Fitness to Study Procedure

This procedure was approved by ULTSEC June 2012.

The principles of this procedure apply to all students regardless of the location of study. On a case by case basis some staff roles may vary from those detailed below.

Introduction

This policy is intended to apply in rare cases where conduct creates serious concerns about the student’s welfare such that normal adjustments are not sufficient. Many students encounter difficulties and other procedures such as the Personal Extenuating Circumstances (PEC) Procedure should normally be considered before invoking the Fitness to Study procedure.

Definitions

Academic Unit: The unit that manages the student’s programme. Normally this is a School, but occasionally a Faculty, Institute or other organisational unit applies.

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 from 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. The friend or supporter cannot act as a representative unless they have permission of the person conducting the proceedings and explicit permission from the student.

Interruption from Studies (Leave of Absence): Students can request an interruption from their studies (leave of absence) due to personal extenuating circumstances. This is a voluntary break from studies by the student. Students request an interruption by completing 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/staff-resources/pg-research/PGRchangecirc.htm](http://www.ncl.ac.uk/students/progress/staff-resources/pg-research/PGRchangecirc.htm)

PEC Procedure: Personal Extenuating Circumstances Procedure for students to alert their school about 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: Student Wellbeing 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: Student Progress 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: The University reserves the right to suspend or terminate a student’s studies. This will generally be in accordance with normal academic regulations or procedures noted within the University Regulations, including the Fitness to Study Procedure [www.ncl.ac.uk/pre-arrival/regulations/](http://www.ncl.ac.uk/pre-arrival/regulations/).
Scope of Procedure

1.1 Newcastle University recognises that at various stages during the course of study a student may encounter physical or psychological difficulties. This may result in:
- concerns about the student’s fitness to study successfully, and / or
- conduct which may be regarded as a risk to the student or others.

In these circumstances the University seeks to support students to the completion of their studies where possible.

1.2 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 refer to other procedures where appropriate.

1.3 A student’s fitness to study may be considered despite the fact that other University processes have been invoked. Examples include:
- Failure to make satisfactory progress in academic studies (dealt with under the appropriate Progress Regulations www.ncl.ac.uk/regulations/docs/)
- Misconduct as normally defined in the University (dealt with under the Student Disciplinary Procedure www.ncl.ac.uk/students/progress/student-resources/regulations/disciplinary.htm)
- Fitness to Practise www.ncl.ac.uk/students/progress/student-resources/regulations/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 between procedures but will not normally consider parallel procedures about the same substantive matter. Advice on which procedure should take precedence can be sought from the Head of the Student Progress Service or the Head of the Student Wellbeing Service.

1.4 The procedure is intended for use when there is serious concern about the student’s ability to study successfully, and may relate to the presence of a diagnosed illness or disability. This procedure may also be used when there is no diagnosed illness or disability, or no notification of such a diagnosis. The decision about whether to use this procedure or an alternative procedure is at the discretion of the Degree Programme Director or nominee in Academic Units and senior member of staff for other areas responding to the concerns about the student’s conduct. If the student has been given permission for an interruption in studies (leave of absence), the fitness to study procedure should not be considered until the student returns to study.

1.5 The University has a duty of care to its students, which it takes very seriously. The University must ensure that any decisions have due regard to the best interests of the student, as part of its wellbeing strategy. This includes being sure, as far as possible, that a student is fit to study. This also entails a requirement to consider the impact that the student may have on other students and staff. An additional factor is the consideration of any reasonable adjustments being put into place to enable the student to continue to study.

1.6 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.

1.7 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.
2. Context and principles

2.1 Concerns about a student’s fitness to study may be raised by a number of sources. These include but are not limited to:
- The student’s Tutor or Supervisor
- Other academic members of staff
- Staff in the professional services
- Other support staff
- Peers
- Students’ Union staff / officers
- Family Member
- Placement Providers
- Police
- Member of the Public

2.2 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 concern but this is not an exhaustive list:
- Rapid deterioration in academic performance
- Poor attendance
- 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 Circumstance (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.

Note – These indicators may arise inside or outside the University. Staff should not assume that isolated incidents of the behaviour noted above constitutes prima facie cause for concern about fitness to study. Concerns generally only arise when there is a sustained pattern or significant incident. Paragraphs 1.2 and 1.3 may also apply.

2.3 If they are already service users, students will be able to retain support from their Student Wellbeing Staff– the support will however be limited to personal support and will not extend to representation or advocacy. Students may also seek support from the Student Advice Centre, the Student’s Union (www.nusu.co.uk/sac). At all stages of the procedure staff will have access to support and advice through the Student Wellbeing Service and the Student Progress Service.

2.4 At all levels there is an onus on those reporting or managing a student’s fitness to study to handle the matter in confidence. There may be some circumstances when confidentiality cannot be maintained. All information will be held in confidence and in adherence with the Data Protection Act. The student is also expected to respect the confidentiality of the process.
3. Fitness to Study Process

Level 1 – Initial Concerns / Informal intervention within the academic unit

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

3.2 The tutor / supervisor should consult the senior tutor on the matter reported and they may also seek further advice from the Head of the Student Wellbeing Service and / or the Head of the Student Progress Service or nominee. The tutor / supervisor should arrange a meeting with the student – with him / herself or another authorised member of staff in the academic unit. The meeting is intended to be informal and supportive in nature and to encourage open discussion. The meeting should be held as soon as is practicable. It should be a fact-finding and non confrontational discussion of the concerns regarding the student’s fitness to study. The member of staff will outline their concerns and provide examples where appropriate; will explain the impact on the student and others; will remind the student of their responsibility to be fit to study and the University’s duty of care. The tutor / supervisor should keep a confidential record (not verbatim) of the meeting and provide a copy of this to the student.

3.3 The nature of the discussion will determine possible outcomes. Where appropriate, the member of staff should offer appropriate supportive outcomes. Examples may include, but are not limited to, recommendations that the student:
- seek help from the Student Wellbeing Service, their GP or another external service
- seek advice on matters that may be worrying them
- reflect on their conduct
- submit a PEC form
- complete required assessments
- attend classes
- avoid certain areas or people for a period of time (suggestion only)
- submit an interruption from 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/staff-resources/pg-research/PGRchangeirc.htm](http://www.ncl.ac.uk/students/progress/staff-resources/pg-research/PGRchangeirc.htm)

The member of staff should also provide details of the supportive outcomes (proposed action plan) discussed at the meeting in writing to the student and keep a record of this.

3.4 The member of staff will arrange to review the student’s case in an agreed time period, normally of not more than one month.
- If the concerns about a student’s fitness to study have been significantly reduced and/or eliminated, no further action is required.
- If the informal intervention is unsuccessful, at the initial or review meetings, or the case is too serious to be addressed informally, level 2 of the procedure may be invoked.
- If concerns arise at a later time, level 2 of the procedure may be invoked.

3.5 All key points from the initial and review meetings should be recorded by the member of staff and forwarded to the student normally within 5 working days of the meeting. A copy should be held on the student’s personal file.
Level 2 – formal intervention within the academic unit

3.6 Level 2 is a formal intervention to be used when level 1 has not been successful or the student’s conduct / circumstances indicates that further intervention is required. It is normally initiated by the Head of the Academic Unit or authorised nominee. The academic unit may request advice and support from the Head of the Student Wellbeing Service.

3.7 A level 2 intervention normally comprises of a formal meeting with the student. The student will be given written notice of the meeting. Normally, reasonable notice will be given and the letter will inform the student of the purpose of the meeting and request any necessary documentation. If appropriate, the student will be encouraged to provide detailed information, including medical evidence.

For clarity: the need for notice of a formal meeting does not preclude communication with the student at the time of any specific incident.

3.8 The meeting will normally include the Degree Programme Director / Director of Postgraduate Studies 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 solution or be there for the purpose of taking notes. Invited attendance may include a representative from the Student Wellbeing Service, Student Progress Service and Accommodation Service, or other relevant service, if appropriate.

3.9 The student may be accompanied at a level 2 meeting by a friend or supporter. This could be, for example, a fellow student, parent, friend, Students’ Union representative or member of staff.

3.10 The meeting will normally proceed if the student does not attend or engage in the process. The meeting will normally consider the case even if the student has not provided requested evidence.

3.11 At the meeting, the student will be informed of the reasons for the concern about their fitness to study, including detailed examples if appropriate. The student should be given the opportunity to ask questions and respond. It is important at this stage to establish the student’s perception of the situation and how this is impacting on them, their studies and others.

3.12 The nature of the discussion will determine possible outcomes. Where appropriate, the member of staff should offer appropriate supportive outcomes. Outcomes may include 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 supportive proposed outcome, the member of staff should advise the student that level 3 action shall normally be taken.
3.13 The convenor of the meeting will ensure that there is a record of the meeting and any determined actions. If an Action Plan is agreed, it will normally include specific actions (desirable behaviour / expectations), support mechanisms and dates for review. 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 stating that they are fit to study, although paragraphs 5.10 and 5.13 apply.

All documentation will normally be sent to the student within 5 working days of the meeting. The student should be asked to agree to the Action Plan by signing and returning one copy. A copy of the documentation should also be held on the student’s personal file.

3.14 Review meetings should be convened as agreed. Attendees at review meetings may be different to those at the original level 2 meeting. The student will have the opportunity to be accompanied by a friend or supporter. Records should be maintained of all review meetings by the Academic Unit.

- If the concerns about a student’s fitness to study have been substantially reduced and / or eliminated, no further action may be required.
- If there is insufficient improvement following the level 2 initial or review meetings, or the case is too serious to be addressed at level 2, level 3 of the procedure may be invoked.

