Fitness to Study Procedure

This procedure applies to all fitness to study cases. Implementation of Procedure: 1 September 2017.

The principles of this procedure apply to all registered students in all locations on and off campus both in the UK and overseas. On a case by case basis some staff roles may vary from those detailed below.

Impartial advice about this procedure may be sought from the Student Wellbeing Service (www.ncl.ac.uk/students/wellbeing/contact/), the Student Progress Service (casework@ncl.ac.uk) or the Student Advice Centre of the Students’ Union (www.nusu.co.uk/sac).

Introduction

The University is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health issues is critical to student learning, academic achievement and to the wider student experience.

The University also recognises that there may be instances where a student’s physical or mental health may give rise to concerns about the student’s fitness to study, for example the student's capacity to engage with his/her studies and/or to function more widely as a member of the University community. Such instances may arise where, for example, the University is concerned that:

- a student poses a risk to his/her own health, safety and/or wellbeing and/or that of others
- a student’s behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other students
- a student’s behaviour is (or is at risk of) adversely affecting the day-to-day activities of the University or a placement provider
- a student’s support needs fall outside the scope of the support and other services which the University can reasonably be expected to provide either directly or indirectly.

This Procedure sets out how the University may respond to instances where a concern is raised regarding a student’s fitness to study and the type of action that the University may take to manage the matter and support the student. The three-level procedure is fully explained in section 3, and comprises of the following:

Level 1 – Initial concerns / informal intervention within the academic unit

Level 2 – Formal intervention within the academic unit

Level 3 – Formal intervention by the Student Progress Service

Depending on individual circumstances this procedure may be invoked at any of the three levels above

Definitions

**Academic Appeals Panel:** A Panel comprising members of academic or administrative staff appointed by the University Learning, Teaching and Student Experience Committee (ULTSEC) who are qualified by reason of their experience of student academic progress and/or welfare matters and includes Deans from each Faculty.

**Appeal Adjudicator:** The Appeal Adjudicator is a Dean or other member of the Academic Appeals Panel with no previous involvement in or close connection to the case and appointed by the Head of the Student Progress Service.

**Academic Unit:** The unit that manages the student’s programme. Normally this is a School, but occasionally a Faculty, Institute or other organisational unit may be the academic unit.
DPD Request Form: A Degree Programme Director Request Form is used by students to ask for approval of adjustment to the pattern or mode of study including an interruption of study. [www.ncl.ac.uk/students/progress/student-resources/help/](http://www.ncl.ac.uk/students/progress/student-resources/help/)

Friend / Supporter: In accordance with all formal University procedures, a student can be accompanied by a friend or supporter of their choice. This could be, for example, a fellow student, parent, friend, Students’ Union representative or member of staff. The friend or supporter cannot act as a representative unless both the student and the person conducting the proceedings gives express permission. More details are available at [www.ncl.ac.uk/students/progress/assets/documents/RPSPSFriendSupporterRole.pdf](http://www.ncl.ac.uk/students/progress/assets/documents/RPSPSFriendSupporterRole.pdf)

Interruption of Studies (Leave of Absence): This is a voluntary break from studies based upon personal extenuating circumstances and is requested by the student using the relevant form:

DPD Request Form: [www.ncl.ac.uk/students/progress/student-resources/help/](http://www.ncl.ac.uk/students/progress/student-resources/help/)

Research Students: [www.ncl.ac.uk/students/progress/student-resources/PGR/Changescircs.htm](http://www.ncl.ac.uk/students/progress/student-resources/PGR/Changescircs.htm)

PEC Procedure: The Personal Extenuating Circumstances Procedure is the means by which students alert their academic unit to problems encountered (e.g. illness or personal problems) and to specify how these difficulties may have affected their performance or studies. [www.ncl.ac.uk/students/progress/student-resources/help/](http://www.ncl.ac.uk/students/progress/student-resources/help/)

Student Wellbeing Service: The Student Wellbeing Service provides information, advice and guidance on a wide range of student support issues to enable all students to maximise their potential whilst at University. [www.ncl.ac.uk/students/wellbeing/](http://www.ncl.ac.uk/students/wellbeing/)

Student Progress Service: The Student Progress Service is concerned with students in the context of normal academic processes and procedures. [www.ncl.ac.uk/students/progress/](http://www.ncl.ac.uk/students/progress/)

Suspension or Termination of Studies: A suspension of studies is the temporary interruption of a student’s studies by the University whilst a termination of studies is the permanent end of a student’s studies in accordance with regulations or procedures set out in the University Regulations, including the Fitness to Study Procedure. [www.ncl.ac.uk/pre-arrival/regulations/](http://www.ncl.ac.uk/pre-arrival/regulations/)

1. Basis and Scope of Procedure

1.1 This procedure is not an alternative to disciplinary action, or other relevant University procedures such as Fitness to Practise or Unsatisfactory Progress. The University reserves the right to initiate other procedures where appropriate.

1.2 A student’s fitness to study may be considered despite the fact that other University processes have been invoked. Examples of other relevant procedures include:

- Failure to make satisfactory progress in academic studies (dealt with under the appropriate Progress Regulations [www.ncl.ac.uk/regulations/docs/](http://www.ncl.ac.uk/regulations/docs/))
- Misconduct as normally defined by the University (dealt with under the Student Disciplinary Procedure [www.ncl.ac.uk/students/progress/Regulations/SPS/disciplinary.htm](http://www.ncl.ac.uk/students/progress/Regulations/SPS/disciplinary.htm))
- Fitness to Practise - [www.ncl.ac.uk/students/progress/Regulations/SPS/fitness.htm](http://www.ncl.ac.uk/students/progress/Regulations/SPS/fitness.htm)

For MBBS and BDS students, the Fitness to Practise procedure would normally be invoked instead of the Fitness to Study procedure but staff have the discretion to choose.

The University may refer the treatment of a student’s case out of one procedure to another to secure an appropriate response on the facts of the case but will not normally consider parallel procedures about the same substantive matter. Advice on which procedure should apply may be sought from the Head of the Student Progress Service or the Head of the Student Wellbeing Service.
1.3 The identified serious concern(s) may relate to the presence of a diagnosed illness or disability but this procedure may also be used when there is no diagnosed illness or disability, or no notification of such a diagnosis.

1.4 The Fitness to Study Procedure consists of three levels (see section 3). However, depending on the individual circumstances this procedure may be invoked at any of the three levels. The decision whether to use this procedure or an alternative procedure is a matter of judgement for the Degree Programme Director or nominee in Academic Units and senior members of staff for other areas in responding to the concerns about the student’s conduct. If the student has been given permission for an interruption of studies (leave of absence), the fitness to study procedure should not be considered until the student returns to study.

1.5 If a concern regarding fitness to study arises whilst the student is on placement, the University may discuss and consider alternative arrangements with the placement provider. If it is not possible for alternative arrangements to be made, the student’s placement may be withdrawn and deferral or other adjustments considered.

1.6 All matters dealt with under this Procedure will be dealt with according to the individual circumstances. Whilst the University anticipates that such cases will be exceptional, it reserves the right at any level of this Procedure to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety (for example, in crisis situations, or where it is concerned that a student’s attendance at a meeting would be unduly stressful, or where the student is in hospital).

1.7 University staff dealing with students at any level of this Procedure will consider what support may be offered to the student both from within the University (e.g. by the Student Wellbeing Service) and externally (e.g. directing or referring students to local GPs or mental health services). Students will be encouraged to seek support where it is deemed necessary.

1.8 Students should be involved in the management of their own wellbeing wherever possible. However, should a student be unwilling or unable to participate at any level of this Procedure or to attend a meeting, the University may nonetheless follow this Procedure where it is reasonable to do so. The University may, where it is reasonable to do so, deal with issues on the basis of written reports and/or statements in the absence of the student and/or his/her representative.

1.9 Where in this Procedure reference is made to any named university role, such references are to be read as including reference to their nominees.

2. Circumstances for Support / Intervention

2.1 The University recognises that concerns may be raised by a variety of individuals, for example University staff, other students, and third parties (such as health professionals or placement providers). This Procedure seeks to promote early intervention, active collaboration between staff, students and third parties, and consistency of approach. Matters will be dealt with sensitively and non-judgmentally and in a coordinated manner across the University. Whilst the University will seek to work with students in a spirit of cooperation, cases may arise in which it may, under this Procedure, determine that a student is unfit to study and that his/her studies should be suspended or terminated.

2.2 Serious concerns about a student’s fitness to study may present in a number of different ways. The following are some of the more common indicators that may warrant serious concern. (This is not an exhaustive list)

- Rapid deterioration in academic performance
- Poor attendance
- Lack of engagement with Tutors / School
- Failure to respond to University communications
- Change in mood
- Poor personal hygiene
- Social withdrawal
- Emotional distress
- The sudden on-set of a physical difficulty or mental health problem
- Signs of self-harming
• Drug or alcohol problems
• Change in behaviour
• Police report to the University
• Problems in accommodation
• An unusually high number of Personal Extenuating Circumstances (PEC) applications
• A pattern of behaviour or communications which appear irrational or extremely inconsistent
• A pattern of unreasonable demands, which appear irrational, inappropriate or inconsistent
• Failure to submit work or to comply with other requirements of the programme of study.
• Repeated interruptions of study
• General failure to engage with the School, service providers or the University’s procedures including that for Fitness to Study

Whilst isolated incidents of the indicators do not usually constitute a sign that the procedure would need to be initiated, there may be serious cause for concern when there is a sustained pattern, a combination of indicators or a significant single incident.

2.3 Initiation of this procedure at any Level does not and must not by itself be taken to be a justification for not proceeding with the programme of study (e.g. as to submission and marking of work) from either the student or the Academic Unit’s point of view.

Following initiation of this procedure, students will be able, if already Student Wellbeing Service users, to retain support from relevant Student Wellbeing Staff but it must be understood that this will be limited to personal support for wellbeing. The Student Wellbeing Service does not as part of the service, extend to representation or advocacy and Student Wellbeing Service staff cannot attend meetings/hearings as the student’s supporter. Students may also seek support from the Student Advice Centre of the Students’ Union (www.nusu.co.uk/sac). At all stages of the procedure students will have access to support and advice through the Student Wellbeing Service and the Student Progress Service.

2.4 In addition, to the reasonable adjustments that may be made as a result of a needs assessment based on a known disability, there are in place a number of powers devolved to the School or other academic unit to make adjustments to normal academic provision for physical and mental health issues and special learning needs as well as other personal extenuating circumstances. The School or other academic unit should be mindful however, to ensure that the relevant authorised person/body (e.g. Degree Programme Director, Board of Studies, Dean of Undergraduate/Postgraduate Studies) is consulted when the regulations require their agreement. Fitness to Study Panels should also note this.

2.5 In implementing this Procedure, the University will at all times remain mindful of its duty of care and its obligations to students under the Equality Act 2010, including in appropriate cases its obligation to make reasonable adjustments. It will also remain mindful of the confidential and sensitive nature of fitness to study matters and of its obligations under the Data Protection Act 1998. The student is also expected to respect the confidentiality of the process.

3. Fitness to Study Process

Level 1 – Initial concerns: intervention within the academic unit

3.1 In the first instance, initial serious concerns about a student’s conduct raising fitness to study issues shall normally be raised by or addressed to the student’s personal tutor or supervisor. If there is good reason why the tutor/supervisor should not be contacted about concerns, for instance if there has been a breakdown in relations, the concerns shall be raised with the Head of the Academic Unit who shall nominate an alternative member of staff to act as the tutor / supervisor for the purposes of this procedure.

3.2 The tutor/supervisor shall consult the senior tutor on the matter reported and together they may seek advice from the Head of the Student Wellbeing Service and/or the Head of the Student Progress Service or nominee. The tutor/supervisor shall arrange a meeting with the student – or arrange for another authorised member of staff in the academic unit to hold the meeting. The meeting is intended to be supportive in nature, fact finding and non-
confrontational in nature to encourage open discussion to address the serious concerns of whether the student is fit to study. The meeting shall be held as soon as is practicable after the serious concern is identified. The member of staff shall:

(a) explain the Fitness to Study Procedure and at the meeting give the student a copy
(b) outline the concerns and provide examples where appropriate
(c) explain the impact on the student and if appropriate on others
(d) remind the student that fitness to study is essential for successful completion of their studies and the student has an essential role to co-operate and act to ensure that they are fit to study
(e) the extent of the University’s duty of care to make reasonable adjustments.

3.3 The content and nature of the discussion will determine possible outcomes. Where appropriate, the member of staff should propose an action plan to address and remove the concerns and secure the necessary appropriate support if any articulated at the meeting. Examples may include, but are not limited to, recommendations that the student:

- seek help from the Student Wellbeing Service, GP or another external service
- seek advice on matters of concern
- reflect on conduct
- submit a PEC form
- complete required assessments
- attend classes
- avoid certain areas or people for a period of time
- submit an interruption of study form:

  DPD Request Form: [www.ncl.ac.uk/students/progress/student-resources/help/](http://www.ncl.ac.uk/students/progress/student-resources/help/)
  Research Students: [www.ncl.ac.uk/students/progress/student-resources/PGR/Changecircs.htm](http://www.ncl.ac.uk/students/progress/student-resources/PGR/Changecircs.htm)

The action plan should clearly allocate any tasks for the student and set an equally clear timetable. The tutor/supervisor shall keep in a confidential file a record (not verbatim) of the meeting including details of the proposed action plan and provide a copy of this to the student normally within 7 calendar days of the meeting, The student shall be required to indicate whether or not the action plan is agreed.

3.4 The tutor/supervisor shall arrange to review the student’s case in a subsequent meeting in an agreed time period, normally of not more than one month. The key points of the review meeting shall be given in writing to the student normally within 7 calendar days of the review meeting.

- If the concerns about a student’s fitness to study have been significantly reduced and/or eliminated, no further action shall be taken unless further concerns arise at a later date in which case a Level 2 intervention may be appropriate.
- If the Level 1 intervention is unsuccessful because the student has not attended a meeting or failed to agree the action plan or otherwise failed to engage in the University procedure or the case is judged too serious to be addressed at Level 1, Level 2 of the procedure may be invoked.

**Level 2 – formal intervention within the academic unit**

3.5 Level 2 is a more formal intervention to be used when Level 1 has not been successful or the student’s conduct or circumstances indicates that further intervention is required. It shall normally be initiated by the Head of the Academic Unit or authorised nominee. It is recommended that the academic unit requests support and/or advice from the Head of the Student Wellbeing Service, if this was not sought during Level 1.

3.6 A Level 2 intervention normally comprise a formal meeting with the student. The student shall be given reasonable written notice of the meeting. The letter or email shall inform the student of the purpose of the meeting and request any necessary detailed information and documentation including, if appropriate, medical evidence.

For the avoidance of doubt, the need for notice of a Level 2 meeting does not preclude communication with the student at the time of any specific incident giving rise or contributing to the meeting.
3.7 The meeting shall normally include the Degree Programme Director/Director of Postgraduate Studies in the Chair and the student’s tutor/supervisor or relevant nominees. Other members of staff may be invited but attendance should be limited to those that can contribute to a possible solution or be there for the purpose of taking notes. Invited attendance may include a representative from the Student Wellbeing Service, The Student Progress Service and Accommodation Service, or other relevant service, if appropriate.

3.8 The student may be accompanied at a Level 2 meeting by a friend or supporter.

3.9 The meeting shall normally proceed if the student does not attend or engage in the process and the meeting may normally consider the case even if the student has not provided requested evidence.

3.10 At the meeting, the student shall be informed of the reasons for the serious concern about the student’s fitness to study, including detailed examples if appropriate. The student shall be given the opportunity to ask questions and respond. A key purpose is to establish the student’s perception of or insight into the situation and how this is impacting on the student’s wellbeing and studies and on other students and staff.

3.11 The conclusions drawn from the content and nature of the discussion shall determine possible outcomes. The outcome shall, if serious concerns remain, normally lead to an action plan to address and remove the serious concerns including the provision of any appropriate support articulated at the meeting. The meeting may, without prejudice to other conclusions, decide on one or more of the following:

- That no further action is necessary
- That it is necessary to agree an Action Plan with the student
- That, subject to the student’s consent, it is necessary and appropriate for the Degree Programme Director to consider an adjustment to hours of study
- That, subject to the student’s consent, it is necessary and appropriate to agree an interruption from the programme (leave of absence)
- That it is necessary to make a referral to Level 3 of the procedure
- That it is necessary to make a referral to other University procedures, as appropriate, for example the Student Disciplinary Procedure or Unsatisfactory Progress Procedure
- Other actions intended to support the student to successful completion of their studies.

If the student does not agree to the discussed supportive proposed outcome, the member of staff should advise the student that Level 3 action will normally be taken.

3.12 The Chair of the meeting shall ensure that there is a written record of the meeting and any determined actions. If an action plan is agreed, it shall normally include the specification of desirable behaviour and appropriate expectations, support mechanisms together with date for a review meeting. If appropriate, it may also detail the consequences of non-engagement by the student. The action plan may also include a request for the student to provide medical evidence as to fitness to study, although paragraphs 5.10 and 5.13 apply.

The record and action plan shall normally be sent to the student within 7 calendar days of the meeting. The student shall be asked to agree to the action plan by signing and returning one copy or confirming their agreement by University email. A copy of the documentation shall also be held on the student’s personal file.

3.13 Review meetings shall be convened as agreed. Attendees at review meetings may be different to those at the original level 2 meeting. The student shall have the opportunity to be accompanied by a friend or supporter. A written record of the meeting shall be made and this, together with the outcome shall be given to the student normally within 7 calendar days of the review meeting and shall be copied to the student’s file. For monitoring purposes, the Chair or nominee may request regular updates on the student’s progress of the action plan requirements for review.

- If the concerns about a student’s fitness to study have been substantially reduced and/or eliminated, no further action shall be taken.
- If the student does not abide by the provisions of the action plan, the Chair may convene a review meeting before the planned date or escalate, as appropriate.
If there is insufficient improvement following the Level 2 initial or review meetings, or there is otherwise a failure to engage in the University’s Fitness to Practise Procedure or, finally the case is too serious to be addressed at Level 2, Level 3 of the procedure may be invoked.

Level 3 – Formal: intervention by the Student Progress Service

3.14 Level 3 is a formal intervention normally initiated by the Head of the Student Progress Service, or nominated deputy with advice/following consultation with academic staff or the Student Wellbeing Service.

3.15 Level 3 of the Fitness to Study Procedure may be initiated if any one or more of the following applies:

- a student fails to address serious concerns about fitness to study identified at Level 2
- the student’s behaviour creates further serious concern beyond that at Level 2
- the circumstances presented raise particularly serious issues as to the student’s fitness to study successfully
- there is evidence of significant adverse impact upon or risk to the student or others.

3.16 The Head of the Student Progress Service shall organise a Fitness to Study Panel. The Panel shall consist of at least 3 members and shall normally include the Head of the Student Wellbeing Service or nominee. Two other independent members of staff who have not previously been involved will be drawn from the Academic Appeals Panel or be a senior academic with comparable experience, one of whom shall normally chair the Panel.

The purpose of the Panel is to gather and assess evidence about the student’s fitness to study and to determine appropriate actions. The Chair shall determine which witnesses may be called upon to give evidence including such witnesses from the following areas of the University as are appropriate on the facts of the case:

- Academic Unit
- Accommodation
- Estate Support Service
- Students’ Union
- The Student Progress Service
- Student Wellbeing Service

Secretarial support for the Panel will be provided by the Student Progress Service.

3.17 The student shall be given reasonable written notice of the meeting. The notice shall inform the student of the purpose of the meeting and shall where appropriate request from the student detailed information as necessary including documentary evidence as to fitness to study. The student shall be informed of the following.

- Their right to be accompanied to the meeting by a friend or supporter
- Details of the Panel composition and those invited to attend to give evidence
- Information relating to medical evidence and paragraph 5.13 of the Procedure, if appropriate
- The right to request witnesses to be present at the meeting. The student should provide details of the proposed witness(es) and the nature of the intended evidence they shall provide. The Chair shall determine whether they shall be permitted to attend.
- The right to be accompanied by a friend or supporter.

Documentation sent to the student and the Panel in advance of the meeting should include:

- Details of the case including all evidence and previously agreed Action Plans
- A copy of the Fitness to Study Procedure
- Any medical or other evidence provided by the student.

For the avoidance of doubt, the need for notice of a Level 3 meeting does not preclude communication with the student at the time of any specific incident.

3.18 The Fitness to Study Panel meeting shall normally proceed if the student does not attend or engage in the process. The meeting shall consider the case even if the student has not
provided requested evidence. The meeting may also proceed if a witness or other invited attendee is unable to attend.

3.19 After review of the case, the Fitness to Study Panel may decide:

- That no further action is necessary
- That it is necessary to agree an Action Plan
- That it is necessary to maintain or revise a previous Action Plan
- That, with or without the student’s consent, it is necessary and appropriate to adjust the hours of study - DPD approval will be requested
- That, with the student’s consent, it is necessary and appropriate to agree an interruption from the programme (leave of absence) - DPD approval will be requested
- That, without the student’s consent, it is necessary and appropriate to suspend the student’s studies
- That, with or without the student’s consent, it is necessary to terminate the student’s studies at the University
- That it is necessary to make a referral to other University procedures, as appropriate, for example the Student Disciplinary Procedure or Unsatisfactory Progress Procedure
- Other actions intended to support the student to successful completion of their studies.

3.20 The Chair of the Fitness to Study Panel shall ensure that there is a written record of the meeting and any determined actions. If an Action Plan is agreed, it will normally include the specification of appropriate actions including desirable behaviour or specific expectations, support mechanisms together with dates for a review meeting If appropriate, it may also detail the consequences of non-engagement by the student. The Action Plan may also include a request for the student to provide medical evidence as to fitness to study although paragraphs 5.10 to 5.13 apply. For monitoring purposes, the Chair or nominee may request regular updates on the student’s progress of the action plan requirements for review. Normally, the outcome of the meeting will be notified in person and confirmed in writing within 7 calendar days of the meeting. A statement of reasons shall normally also be supplied normally within 14 calendar days of the date of the meeting. A copy of the outcome and statement of reasons shall be held on the student’s personal file in the Academic Unit.

- 3.21 If appropriate, review meetings should be convened as agreed. If the student does not abide by the provisions of the action plan, the Chair may convene a review meeting before the planned date or escalate, as appropriate. The Panel and the identity of other attendees may be different to that at the original Level 3 Panel meeting but the conduct of the meeting and record of outcome shall follow that for the original meeting. If the concerns about a student’s fitness to study have been substantially reduced and/or eliminated, no further action may be required.
- If the Level 3 formal action plan has not been successful, Level 3 of the procedure may be invoked again at the review meeting to determine the outcome.

3.22 Where it has been agreed to terminate a student’s studies at the University or impose an interruption of studies (leave of absence), the Student Progress Service shall ensure that this is recorded on the student’s central record. The Academic Unit should also record this on the student’s personal file.

4. Fitness to Study Appeals

4.1 A student wishing to appeal against a decision under the Fitness to Study Procedure shall follow the procedure set out below. Where the decision against which a student is appealing involves partial or full suspension or termination of studies, the student shall not, subject to this paragraph, be permitted to attend that part or all of the University, as appropriate, while the appeal is being determined. Students may apply for permission to attend if they can demonstrate that it would be unreasonable to debar them from attending their programme of study pending the appeal. Grounds for such an appeal may include, but are not limited to, a change in circumstances since the Fitness to Study hearing or the fact that the timing of an appeal hearing means that a successful appellant will be prevented from returning to study immediately because of the University’s General Regulations governing registration. Applications shall be made to the Head of the Student Progress Service who may refuse or
grant permission to attend the University and may, if granting permission to attend, limit attendance to specific locations and/or times.

4.2 The Fitness to Study Appeal shall be lodged within 21 calendar days of the decision. The application shall be in writing and addressed to the Head of the Student Progress Service, King’s Gate (casework@ncl.ac.uk). The Head of the Student Progress Service shall appoint a member of the Academic Appeals Panel or a senior academic with comparable experience as Appeal Adjudicator for the case.

4.3 The appeal against a Fitness to Study outcome may only be made on one or more of the following and shall specify which ground(s) are relied upon:

- That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original meeting
- Procedural Irregularity
- Bias or Prejudice
- That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

4.4 The appeal application shall be accompanied by any supporting documentation.

4.5 It shall be for the Appeal Adjudicator to decide whether a late request for review shall be allowed. The Appeal Adjudicator may dismiss an appeal which on the face of it does not provide a case under the specified grounds.

4.6 If the Appeal Adjudicator decides that there is a case under the specified grounds a new Level 3 Panel shall be reconvened to consider the appeal.

4.7 The new Level 3 Panel may, in determining the appeal, confirm or vary or quash the original decision. If a student is reinstated to the University on an appeal against suspension or termination of studies, s/he shall not suffer any loss of time counted towards residence qualifications for a particular course. The student, nevertheless, shall be required to pay appropriate fees, notwithstanding temporary loss of tuition and other facilities in the University.

4.8 Where the Appeal Adjudicator dismisses an appeal wholly or in part or the nominated Fitness to Study Panel confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the Office of the Independent Adjudicator (www.oiahe.org.uk/). The Independent Adjudicator’s role is to review the application by the University of its own internal procedures.

5. Supplementary Provisions

Suspension of Studies

5.1 At any stage of this procedure, the Head of the Student Progress Service, or nominee, may place an interim suspension on a student from the University, upon report of serious concerns and pending further investigation.

a) Interim suspension means that the student may not be on University property other than for specific appointments which must be agreed in advance, and in writing, between the student and the Head of the Student Progress Service. Subject to NUSU agreement this interim suspension normally includes the Students’ Union.

b) In addition, interim suspension means that the student may not, amongst other activities, attend classes as normal. To mitigate the impact of the interim suspension on the student’s studies requests for occasional and limited access to services and facilities, such as appointments with key staff or to attend examinations, will be considered by the Head of the Student Progress Service. Normally learning material will be made available electronically and a member of academic staff will be appointed to manage liaison with the student and ensure the availability of materials and discuss academic queries.

c) Notwithstanding a) and b) above, the Head of the Student Progress Service may determine that an interim suspension is limited to specified areas, activities and facilities of the University.
5.2 Review of interim suspension

a) Where an interim suspension has been applied this shall be subject to review every two weeks or at key stages as determined within the case management process by the Head of the Student Progress Service.

b) Where a student has been subject to an interim suspension for a period of 6 weeks or more the student has the right to apply in writing to the Head of the Student Progress Service for a review of the interim suspension. The student shall specify the grounds for the review. Subsequent independent reviews may be conducted where a reasonable case may be made that circumstances have changed.

c) A review will normally be conducted by a member of the Academic Appeals Panel, nominated by the Head of the Student Progress Service.

5.3 A student suspended or terminated from the University as a result of these proceedings shall have no right to a refund of fees.

5.4 Throughout a period of suspension, students are not expected to engage with the University or their studies. The exception to this may be where the student is receiving ongoing therapeutic support from the Student Wellbeing Service.

5.5 Normally, imposed periods of suspension under this procedure will be for no more than one year in total. If longer periods of suspension are required it is recommended that a student’s studies are terminated and the student be asked to re-apply for admission at a later date.

5.6 It shall be the student’s responsibility to inform the Student Loans Company (www.slc.co.uk), sponsor, tutor or any other relevant person/group of any suspension.

Return to Study

5.7 If the formal outcome of the Fitness to Study case is a period of suspension / interruption of studies (leave of absence), a return to study review will normally be initiated within a 4 week period of the expected return to study. Where appropriate students will only be permitted to return from a period of suspension/interruption of studies (leave of absence), after receiving suitable medical or other evidence stating that the student is fit to return to study. Note that paragraphs 5.10 to 5.13 also apply.

5.8 Normally, a return to study plan will need to be agreed with the student, the authorised member of staff in the academic unit and the Student Wellbeing Service. This should be agreed within one month of the planned return to study. The plan should include any relevant support including for example specific study support, Student Wellbeing Service support and any other support deemed necessary for the student’s successful return to study. The student will be required to comply with all agreed actions in order to remain at the University.

5.9 Following the return to study, regular review meetings should take place – these should be initiated by the authorised member of staff in the academic unit and should include representatives from the Student Wellbeing Service, the Student Progress Service, Accommodation Services or other service, as appropriate. It is intended that the need for review meetings may cease after an agreed period but, if appropriate, these meetings may continue for the duration of the student’s study.

Medical, or other, evidence

5.10 If concerns are raised about a student’s fitness to study, the student is encouraged to co-operate with any reasonable request to provide medical or other evidence. A student may however decline to co-operate with that request but should be aware of 5.13, below.

5.11 The University will respect medical and other evidence provided by the student, but it is for the University and ultimately a Level 3 Panel to determine the weight to be given to any evidence presented. If, for example, a medical certificate states that a student is fit to study, it is nevertheless for the University and ultimately the Level 3 Panel to determine the weight to be given to the evidence taking into account amongst other considerations the overall evidence in the case.

5.12 Normally it is expected that no cost will be incurred in providing additional evidence, however, if costs are incurred they shall generally be borne by the student. Exceptionally, the University may fund the cost of obtaining additional evidence, for example if the...
University requests that the student complete an independent assessment to supplement evidence already provided by the student. If an independent assessment is required, this will be arranged by the University and the University may request that specific questions are addressed as part of the assessment.

5.13 If a student does not provide evidence as requested, the University may nevertheless reach a decision on the case. The decision shall be based on the available evidence.

Conflict of Interest

5.14 Student Wellbeing Service may offer a student therapeutic or other support during the administration of this procedure. An alternative member of the Student Wellbeing Service may be asked to advise University staff about the Fitness to Study Procedure. Within the Student Wellbeing Service, care will be taken to avoid any potential conflict of interest that may arise.

5.15 The Student Progress Service staff, or other member of academic or support staff may have had previous involvement with the student prior to the Fitness to Study procedure being invoked. This shall not preclude their involvement in the Fitness to Study case – professional roles are an essential input to the Fitness to Study process. However, as far as reasonably possible, steps will be taken to avoid any conflict of interest that may arise.

Overseas Campuses and Programmes, Educational Partnerships and Joint Awards

5.16 The principles of this Procedure apply to all registered students in all locations on and off campus in the UK and overseas. The head of campus, unit, programme or equivalent or a nominee will follow the procedure within the relevant appendix relating to the allegation of misconduct and will consult with or refer the case to the Student Progress Service, if required.

Procedure Review

5.17 The procedure is maintained by the Student Progress Service. It is reviewed on an annual basis. Anonymous data on the application of Level 3 of this procedure is reported to University Learning, Teaching and Student Experience Committee.

6. MONITORING

6.1 The Head of the Student Progress Service shall make an annual report to University Learning, Teaching and Student Experience Committee (ULTSEC) of all Fitness to Study cases investigated under this procedure, including:

- The number of formal Level 3 Fitness to Study referrals made, and the subsequent outcome;
- The nature of the matters raised and any remedial action recommended and taken.

7. CONFIDENTIALITY

7.1 All information pertaining to a Fitness to Study case, provided to the Academic School / Service, Student Progress Service, Academic Registrar, Pro-Vice-Chancellor, or to other officers dealing with the matter in the course of the Fitness to Study process, shall be treated as confidential, subject to the need to divulge information to investigate a case and any requirements of the Data Protection legislation. It is equally important that the student also respects the need for confidentiality throughout the Fitness to Study process. Where confidentiality is breached the University’s Disciplinary procedures may be invoked.

7.2 Relevant members of staff involved in the Fitness to Study case will be informed of the outcome, in confidence. Senior members of staff may also receive a copy of the outcome, in confidence in order for the University to learn / act on issues identified from the Fitness to Study process..
Other Information

Related procedures and regulations

- DPD Request Form: www.ncl.ac.uk/students/progress/student-resources/help/
- Fitness to Practise: www.ncl.ac.uk/students/progress/Regulations/SPS/fitness.htm
- PEC Procedure: www.ncl.ac.uk/students/progress/student-resources/help/
- Procedure for the safeguarding of under 18s and vulnerable adults: www.ncl.ac.uk/students/wellbeing/about/policies.htm
- Progress Regulations: www.ncl.ac.uk/regulations/docs/
- Student Disciplinary Procedures: www.ncl.ac.uk/students/progress/Regulations/SPS/disciplinary.htm

Legislation

The University will take account of all relevant legislation in applying this procedure including: