or misses scheduled appointments without providing notice then the student will be referred to Stage 2 of the procedure.

The student is entitled to bring one additional person to the meeting for support, which could be a parent/guardian, colleague, friend, the UCEM Lead Student Representative or employer-designated support. This person cannot be 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 are not required to be accompanied by their employer but should be given the choice.

Where UCEM has concerns about a student's physical safety, mental wellbeing and /or mental capacity, the student's Next of Kin will be informed and may also attend the hearing.

### **4.2.1 Conduct of the Stage 1 meeting**

The Safeguarding & Manager\* will lead the discussion. In this meeting the student's perception of the concern should be sought, and they should be given an opportunity to respond to the concerns raised. If required, a plan of action should be developed, in agreement with the student (see [Appendix B](#)). A date for reviewing this action plan should be set and agreed with the student. The possible consequences of failure to keep to the agreed action plan will be outlined by the Safeguarding Manager\*. A written record of this meeting should be kept in a confidential file.

### **4.2.2 Stage 1 Review meeting**

The review meeting will be held between the original participants. If the student has failed to keep to the agreed action plan, then the Safeguarding & Personal Development Manager\* will decide whether to review the action plan at this current level or whether to refer the case to Stage 2 if this procedure for review. The outcomes of all Stage 1 review meetings should be made available to the student in writing within 5 working days of the review meeting.

Possible outcomes of this meeting may include but are not limited to:

- No further action;
- The agreement of a further action plan and monitoring, again outlining the possible consequences of any failure of the further action plan;
- Referral to Stage 2;
- If a Stage 2 referral is made for an apprenticeship student, then the employer will be informed. The apprentice may choose which employer representative is informed.

If the student does not or cannot attend either the initial meeting or the review meeting, and does not provide UCEM with notice, the case will be escalated to Stage 2.

Irrespective of the outcome of Stage 1 of this procedure, the Safeguarding Manager\* will continue to monitor the student's wellbeing and fitness to study through regular communication, until the Safeguarding Manager\* considers this no longer necessary.

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### 4.3 Stage 2 - Continuing/ significant concerns

Stage 2 will begin when there is:

- a continued and on-going significant concern about a student's health, behaviour, wellbeing, or safety, and/or
- where Stage 1 has already been implemented or judged to be insufficient in resolving the student's needs, and/or
- where the student has not been able to complete the Stage 1 actions and/or
- the student has not participated fully in Stage 1, which may include non-attendance at scheduled meetings, repeated rescheduling of meetings or not responding to communications from UCEM.

#### 4.3.1 Notifying the student

The Safeguarding Manager\* will formally notify the student (and apprentice employer if relevant), within 10 working days of the Stage 2 concern being raised, that there is and/ or remains a serious concern regarding their fitness to study. This notification will outline the nature of the concern and inform the student that a Fitness to Study Panel will be convened. The student will be given the option to attend the hearing and/or make a written submission to the Panel. The Safeguarding Manager\* will continue to support the student in the time between the notification and the Panel. 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 hearing- this decision may be made by the Principal or on the authority delegated to the Deputy Principal.

#### 4.3.2 Fitness to Study Panel

The Panel will be convened in a timely manner and should not be unreasonably delayed. The purpose of the Panel is outlined in the separate [Terms of Reference and Protocol for Fitness to Study Panel Hearings](#) document. To summarise, the Panel will review the ongoing concerns about the student, review the actions taken to date and consider any representations the student wishes to make.

Normally, the student will be invited to attend and will be given at least 12 working days' notice of the hearing. The student can attend the hearing in person, at UCEM's offices or via teleconference, and/ or can choose to provide a written submission. However, in some cases the Chair may decide it is not appropriate for the student to attend, in which case the student will be notified and will be allowed to make a written submission only.

No later than 5 working days prior to the hearing the student will be provided with a copy of any documentation the Panel will take into account in their decision, unless this is restricted by UCEM's Data Protection and Privacy Policy, the Data Protection Act 2018 or the General Data Protection Regulations 2016 (GDPR). This will include a copy of the Fitness to Study Procedure Stage 2 form (see [Appendix C](#)) completed by the Safeguarding Manager\* which provides an overview of the case.

The student will be asked to provide any evidence they wish to present at least 2 working days in advance of the hearing.

If, following the hearing, the Panel obtains any further documentation not previously shared with the student, this will be shared with the student immediately.

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

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Students studying on an apprenticeship programme should also be accompanied by their employer.

Where the student is aged under 18 or where the student is a 18-24 year old care leaver, the student's parent/guardian shall be informed, and the student's parent/guardian may also attend the hearing.

### 4.3.3 Members of the Fitness to Study Panel

The Fitness to Study Panel will be made up of:

- An approved member of UCEM's Extended Senior Leadership Team ([Appendix D](#)); (Chair)
- Programme Leader or Academic Delivery Manager ;
- A member of UCEM's Academic Delivery Team;
- A member of UCEM's Learning and Teaching Enhancement Team
- Secretary to record minutes.

If a member of staff has been directly involved in supporting the student they should not sit on the Panel but should be called on to provide supporting information and evidence. This is likely to include Safeguarding Manager\*, Disability and Wellbeing Advisor and Apprenticeship Outcomes Officer (if an apprentice).

The Chair of the Panel may also request a relevant expert(s) (e.g. doctor or other qualified professional relevant to the concerns raised) attend the meeting to provide evidence

### 4.3.4 Possible outcomes of the Fitness to Study Panel

Outcomes of the Panel hearing 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 is required;
- The student's fitness to study is impaired and/or they have not demonstrated a sufficient level of academic engagement and the following actions may be taken:
  - Enforced interruption of studies (students on non-apprenticeship programmes) or break in learning (students on apprenticeship programmes, in consultation with employers) for a specific period of time;
  - The student be permitted to continue studying at a reduced rate;
  - Close supervision including a new action plan to be drawn up and implemented;
  - Termination from studies at UCEM.

For students on apprenticeship programmes, the outcome of the hearing will not be confirmed until after consultation with the Director of Apprenticeships and the apprentice's employer.

The student will be notified of the outcome of the hearing within two working days, except for apprenticeship students when the outcome will be notified within 5 working days to allow for consultation with the employer. This notification will include a summary of the discussion held and outline the student's right to appeal. This will be contained within the Stage 2 Fitness to Study Procedure form ([Appendix C](#)). The outcome of this hearing will be recorded on the student's record.

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### 4.3.5 What happens if the student doesn't engage with Stage 2

If the student does not reply to the notification from the Safeguarding Manager\* or does not attend the hearing without advance notification, the Panel will be convened without the student present where it is reasonable or necessary to do so.

If the student is incapacitated and cannot attend either in person or by teleconference, and they are unable to nominate a representative, then the Panel will be convened without the student present. In this case, the Panel may not withdraw the student from their studies. The Panel should also be reconvened when the student, or their nominated representative, is able to attend.

The student may request to reschedule their Stage 2 meeting on 1 occasion. Requests to reschedule a Stage 2 meeting must be made at least 2 working days before the panel is due to take place. After this, any requests to reschedule will only be permitted if evidence of extenuating circumstances which would prohibit the student from attending the meeting is provided. If the student attempts to reschedule on more than 1 occasion without providing such evidence, the Panel will be convened without the student present.

## 4.4 Returning to study

Following a period of enforced interruption of studies, the Fitness to Study Panel should meet again to discuss the student's return and any action plan that will need to be in place. If a student wishes to return to study before the period of enforced interruption of study is finished, they must make a request in writing to UCEM which will be reviewed by the Panel.

## 4.5 Re-application to UCEM

In some instances, a student may wish to reapply to another UCEM programme in the future. Should a student wish to return to UCEM at a future date, UCEM reserves the right to review the student's fitness to study case should this event occur within six years of the original withdrawal or commencement of studies. In such a case, a fitness to study assessment will be undertaken by the Safeguarding Manager who will provide a recommendation to the Fitness to Study Panel, along with a proposed support plan.

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

# 5. Right of Appeal

Any decision of the Fitness to Study Panel is subject to the student's right of appeal under UCEM's [Student Appeals Procedure \(opens new window\)](#).

# 6. Confidentiality

The confidentiality of the student's identity and the sensitivity of matters 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 care leaver, of the student's circumstances. If this is the case, UCEM will always inform the student of anyone who is being contacted.



## 7. Benchmarking/ References

[University of Loughborough Fitness to Study Procedure \(opens new window\)](#)

[University of Reading's Policy on and procedures relating to student academic engagement and fitness to study \(opens new window\)](#)

[University of Southampton's Fitness to Practice Policy, Procedure and Appendices \(opens new window\)](#)

[University of West England's Fitness to Study Policy and Procedure \(opens new window\)](#)

[University of York's Support to study/attend procedure \(opens new window\)](#)

Signed by:

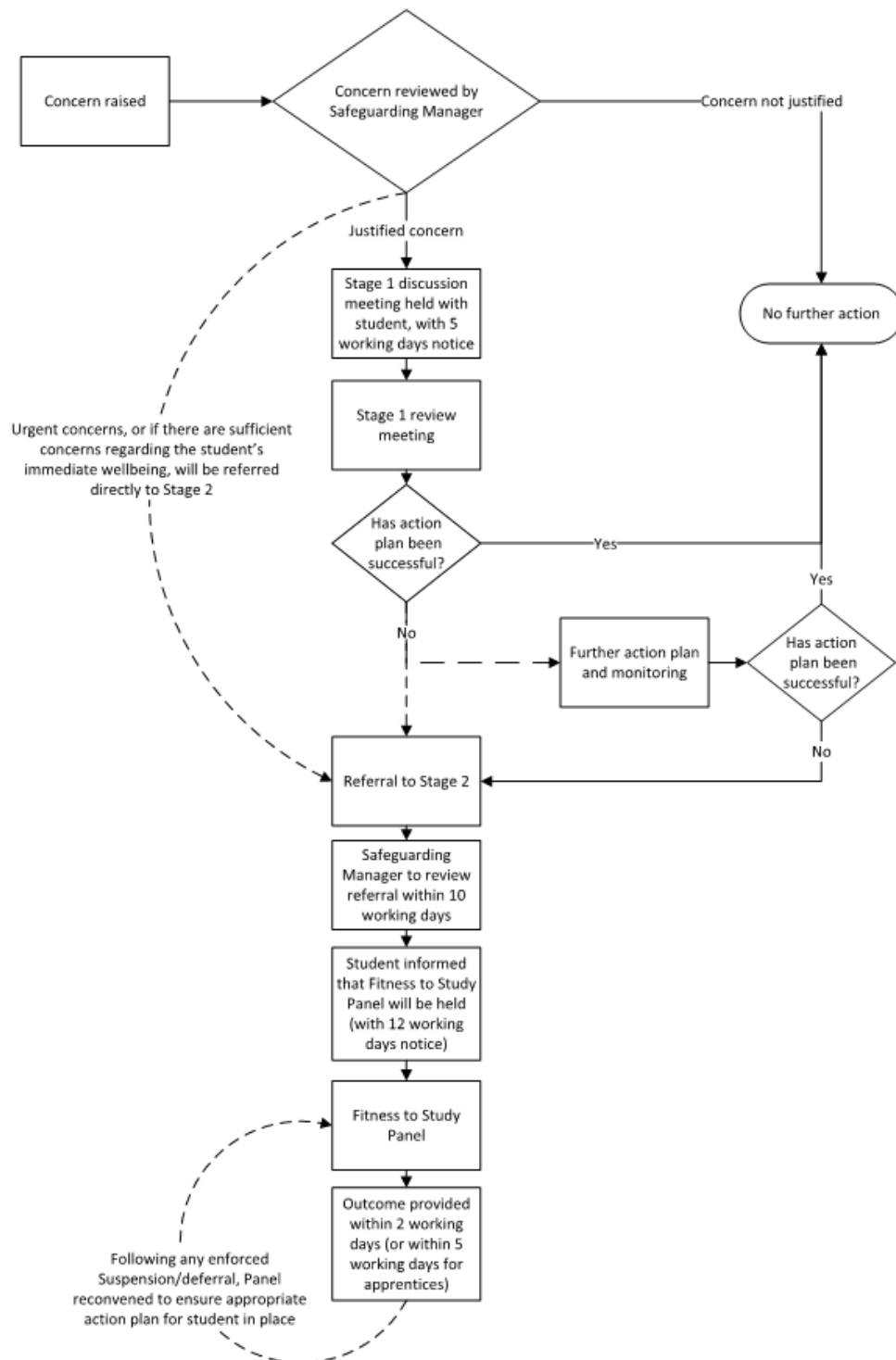


Lynne Downey

Chair of the Quality Standards and Enhancement Committee

Date: 23<sup>rd</sup> May 2022

# Appendix A: Flowchart of Procedure



# Appendix B: Stage 1 Action Plan Template

Name of Student:

Student number:

Programme:

Summary of meeting:

Actions

Action	Objective	Responsible	Completion date

Date of review meeting:

Signed: .....

Safeguarding Manager (or nominated deputy)

Date: .....

Comments from review meeting:

Signed: .....

Safeguarding Manager (or nominated deputy)

Date: .....

## Fitness to Study Procedure

# Appendix C – Stage 2 Form

CONFIDENTIAL

Fitness to Study Procedure

Stage 2 Form

1	Name of Student
2	Student number
3	Programme
4	Background summary
5	Reasons for Referral
6	Evidence

## Fitness to Study Procedure

7	Summary of Stage 2 hearing
	<i>Date of hearing:</i> <i>Names of those present at meeting:</i> <i>Summary of the case and evidence presented:</i>
8	Outcome of Stage 2 hearing
	<i>Outcome from the hearing (including whether the student is deemed fit to study):</i> <i>Recommendations for further actions (including timescales):</i>

Signed: .....

Safeguarding Manager (or nominated deputy)

Date: .....

# Appendix D – Approved Chairs for Fitness to Study Panel meetings

Fitness to Study panel meetings can be Chaired by the following members of UCEM's Extended Senior Leadership Team:

<b>Name/Job title</b>
Alan Hill – Dean School of the Built Environment
Cathy Higgs – Associate Dean of School (School of the Built Environment)
Sophie Elliott – Director of Student Services
Jess Handley – Director of Academic Registry
Mike Speight – Director of Apprenticeship Compliance
Kate Deakin – Director of Apprenticeship Operations