Level 3 - formal intervention by Student Progress Service

3.15 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. When a level 3 intervention is initiated the Head of the Student Wellbeing Service, or nominee, will normally be a member of the relevant Panel.

3.16 Level 3 of the Fitness to Study procedure should be initiated when a student fails to address concerns about their fitness to study from level 2 and / or where the circumstances presented are particularly serious for the student’s fitness to study successfully, and / or there is evidence of risk to the student or others.

3.17 The Head of the Student Progress Service will organise a Fitness to Study Panel. The Panel may consist of representatives from the following areas, and / or others as appropriate, depending on the issues that are being considered:

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

The Panel will also include one independent member of staff who has not been involved in the previous levels of the procedure.

The purpose of the Panel is to share information about the student and agree appropriate actions.

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

3.18 The student will be given written notice of the meeting, reasonable notice will normally be given and the letter will inform the student of the purpose of the meeting and request any necessary documentation. If appropriate, the student will be encouraged to provide detailed information, including medical evidence. The student shall also be informed of:
• Their right to be accompanied to the meeting by a friend or supporter
• Details of who has been invited / will be present
• Information relating to medical evidence and paragraph 5.13 of the procedure, if appropriate
• Their 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.

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 clarity: the need for notice of a formal meeting does not preclude communication with the student at the time of any specific incident.

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

3.20 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.

3.21 The convenor of the Fitness to Study Panel will ensure that there is a record of the meeting and any determined actions. If an Action Plan is agreed, it will normally include specific actions (desirable behaviour / expectations), support mechanisms and dates for review. 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 stating that they are fit to study, although paragraphs 5.10 to 5.13 apply. Normally, all documentation will be sent to the student within 5 working days of the meeting. A copy of the documentation will also be held on the student’s personal file in the Academic Unit.

3.22 If appropriate, review meetings should be convened as agreed. Attendees at review meetings may be different to that at the original level 3 Panel meeting. The student
will have the opportunity to be accompanied by a friend or supporter. Records should be maintained of all review meetings by the Academic Unit.

- 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 intervention is unsuccessful, level 3 of the procedure may be invoked again.

3.23 The conclusion of level 3 of this procedure will result in a Completion of Procedures letter, required for the Office of the Independent Adjudicator (www.oiahe.org.uk), being sent to the student. The Completion of Procedures letter shall be issued by the Student Progress Service.

3.24 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 will 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 will have a right to seek a review of a level 2 or 3 Fitness to Study outcome. The Fitness to Study Appeal should be lodged within 21 calendar days of the decision. The request for review should be made in writing and addressed to the Academic Registrar, King’s Gate Building (casework@ncl.ac.uk).

4.2 The request for review of a Fitness to Study outcome shall specify the grounds of appeal which may only be one or more of the following:
- 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.

4.3 The request for review of a Fitness to Study outcome should be accompanied by supporting documentation.

4.4 It shall be for the Academic Registrar to decide whether a late request for review shall be allowed. The Academic Registrar may dismiss an appeal which does not provide a prima facie case under the specified grounds.

4.5 To reach a decision on the request for review of a Fitness to Study outcome, the Academic Registrar may ask the Head of the Student Wellbeing Service and / or the Head of the Student Progress Service to prepare a report on the case.

4.6 If the Academic Registrar decides that there is a prima facie case under the specified grounds s/he may ask the Head of the Student Progress Service, or other senior member of staff, to convene a new level 3 Fitness to Study Panel.

4.7 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 temporarily suspend a student from the University, upon report of serious concerns and pending further investigation.

5.2 In such a case, the decision to suspend a student shall be reviewed by the Head of the Student Progress Service, or nominee, after every two week interval until the conclusion of the case. During the period of suspension, every effort will be taken to ensure that the relevant level 2 or level 3 meeting is held as soon as possible and, where practicable, within six weeks.

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 will 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 a 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 specific study support, Student Wellbeing Service support and 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 professional services, if 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.
5.11 The University respects medical and other evidence provided by the student, but will not necessarily be bound by that evidence. If a medical certificate states that a student is fit to study, it is nevertheless for the University to determine whether it accepts that statement, taking into consideration the context and / or the conduct and communications of the student.

5.12 Normally it is expected that no cost will be incurred in providing additional evidence, however, if costs are incurred they will 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 will be based on the information available which may include the student’s engagement with the Fitness to Study procedure.

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 minimise any potential conflict of interest that may arise.

5.15 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 minimise any conflict of interest that may arise.

Procedure Review

5.16 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.

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/assets/documents/F2P.pdf
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/assets/documents/Procedureforprotectionofunder18sfinal.pdf
Progress Regulations: http://www.ncl.ac.uk/regulations/docs/
Student Disciplinary Procedures: www.ncl.ac.uk/students/progress/student-resources/regulations/disciplinary.htm

Legislation

The University will take account of all relevant legislation including: