

Terms of Reference and Protocol for Fitness to Study Panel Hearings

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Document History

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1. Key Purpose

The purpose of the Fitness to Study Panel (FSP) hearing is to consider whether a student is able to fully engage and safely undertake their academic studies in accordance with the Fitness to Study Procedure, 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.

Fulfilling this purpose will include the following activities:

- To receive and consider Stage 2 referrals from the Safeguarding Manager regarding serious concerns about a student's fitness to study.
- To consider any other referrals regarding a student's fitness to study.
- To make decisions on the best support and actions for a student's fitness to study going forward.
- To review and decide on the appropriate action plan for a student to return to studying following a period of enforced interruption required by the Panel.
- To consider recommendations from the Safeguarding Manager* regarding a student seeking to register as a new student who has previously been required to attend a Stage 2 Panel Hearing under the Fitness to Study Procedure within the last six years.

2. Key Principles

The Fitness to Study Panel (FSP) should follow these key principles:

- Health and wellbeing of the student and the safety of other students are paramount;
- There must be no unnecessary delay and the student must be given time to respond to the concerns raised;
- The student must be provided with clear information to allow them to understand why the concerns have been raised;
- 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 hearing where decisions are made by a trained panel free from bias or perceived bias;
- All cases are treated confidentially and adhering to GDPR;
- All students are provided with the opportunity to respond to the concerns raised about their fitness to study either in writing or by attending the FSP hearing either in person or virtually;
- Students must have the opportunity to be accompanied to the FSP;
- The decision of the FSP will be clear, explicit, and notified to the student in writing within two working days, or five working days if the student is an apprentice to allow time for consultation with the employer to take place.

*Or nominated deputy

3. Prior to the Fitness to Study Panel Hearing

3.1 Referral to the Fitness to Study Panel

In line with UCEM's [Fitness to Study Procedure \(opens new window\)](#) the Safeguarding Manager* will escalate a case to the FSP if 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.

3.2 Notification to the Student

Following the decision to refer the case to the FSP the student (and apprentice employer if relevant) must receive the following in writing:

- The nature of the concerns;
- A copy of the Stage 1 action plan(s) and a copy of the Stage 1 meeting summary, if Stage 1 was completed;
- Any other evidence that will be brought to support the concerns raised;
- The date, time, and location of the FSP (where possible the names of the panel will be notified to the student in advance);
- Information on how to present their response either in writing and/ or through attendance at the Panel hearing (either in person or virtually):
 - The response should provide any evidence that they wish to be consider by the FSP;
 - Supporting statements can be included as part of the response;
 - The deadline for submitting the written response and providing notification of attendance (either in person or virtually) is normally within ten working days of the date on the letter.
- Notification that if they choose to attend either in person or virtually that they have the right to be accompanied;
- Information on how to appoint a representative to attend on their behalf if the student is incapacitated and cannot attend or represent themselves;
- Notification that if they fail to provide a response in writing by the required deadline and/or fail to attend the hearing, the hearing will proceed in their absence;

*Or nominated deputy

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- Notification that if they require any special requirements to allow them to attend/ participate fully in the hearing that they must notify UCEM at least three working days prior to the hearing;
- Details of how they can access advice and support.

4. The Fitness to Study Panel Hearing

4.1 Timing of the hearing

It is important that the concerns are investigated in a timely manner and should not be unreasonably delayed. There is a balance between allowing students a reasonable amount of time to prepare and participate in the hearing, the stress that students may experience while they are waiting for their case to be heard and the safety of both the student concerned and other students. Normally, the student will be given at least 12 working days' notice of the hearing.

4.2 Purpose of the hearing

The purpose of the hearing is to investigate the concerns raised about the student' fitness to study. It is essential that the hearing process is fair and transparent. It is essential that the investigation and any decisions made are in the best interests of the student.

4.3 Composition of the Panel

The membership of the panel comprises of Members of the teaching, senior leadership, and support teams as appropriate. Please see [Appendix A](#) which sets out the panel membership.

A Notetaker will be in attendance at the hearing to record the proceedings and the outcome.

4.4 At the hearing

The student will be invited to the hearing related to their case. They (and their support person) may attend in person or remotely.

If a member of staff has been directly involved in supporting the student, the FSP has the power to call on them 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 Director of Apprenticeships may also be called to advise the FSP on apprenticeship funding rules.

The FSP also has the power to call any experts (e.g., doctor or other qualified professional relevant to the concerns raised) and the student may submit written statements from any third party they consider relevant to the concerns raised as part of their response for the FSP to consider as part of the hearing.

The Safeguarding Manager* will be invited to the hearing to present the case on behalf of UCEM.

The Chair should open the hearing by:

*Or nominated deputy

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- Inviting the panel to introduce themselves and by explaining everyone's role in the proceedings;
- Describing how the hearing will be conducted and emphasising that any conflicts of interest should have been resolved prior to the hearing;
- Advising that the hearing will be recorded and a notetaker is present to record the minutes of the hearing;
- Confirming for the minutes whether the student is accompanied and, if they are not, confirming that they were notified of their right to be accompanied;
- Ensuring that everyone has the relevant papers.

The Chair will ask the Safeguarding Manager* to present the case referring to any relevant supporting documentation. The Panel then has the opportunity to seek additional clarification by asking questions of the Safeguarding Manager* and the staff involved in supporting and/or working with the student.

The Chair will then call any additional witnesses or experts, if applicable, to provide their views on the case. The Panel has the opportunity to seek additional clarification by asking questions.

If the student is in attendance, the Chair will then ask the student to present their case, referring to any relevant evidence. The Panel may ask the student questions for clarification. The Panel may want to discuss the student's personal viewpoint of the concerns. If the student is absent, the student's written response, if one was submitted, will be read out by the Chair and a copy circulated to the Panel, if not circulated previously.

When the Panel is satisfied that there are no further questions, the student and other all invitees will leave the hearing and the Panel will make their decision.

The Panel has the power to adjourn a hearing if further evidence is required, as long as the hearing is reconvened within a reasonable period.

5. After the Hearing

The Notetaker will prepare the minutes from the FSP and will send to the Chair for approval. The minutes for each case must include:

- The date of the hearing;
- Who attended the hearing;
- A summary of the case;
- Whether the student is deemed fit to study and any associated outcomes;
- Any recommendations for further action for example a review of the case within a given timescale if the student wishes to resume study.

* Or nominated deputy

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The notification letter to the student should be sent within five working days of the hearing and will include:

- A summary of the case;
- State the decision of the Panel with reasons;
- What ongoing support and communication will be given to the student whilst study is suspended (if relevant) and/ or what happens next if the student withdraws from the programme;
- Reference to the appeals procedure.

The minutes will be sent alongside the notification letter.

6. Reporting

The Safeguarding Manager, or nominee, must maintain a cumulative record of all cases considered by the FSP and this will be reported to Safeguarding Monthly Meeting. The report will include a breakdown of cases considered by type and outcomes.

The FSP is also responsible for reviewing the procedure annually and disseminating any areas of good practice or identifying when further enhancements are required.

7. Appeals

Students have the right to appeal against a decision reached by the FSP and should be directed to UCEM's [Student Appeals Procedure \(opens new window\)](#).

Signed by:



Lynne Downey
Chair of the Quality Standards and Enhancement Committee

Date: 23rd May 2022

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Appendix A - Membership of Fitness to Study Panel

Name	Title	Ex officio/ appointed
As appropriate	Approved member of UCEM Extended Senior Leadership Team (Chair)	Ex officio
As appropriate	Academic Delivery Manager/Programme Leader	Appointed
As appropriate	Member of UCEM's academic delivery team	Ex officio
As appropriate	Member of Learning Teaching and Enhancement Team	Ex officio

The following are invited attendees who do not take part in the decision- making process:

Name	Title	Ex officio/ appointed
As appropriate	Administrator as required	Secretary – in attendance
As appropriate	Safeguarding Manager or nominated deputy	By invitation to provide supporting information and evidence
As appropriate	Disability and Welfare Advisor or nominated deputy	By invitation to provide supporting information and evidence or to act in an advisory capacity
As appropriate	Apprenticeship Outcomes Officer	By invitation to provide supporting information and evidence
As appropriate	Student or Employer	By invitation

Other representatives may attend at the request or invitation of the Chair. Members of AQU can attend any meeting to audit.

Quorum

The Fitness to Study Panel will be convened when required. Given the nature of the subject, the Panel may be convened at short notice.

For the Fitness to Study Panel to be quorate it requires 2 members of the membership to be present. This excludes the secretary, invitees, and membership vacancies from the calculation. When the application of this formula results in fraction, this figure is rounded down to the nearest whole number.