

Support to Study Procedure

Preliminary Notes

1. *This procedure applies to all Support to Study cases.*
2. *The Support to Study Policy and Procedure outlines the University's approach to supporting students who, **due to health issues**, may be struggling with their studies or their ability to be part of a shared educative environment. 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.*
3. *Advice about this procedure may be sought from the Student Progress Service (casework@ncl.ac.uk, the Student Health and Wellbeing Service (www.ncl.ac.uk/students/wellbeing/contact/),) Impartial advice may be sought from the Student Advice Centre of the Students' Union (www.nusu.co.uk/sac).*

Introduction

Implementation of Procedure: 1 September 2019.

Newcastle University welcomes a diverse student body and aims to support all students throughout their studies. This includes students who have temporary or long-term health conditions, mental health difficulties or disability which may have an adverse impact on their ability to study

The University is committed to supporting student health and wellbeing and recognises that a positive approach to the management of temporary or long-term health conditions, mental health or disability 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 health, mental health difficulties or disability may give rise to concerns about the student's capability to study and engage in the University environment, for example the student's capacity to engage with their studies and/or to function more widely as a member of the University community, adhering to all relevant policies and procedures. Such instances may arise where, for example, the University is concerned that:

- A student's diminishing health, mental health or disability poses a risk to their own health, safety and/or wellbeing.
- A student's diminishing health, mental health or disability poses a risk to other students and/or staff health, safety and/or wellbeing.
- 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 need falls 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 capability to study/ fully engage with University activities and the type of action that the University may take to manage the matter. The three-level procedure is fully explained in section 3, and is comprised of the following:

Level 1 – Initial / informal support within the academic unit, usually provided via the Personal Tutor, which is over and above the standard tutorial/pastoral provision

Level 2 – Formal support within the academic unit, normally following a meeting conducted with the knowledge and when appropriate the attendance of Student Health and Wellbeing Service staff, to include the development of an Action Plan

Level 3 – Formal intervention by an Independent ‘Fitness to Study’ Panel, when either earlier support actions have not been effective in enabling the student to meet the requirements of their programme of study or the matter is judged to be of such concern that a Level 3 intervention is appropriate in order to determine whether, and if so how, the necessary support may be given to enable the student to meet the requirements of the programme of study and/or engage appropriately within the educational environment. (As explained in sections 3 and 4)

Please note that this procedure may be invoked at any of the three levels listed above and does not need to proceed in level order

Definitions

Academic Appeals Panel:	A Panel comprising members of academic or professional services staff appointed by the University Education (UEC) 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.
Authorised Person:	An individual with relevant experience and expertise nominated by the Head of School within the Academic Unit who may instigate, co-ordinate and manage formal support, including an Action Plan. For example: Senior Tutor, Degree Programme Director, Director of Excellence in Learning & Teaching (DELT), Director of Postgraduate Studies
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/
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 A member of staff from the Student Health and Wellbeing Service (SHWS) is unlikely to be a supporter at Support to Study meetings / Fitness to Study hearing, as this may be a conflict of interests
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/ Research Students: www.ncl.ac.uk/students/progress/student-resources/PGR/Changeciracs.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/
Student Health & Wellbeing Service:	The Student Health and Wellbeing Service provides information, advice and support 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/ .
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/ .

Suspension or Termination of Studies:	A suspension of studies is the temporary break in a student's studies imposed 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 within the Support to Study Procedure, and may be an outcome of the 'Fitness to Study' Panel Hearing under Level 3 of the procedure. www.ncl.ac.uk/pre-arrival/regulations/ .
--	---

1. Policy 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 capability to study and engage appropriately within the educative environment may be considered despite the fact that other University processes have been invoked. Examples of other relevant procedures include:
- Failure to make satisfactory progress or engage in in academic studies (dealt with under the appropriate Progress Regulations 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)
 - Fitness to Practise - www.ncl.ac.uk/students/progress/Regulations/SPS/fitness.htm
- 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 appropriate Student Health and Wellbeing Service team manager.
- 1.3 This procedure is applicable whether or not there is a formal diagnosis of ill health (students will be requested to provide relevant evidence).
- 1.4 The Support to Study Procedure consists of three levels (see section 3). However, depending on the individual circumstances this procedure may be invoked at any of those 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 or 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) for ill health, the Support to Study procedure should not be used at that point, but initiated when the student returns to study.
- 1.5 If a concern regarding support 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 Health and Wellbeing Teams) 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 appropriate, use personal information held by the University such as Medical letters, Disability Diagnosis, Student Support Plans or Information submitted with a PEC application in the absence of consent from the student in order to consider the suitable support or application of this procedure.

- 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 respectfully 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 allowing the student to continue with their studies where they are deemed not fit to study, their studies should be suspended or terminated.

2.2. Serious concerns about a student's capability 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
- Behaviour, as a consequence of illness, impacting adversely on other students and/or staff.
- 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 under Support 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.

All registered students will have access to support and advice through the Student Health and Wellbeing Teams and the Student Progress Service, regardless of whether they are subject to this procedure. However staff in the Student Health and Wellbeing teams will always work to ensure the support they offer is not a conflict of interest, students are always advised to seek support from the independent Student Advice Centre of the Students' Union (www.nusu.co.uk/sac).

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 specific learning difficulties (SpLD) 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. Support 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 matters raised and recorded under Support to Study and of its obligations under Data Protection Law. The student is also expected to respect the confidentiality of the process.

3. Support to Study Process

Level 1 – Initial / Informal Support within the academic unit

- 3.1 In the first instance, initial concerns about a student's conduct raising capability 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 appropriate Student Health and Wellbeing Team Manager 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, fact finding and non-confrontational in nature, encouraging open discussion to address the concerns of whether the student is able to study. The meeting shall be held as soon as is practicable after the concern is identified. The member of staff shall:
- (a) explain the Support to Study Procedure and at the meeting give the student a copy of the procedure
 - (b) outline the concerns and provide examples where appropriate
 - (c) explain the impact on the student and if appropriate on others
 - (d) clarify with the student that support to study is deemed necessary for successful completion of their studies and the student has an essential role to co-operate and act to ensure that they are capable of 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 a simple action plan to address and resolve 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 and engage with the help available from the appropriate Student Health and Wellbeing Teams, GP or another external service
- engage with Student Support Plan(SSP) or external equivalent
- seek advice on matters of concern and act upon these
- reflect on conduct improvement options within the students control
- 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/
 - Research Students:
 - www.ncl.ac.uk/students/progress/student-resources/PGR/Changecircs.htm

Any action plan should clearly identify specific tasks for the student and set an equally clear timetable. The tutor/supervisor shall keep, in an appropriately confidential file within the school (such as; ePortfolio), 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 no 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 capability 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. Where the tutor /supervisor feels there is no further requirement for a Level 1 meeting the student can be advised of this
 - If the Level 1 intervention is unsuccessful because the student has not attended meetings or failed to follow 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 support

- 3.5 Level 2 is where more formal support is required, when Level 1 has not been successful or the student's conduct or circumstances indicates that additional support is required. It shall normally be initiated by the Authorised Person within the Academic Unit or Student Health and Wellbeing Service. It is recommended that the academic unit requests support and/or advice from the Student Health and Wellbeing Service.
- 3.6 Level 2 requires a formal meeting with the student. The student shall be given reasonable written notice of this 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 Senior Tutor/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. The Student Health and Wellbeing Service should always be made aware of any planned Level 2 meetings, as they may have valuable information to support the student and the process and will attend Level 2 meetings when they believe it is appropriate. Invited attendance may include a representative from Accommodation Service, Occupational Health or other relevant service, as appropriate.
- Where appropriate, the above named staff may conduct a case conference in advance of the meeting with the student.
- 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 capability 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 the wellbeing of other students and staff.
- 3.11 The conclusions drawn from the content and nature of the discussion shall determine possible outcomes. The outcome shall, normally lead to an action plan to address and

resolve 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/ or revised Action Plan with the student.
- That it is necessary and appropriate for the Chair of the PEC Committee to agree to assessment adjustments.
- 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 for the Degree Programme Director to consider and 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, including the referral to the appropriate Student Health and Wellbeing Team for compilation of a Student Support Plan (SSP).

If the student does not agree to the discussed, supportive proposed outcome, the member of staff should advise the student that their case will normally be considered under Level 3 of the procedure.

- 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 an outline of appropriate behaviour and expectations in line with the Student Charter and the normal requirements of the programme, together with any support mechanisms and a 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 their capability to study, particularly on returning from a period of interruption, although paragraphs 6.10 and 6.13 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 against the action plan requirements for review.
- If the concerns about a student's capability 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 Support to Study Procedure or, finally the case is too serious to be addressed at Level 2, Level 3 of the procedure may be considered.

4. Level 3 - Fitness to Study

- 4.1 Level 3 is a formal intervention normally initiated by the School or Student Health & Wellbeing Service following consultation with Head of the Student Progress Service, or nominated deputy, when the reasonable adjustment or support provided has not enabled the student to meet the requirements of their programme of study or engage within the educational environment. The Student Progress Service will normally arrange a case conference with academic staff and staff from the Student Health and Wellbeing Service to discuss the circumstances of the case.

- 4.2 Referral to Level 3 of the Procedure may be initiated if any one or more of the following applies:
- a student fails to address serious concerns about capability 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 capability to study successfully
 - there is evidence of significant adverse impact upon or risk to the student or others.

- 4.3 Where it is deemed appropriate as an outcome from the case conference, 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 Director of the Student Health and Wellbeing Services or nominee. Two other independent members of staff who have not previously been involved will be drawn from the Academic Appeals Panel or will 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 other key third party should be invited to provide further information, including but not limited to representatives from the following areas of the University as appropriate:

- Academic Unit
- Accommodation
- Estate Support Service
- Students' Union
- The Student Progress Service
- Student Health and Wellbeing Services

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

- 4.4 The student shall be given reasonable written notice of the hearing (normally at least 7 days). The notice shall inform the student of the purpose of the hearing and shall, where appropriate, require the student to provide documentary evidence detailing the student's capability to study. The student shall be informed of the following.
- Their right to be accompanied to the hearing 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
 - Their right to request witnesses to be present at the hearing. 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 hearing should include:

- Full details of the case including all evidence from the Academic Unit, including a timeline of interactions, full PEC submissions/documentation and any previously agreed Action Plans.
- A copy of the Support to Study Procedure
- Any statement, medical information or other evidence provided by the student for the panel.

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

- 4.5 The Fitness to Study Panel hearing shall normally proceed if the student does not attend or engage in the process. The hearing shall consider the case even if the student has not provided requested evidence. The hearing may also proceed if a witness or other invited attendee is unable to attend.
- 4.6 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, it is necessary and appropriate to agree an interruption from the programme (leave of absence) - DPD approval will be requested
- That, it is necessary and appropriate to impose a suspension on 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.

Where any period of suspension is imposed or agreed, it is expected that a meeting, with the Authorised Person in the Academic Unit in consultation with the appropriate Student Health and Wellbeing Team, will be held in advance of the student's scheduled return to study to consider what support/level of the procedure is appropriate for agreement prior to registration.

- 4.7 The Chair of the Fitness to Study Panel shall ensure that there is a written record of the hearing 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 6.10 to 6.13 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 hearing will be notified in person and confirmed in writing within 7 calendar days of the hearing. A statement of reasons shall normally also be supplied normally within 14 calendar days of the date of the hearing. A copy of the outcome and statement of reasons shall be copied to relevant staff and held on the student's personal file in the Academic Unit.
- 4.8 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. It is for the Chair to decide on attendees at a review 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 and there remain significant concerns, Level 3 of the procedure may be invoked again: the membership of the new Fitness to Panel may be different from the original Panel, although it shall normally have the same Chair.
- 4.9 Where it has been agreed to terminate a student's studies at the University or impose an suspension of studies 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.

5. Appeals against a Fitness to Study Panel Outcome

- 5.1 A student wishing to appeal against a Fitness to Study Panel outcome 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.
- 5.2 The Fitness to Study outcome 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 an Appeal Adjudicator for the case.

- 5.3 It shall be for the Head of the Student Progress Service to decide whether a late request for review shall be allowed. The Head of the Student Progress Service may dismiss an appeal which on the face of it does not provide a case under the specified grounds.
- 5.4 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.
- 5.5 The appeal application shall be accompanied by any supporting documentation.
- 5.6 Where the Appeal Adjudicator determines that the case for an appeal has been established, a new Fitness to Study Panel shall be convened to consider the appeal.
- 5.7 The new Fitness to Study Panel may, in determining the appeal, confirm, vary or quash the original decision. If a student is reinstated to the University on an appeal against suspension or termination of studies, they 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.
- 5.8 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.

6. Supplementary Provisions

Suspension of Studies

- 6.1 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 or following recommendation from the Director of the Student Health & Wellbeing Service 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 with the Student Progress Service 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 or Director of the Student Health & Wellbeing Service may determine that an interim suspension is limited to specified areas, activities and facilities of the University.
- 6.2 Review of interim suspension
 - a) Where an interim suspension has been applied the normal expectation is that the suspension will be in place until consideration by a Level 3 Support to Study Panel.

- 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.
- 6.3 A student suspended or terminated from the University as a result of these proceedings shall have no right to a refund of fees.
- 6.4 Throughout a period of suspension, unless specific arrangements are made, students are not expected to engage with the University or their studies. An exception to this may be where it has been agreed that the student can continue to access ongoing support from the appropriate Student Health and Wellbeing Team.
- 6.5 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.
- 6.6 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

- 6.7 If the formal outcome of the Support to Study case is a period of suspension or interruption of studies, a return to study review will normally be initiated within a 4 week period prior to the expected return to study. Where appropriate students will only be permitted to return from a period of suspension or interruption of studies, after receiving suitable medical or other evidence stating that the student is fit to return to study. Note that paragraphs 6.10 to 6.13 also apply.
- 6.8 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 appropriate Student Health and Wellbeing staff member. This should be agreed within one month of the planned return to study. The plan should include any relevant support including for example, external statutory support services, specific study support, Student Health and 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.
- 6.9 Following the return to study, it is expected that regular review meetings should take place, as detailed under Level 2 of the Support to Study procedure – these should be initiated by the authorised member of staff in the academic unit and should include relevant representatives as appropriate. It is hoped 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

- 6.10 If concerns are raised about a student's capability 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 6.13, below.
- 6.11 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.
- 6.12 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.

- 6.13 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

- 6.14 Staff from the Student Health and Wellbeing Teams may offer a student support during the administration of this procedure. An alternative member of the Student Health and Wellbeing Teams may be asked to advise University staff about the Support to Study Procedure. Within the Student Health and Wellbeing Teams, care will be taken to avoid any potential conflict of interest that may arise.
- 6.15 The Student Progress Service staff, or other member of academic or support staff may have had previous involvement with the student prior to the Support to Study procedure being invoked. This shall not preclude their involvement in the Support to Study case – professional roles are an essential part of the Support 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

- 6.16 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

- 6.17 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.

7. MONITORING

- 7.1 The Head of the Student Progress Service shall make an annual report to University Education Committee (UEC) of all Level 3 Support to Study cases investigated under this procedure.

8. CONFIDENTIALITY

- 8.1 All information obtained within the process of consideration of the academic query or appeal will be held in accordance with Data Protection legislation and the University's Student Privacy Notice.
www.ncl.ac.uk/data.protection/documents/StudentPrivacyNotice20180525.pdf
- 8.2 All information pertaining to a Support 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 Support 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 Support to Study process. Where confidentiality is breached the University's Disciplinary procedures may be invoked.
- 8.3 Students should avoid disclosing unnecessary personal information (e.g. medical conditions etc.) in their appeal unless they feel that it is relevant to the issues raised. Students must also avoid disclosing personal data of another person/s in their complaint unless they have been given permission by them to do so.
- 8.4 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.
- 8.5 Where a student submits a complaint to the University or the OIA, relevant information shall be disclosed to appropriate staff or the OIA for the requested review to take place.

Other Information

Related procedures and regulations

- DPD Request Form: www.ncl.ac.uk/students/progress/student-resources/help/
- Fitness to Practise: <https://www.ncl.ac.uk/students/progress/Regulations/Procedures/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: <https://www.ncl.ac.uk/students/progress/Regulations/Procedures/disciplinary/>

Legislation

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

- Equality Act 2010: www.legislation.gov.uk/ukpga/2010/15/contents
- Data Protection Act 2018: www.legislation.gov.uk/ukpga/2018/12/contents
- Human Rights Act 1998: www.legislation.gov.uk/ukpga/1998/42/contents
- Health and Safety at Work Act 1974: www.legislation.gov.uk/ukpga/1974/37/contents