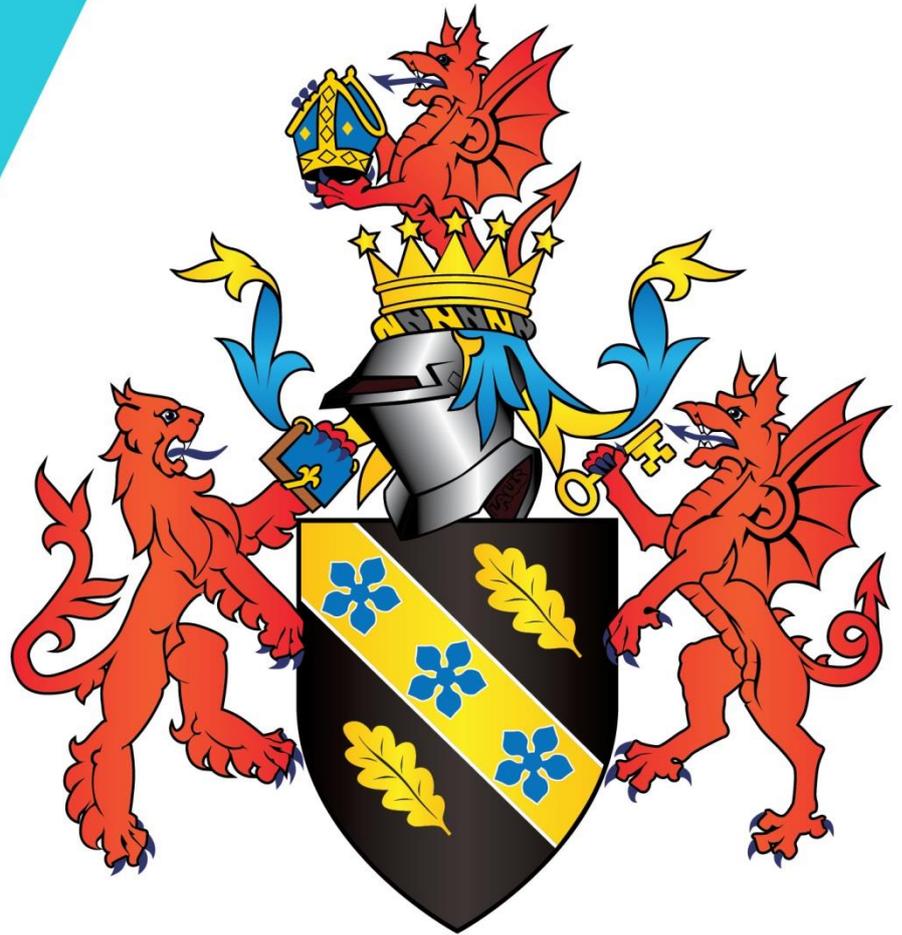




Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Fitness to Study Policy

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Fitness to Study Policy

1. Introduction

- 1.1 This policy covers the University's procedures in relation to fitness to study.¹
- 1.2 The University is committed to support student wellbeing, takes a positive attitude to students' physical and mental health, and recognises that the wellbeing of students is critical to their learning, academic achievement and their wider student experience.
- 1.3 Fitness to Study procedures are likely to be instigated if, for example:
- there is a progressive or sudden deterioration in a student's attendance, attention, quality of work, appearance, or behaviour that falls outside compensatory measures procedures or extenuating circumstances procedures;
 - If a student's participation in their studies is not enabling them to make progress with their studies or research and there is reason to believe that this is linked to their fitness to study
 - a student's support needs have become beyond the type or level of support which the University can reasonably be expected to provide;
 - a student's behaviour is adversely affecting the activities of the University or a placement provider and this is thought to be the result of an underlying physical or mental health issue;
 - a student is perceived to pose a risk to his/her own (or others') health, safety or wellbeing;
 - a student's behaviour is adversely affecting the teaching, learning, and/or experience of other students and is thought to be the result of an underlying physical or mental health issue;
 - a student's behaviour is having a significant impact on the working environment of staff of the University and is thought to be the result of an underlying physical or mental health issue;
 - a student repeatedly does not engage with agreed strategies to manage the impact of their health condition.

2. Purpose

- 2.1 The purpose of the policy is to provide an inclusive, supportive learning environment in which all students can flourish and fulfil their personal potential.
- 2.2. The policy also aims to ensure that Fitness to Study procedures are conducted in a fair and transparent manner and that the University exercises appropriate duty of care and complies with equal rights and other relevant legislation.
- 2.3 The policy is intended to be supportive rather than disciplinary in purpose.

¹ For the requirement to suspend, see also 13.3.7 in the Academi9c Quality Handbook.

3. Scope

- 3.1 The policy applies to all students directly registered at the University of Wales Trinity Saint David.
- 3.2 For students registered at collaborative partnership institutions or at Constituent Colleges of the University, procedures from that institution are followed in the first instance. However, such students are entitled to submit an appeal to the University with respect to the outcome of their case. See section 15 of this policy.
- 3.3 The policy covers fitness to study both on and off the University premises (i.e. including University residential accommodation and University related activities away from the University, e.g. on placements, field trips, study abroad / exchange, during a sandwich year or internship).
- 3.4 The policy is applicable to all students throughout their period of enrolment with the University, including those seeking to return to study and whose enrolment has previously been interrupted or suspended under this policy.

4. Relationship and interface with other policies and strategies

- 4.1 There are a number of strategies, policies and procedures that are connected to the Fitness to Study Policy, including:
 - a. Compensatory Measures Procedures;
 - b. Extenuating Circumstances Procedures;
 - c. Fitness to Practise Policy;
 - d. Student Disciplinary Policy (Non-Academic Misconduct);
 - e. The Strategic Equality Plan.
- 4.2 Before any formal procedures are instigated, the University will consider which procedure(s) are the most appropriate to be used.
- 4.3 The University will reassess this as appropriate and may change or add procedures as appropriate. For example, where it becomes clear that there are underlying physical or mental health issues the Fitness to Study policy rather than the Student Disciplinary policy may be used for breaches of conduct. It may be the case that two policies are used in tandem (e.g. the Fitness to Study Policy and the Fitness to Practise Policy) or it could be the case that the Fitness to Study Policy is followed by procedures under the Fitness to Practise Policy.
- 4.4 Where two or more policies or procedures are applicable at the same time, normally one policy will be the primary policy in terms of process. Students will be informed which policy, policies and/procedures are used in their case.
- 4.5 Reasonable adjustments will be made as appropriate in relation to the process and communicating the outcome for students who have disabilities or other health issues. Where students have not already formally declared a disability to the University prior to formal procedures being started, they are advised to make such a declaration as soon as possible during the formal processes so that it is possible to make reasonable adjustments as appropriate. The Student Services Department will make the decision in relation to the exact nature of any reasonable adjustments needed, in consultation with the student and ensuring external advice is taken as appropriate. Formal processes may be suspended until reasonable adjustments have been put in place.

- 4.6 The student is allowed to nominate a named representative, e.g. to accompany them to any meetings or in relation to communication about their case. Legal representation is only allowed in exceptional circumstances (see 9.12).
- 4.7 In exceptional circumstances, where a student is not able to represent him/herself and it is not appropriate to delay the formal process until they are able to, a representative may be appointed. Where appropriate, a written request will need to be submitted to the Office of the Associate Pro Vice-Chancellor (Student Experience). Independent evidence will need to be considered as part of this request.
- 4.8 Procedures to be followed in relation to the admission of an applicant with a disability or serious medical condition are contained in the University's Admissions Policy.

5. Definitions

- 5.1 Fitness to study relates to a student's capacity to participate fully and satisfactorily as a student in relation to their academic studies and student life generally at the University.
- 5.2 The University's Student Code of Conduct sets out expected standards of behaviour.
- 5.3 The following generic fitness standards apply to all students:
- a) An appropriate awareness of their own health and safety and that of others;
 - b) An appropriate awareness of the risk of physical danger to themselves and others;
 - c) The ability to communicate effectively with fellow students, staff and other professionals (this would include alternative methods of communication, such as BSL or computer aided speech);
 - d) The ability to undertake periods of study independently (using appropriate support mechanisms as required);
 - e) The ability to attend and engage effectively in lectures, tutorials and other learning activities, with appropriate adjustments as necessary;
 - f) The ability to submit coursework within required academic timescales with appropriate adjustments;
 - g) The ability to undertake assessment and engage effectively with the assessment process, with appropriate adjustments;
 - h) The ability to engage effectively with any support arrangements put in place.

In addition, students in University-managed accommodation should demonstrate:

- a) the ability to live independently (with support from internal and/or external agencies if required).

6. Responsibilities

- Council monitor the strategies and processes in place to ensure the health and wellbeing of students.
- Oversight of the health and wellbeing of students is the responsibility of Senate.
- Fitness to Study procedures are overseen on behalf of Senate by the Associate Pro Vice-Chancellor (Student Experience).

- Deputy Vice-Chancellors are responsible for making decisions in relation to the suspension and termination of studies of students.
- Case Officers fulfil a range of roles in relation to a Fitness to Study case, including undertaking a preliminary risk assessment, completing an investigation, and making a recommendation in relation to Fitness to Study to the Case Review Panel. A case may have more than one Case Officer, each with a specific role in relation to the case.
- A Senior Officer will undertake the review of an appeal.
- Deans of Faculty and relevant Heads / Directors of Professional Services are responsible for ensuring that the procedures outlined in this policy are used appropriately in relation to any informal resolution (as outlined in section 8).

7. Support

- 7.1 The welfare of its students is paramount to the University. The University has a range of support mechanisms in place to support students with physical or mental health issues. The Student Services Department offers a comprehensive range of support to students with both physical health issues, mental health issues, and specific learning difficulties. Counselling provision as well as specialist learning support provision are available.
- 7.2 Compensatory measures procedures for students with long-term impairments are outlined in chapter 13 of the Academic Quality Handbook (13.1).
- 7.3 Students are encouraged to seek appropriate practical and specialist support to manage and, where possible, mitigate the matters that give rise to concerns actioned under this policy.
- 7.4 The University will ensure that any student involved in Fitness to Study procedures will have access to support, information, and advice throughout the process, from the time when the formal procedures are instigated up until the time when the formal process has been concluded. Where appropriate the University will refer to and/or take advice from external support services to provide further specialised support. Support can take a range of forms depending on what is appropriate in each individual case. The formal process may be suspended until access to appropriate support has been arranged.
- 7.5 When Fitness to Study processes are instigated, consultation will take place with Student Services to make sure that the student's immediate support needs are adequately considered. See also section 10 ('Precautionary Action').
- 7.6 Students may decide that they would like a named representative (e.g. parent, guardian or third party) to be copied into any communication in relation to their case. Such a request needs to be made by the student in writing to the Office of the Associate Pro Vice Chancellor (Student Experience). Legal representation is only allowed in exceptional circumstances (see 9.12).

8. Informal resolution

- 8.1 Although depending on the severity of the situation, the University may instigate immediately formal Fitness to Study procedures, normally it would be expected that it was attempted first to use informal interaction and intervention methods.
- 8.2 For example, the student may have additional recommendations from a medical team if a long standing impairment suddenly deteriorates which are then

considered by appropriate staff within the University and implemented. Or, the mental health of a student may give cause for concern to academic staff and, following discussion with the Student Services Department, an appointment may be offered with a mental health adviser or a series of counselling appointments may be offered. Or, the learning support team may notice that a student is struggling and that the compensatory measures in place need to be reviewed. An action plan may be drawn up and a range of measures put in place to provide additional support.

- 8.3 Students who are concerned about a deterioration in their health and wellbeing are encouraged to contact the Student Services Department, their learning support or disability adviser, their welfare contact in their School of Faculty, or their personal tutor to consider together what solutions may be appropriate.
- 8.4 Staff who are concerned can either approach the student to try and ascertain whether there is an issue that may require support or suggest that the student contacts their personal or year tutor, the Faculty's or School's welfare link, or the Student Services Department for advice and support.
- 8.5 Staff and students who are concerned about the health and wellbeing of a student can contact the Student Services Department directly to discuss their concerns.
- 8.6 Anything that is agreed with the student as a result of informal intervention (e.g. additional support mechanisms allocated, agreement re services accessed, new deadlines agreed for assessments) will be confirmed in writing so that there is a written record of informal action taken.
- 8.7 If the student responds positively to informal intervention methods and support, there would normally be no need for further action. If a student fails to respond positively or refuses to cooperate formal procedures will normally be started.
- 8.8 Where staff are not sure whether informal or formal procedures need to be followed, advice can be sought from the Office of the Associate Pro Vice Chancellor (Student Experience).

9. Formal procedures: general principles

- 9.1 Fitness to Study processes are conducted by an appropriately independent member of the University (=Case Officer).
- 9.2 References in this policy to steps or actions by specific University post holders shall be read as including reference to their nominees. In addition, in order to avoid potential conflicts of responsibilities, other staff members may undertake tasks allocated to specific post holders.
- 9.3 All matters considered under this policy and set of procedures will be dealt with according to the individual's circumstances. Whilst seeking to ensure consistency of approach and application, the University reserves the right to vary the precise details of the procedure applied according to the circumstances of a particular case.
- 9.4 The student's views will, where possible and appropriate, form part of the considerations at all key stages of this set of procedures.

- 9.5 The University will, wherever possible, seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, students will be advised of the reasons for this. The student will also be advised about any delays to the process as appropriate.
- 9.6 The University reserves the right not to proceed with any Fitness to Study procedures if it is considered that there are insufficient grounds or evidence to do so.
- 9.7 During the application of this policy the University reserves the right to adjourn any meeting and reconvene at a later date.
- 9.8 The student will be informed in writing as soon as appropriate and possible after the decision has been made to start formal procedures. Supporting evidence will be given to the student as appropriate to explain this step. If any new or additional evidence emerges during the formal procedures the student will be informed about these and will be given the opportunity to respond.
- 9.9 The student will be invited to any meeting, normally at least two clear working days before the meeting. However, there may be circumstances where an urgent risk assessment or investigation is required and in this case a verbal invitation with less than two days' notice will be given.
- 9.10 Where possible and practical, students will be given the opportunity to attend any meetings related to the Fitness to Study proceedings in person. If attendance in person is problematic, the student may also attend the meeting by electronic means. The University reserves the right to proceed with any meeting in the absence of a student, subject to the student having been properly notified of the date and time of the meeting or in cases where the health of the student does not allow him/her to attend the meeting. The University may also deal with issues on the basis of written reports and/or statements in the absence of the student. In exceptional circumstances, a representative may be appointed (see 4.7).
- 9.11 Where the student has communicated in response to a meeting notification that he/she is not able to attend such a meeting for a good reason, the University will normally rearrange the date of such a meeting.
- 9.12 The student will have the right to be accompanied at any meeting by a person of his/her choosing at any meeting and is required to inform the University in writing in advance of any meeting whether he/she intends to be accompanied. The accompanying person shall not normally contribute to the discussions. Legal representation is only allowed in exceptional circumstances. Such a request for legal representation needs to be made in writing to the Office of the Associate Pro-Vice Chancellor (Student Experience).
- 9.13 The student will be advised of the identity of the Case Officer, and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom the University may consult about the case. The student will also be informed about the attendance at any meetings of any members of staff other than the Case Officer and, if held, of the members of a Case Review Panel.
- 9.14 The panel will be able to ask questions from the student as part of the processes outlined in appendix SE6.

- 9.15 No meetings will be recorded and the University does not allow for any meetings to be recorded covertly. Notes or minutes will be provided for each meeting held. All relevant parties will be asked to sign for any statements. Where there is a disagreement that cannot be solved, two versions may be submitted to the Case Review Panel or as part of the appeal.
- 9.16 When formal processes are instigated the student will be informed and will be provided with a copy of this policy and any other policy or procedures that are applicable.
- 9.17 The University will ensure that all written records related to the case are clear, accurate, and appropriate and will be stored appropriately.

10. Precautionary action

- 10.1 At an early stage in the formal Fitness to Study proceedings, precautionary measures may be put in place to minimise risks, prevent harm or disruption to the learning process, and to protect the health and wellbeing of the student concerned and others around that person whilst fitness to study processes are conducted. The risk assessment includes considerations of the support arrangements that need to be put in place for all parties involved.
- 10.2 A risk assessment shall take place to assess whether the student poses a risk to:
- his/her own health, safety and/or wellbeing,
 - the health, safety, and/or wellbeing of others,
 - and/or University property or any other settings associated with University activities (e.g. placement settings), and/or
 - the reputation of the University.
- 10.3 Particularly swift precautionary action will need to be taken in cases where there is a risk of serious harm, where the student's mental health is at risk, where the student displays significant distress, where the issues are highly sensitive and where there is an ongoing threat of serious disruption to other students or the University's activities.
- 10.4 Risk assessments are normally undertaken by the Case Officer but may also be undertaken by an appropriate Senior Officer of the University, particularly in relation to cases with urgent, high-level risks as outlined in 10.3.
- 10.5 The initial risk assessment will normally be completed within five clear working days. Additional time may be needed to consider and approve a set of reasonable adjustments and support arrangements, particularly where external evidence is required.
- 10.6 The student will, where possible and appropriate, be consulted as part of the risk assessment to represent his/her views in relation to their part of the assessment.
- 10.7 If risk levels are high, precautionary measures may be imposed. Precautionary action must be reasonable and proportionate and may include the imposing of certain conditions, a suspension from studies, or exclusion from any or all University grounds and/or facilities pending the outcome of the fitness to study proceedings. The suspension and/or exclusion may be qualified or partial where appropriate and will be for a fixed term.

- 10.8 Precautionary measures involving a suspension from studies must be approved by a Deputy Vice-Chancellor.
- 10.9 A precautionary suspension, exclusion or set of conditions is not in itself a determination of the student's Fitness to Study.
- 10.10 When precautionary measures are put in place the student will be informed of these in writing by the Office of the Associate Pro Vice-Chancellor (Student Experience) and the reasons for the set of measures will be explained. A meeting may be convened to explain precautionary measures. In cases of urgent risks, the student may be informed verbally in the first instance.
- 10.11 The student may appeal against the precautionary measures imposed,² by submitting a written request stating the reason for the appeal to the Office of the Associate Pro Vice-Chancellor (Student Experience) within five clear working days of the date issued on the notice of the precautionary measures. The student will be notified of the final decision of his/her appeal within ten working days of the receipt of the letter requesting an appeal.
- 10.12 Whilst the precautionary measures are in place, the student may request a review of the suspension, exclusion or set of conditions if there is a relevant change to his/her circumstances. This request should be made in writing to the office of the Associate PVC (Student Experience), who will normally respond within ten clear days of the receipt of the letter.
- 10.13 If the student fails to comply with any precautionary measures, the precautionary measures will be reviewed which may result more serious precautionary measures being imposed by the Associate Pro Vice-Chancellor (Student Experience).
- 10.14 Precautionary measures will be reviewed at regular intervals and reconsidered as the case develops.

11. [Procedures for investigation](#)

- 11.1 Care will be taken that the Case Officer appointed is impartial and not implicated. The Case Officer is normally a member of University staff, but could, in exceptional circumstances, be external to the University.
- 11.2 If there are any concerns in relation to the Case Officer, parties are asked to express those concerns in writing to the Office of the Associate Pro-Chancellor (Student Experience) who will consider any such concerns.
- 11.3 The purpose of the investigation is to gather all information necessary to establish the facts in relation to Fitness to Study concerns, to recommend whether or not a case needs to be referred to a Case Review Panel, and to enable an informed and reasoned decision which takes into account fully the health and wellbeing of the student and any others within the University community.

² Where action has had to be taken in order to mitigate against urgent risks, it may not be possible to appeal against the full set of precautionary measures.

- 11.4 To this end, the Case Officer will seek to collate and evaluate evidence in relation to the student's Fitness to Study, interview relevant parties, question discrepancies and make findings of fact on the balance of probabilities.
- 11.5 The student will be informed of the scope and remit of the investigation.
- 11.6 As part of an investigation, normally all parties are interviewed separately. All parties will be informed how their evidence will be used and shared so that they understand the process and give informed consent.
- 11.7 Any witnesses are normally also met as part of an investigation. To aid the investigation, all involved parties will be asked indicate if there are any relevant witnesses that need to be consulted.
- 11.8 Witnesses will be asked to sign their witness statement and will be asked to give written consent for their evidence to be used and identity disclosed at a Case Review Panel.
- 11.9 As part of an investigation, the Case Officer will consult with the student to explain the concern, identify any support needs that the student may have, allow the student the opportunity to respond to the concerns, and provide the Case Officer with any independent medical evidence that they wish to be taken into account.
- 11.10 The Case Officer will also consult with other University staff, external professionals and other persons, as appropriate.
- 11.11 The entire investigation is normally concluded within 30 clear working days of the fitness to study processes being commenced.
- 11.12 Once the investigation has been completed, the Case Officer will submit their investigative findings to the Office of the Associate Pro Vice-Chancellor (Student Experience) and make a recommendation to as to whether the case is complex and needs to proceed to a Case Review Panel.
- 11.13 Where the Case Officer is not clear whether the Fitness to Study concern should be classified complex or non-complex, the Case Officer will refer the case to the Associate Pro Vice-Chancellor (Student Experience), providing details of the investigation, in order for a final decision regarding the classification to be made.

12. Formal procedures

- 12.1 If the Case Officer's recommendation that the case is non-complex is confirmed by the Associate Pro Vice-Chancellor (Student Experience), the Associate Pro Vice-Chancellor will make a decision in relation to the outcome.
- 12.2 The Associate PVC (Student Experience) will explain the rationale for the procedure followed after the completion of the investigation, classification of the concern as non-complex, and confirm the outcome to the student in writing, normally within ten clear working days of the completion of the investigation. A meeting may be convened with the student to discuss and explain the imposed outcome.
- 12.3 If the recommendation from the Case Officer that the case is complex is confirmed by the Associate Pro Vice-Chancellor (Student Experience), the case will be

referred to a Case Review Panel. The rationale for the procedure followed after the completion of the investigation, the classification of the case as complex, and the decision to proceed to a Case Review Panel will be communicated to the student in writing, normally within five clear working days of the completion of the investigation.

- 12.4 The date of the panel, membership, and format of the Case Review Panel will be communicated to the student in advance of the proceedings by the Office of the Associate Pro Vice-Chancellor (Student Experience), normally not less than ten clear working days in advance of the meeting.
- 12.5 Any documentation for the meeting of the panel will be circulated to members of the Case Review Panel, the student, and the Case Officer, normally not less than five clear working days in advance of the meeting.
- 12.6 Following the meeting of the Case Review Panel the student will be formally notified of the outcome in writing within five clear working days of the conclusion of the meeting of the Case Review Panel.

13. Outcomes of the fitness to study procedures

- 13.1 The following range of outcomes is associated with the University's fitness to study procedures:
 - a. implementation of appropriate support arrangements and/or reasonable adjustments for the student;
 - b. a time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed and any obligations on the part of the student (e.g. in respect of his/her conduct, engagement with studies, engagement with support arrangements, or support that he/she should seek); A recommendation to the student that he/she take a period of voluntary absence from the relevant area of activity as appropriate (e.g. student accommodation);
 - c. A decision that the student is not able to stay in University-managed accommodation whilst studying at the University;
 - d. A decision to withdraw the student from any current placement, overseas study or other University related activity;
 - e. A decision that the student is not able to participate in a particular aspect of their studies (e.g. a study abroad placement);
 - f. Recommending that the student changes study mode subject to the University's regulations for a change of mode of study (e.g. the recommendation could be that the student continues his/her studies on a part-time basis);
 - g. Recommending that the student transfers to a different programme subject to the University's regulations for transfer to a different programme;
 - h. Imposing on the student a formal suspension of study for a stated period of time and / or exclusion of specified University facilities/activities, with or without conditions for any subsequent return to study or readmission to those facilities/activities.
 - i. Termination of the student's studies at the University.
- 13.2 Although, in considering the outcome of Fitness to Study procedures, implications for the student more broadly will be considered (e.g. the student's statutory

financial support, visa status), the health and wellbeing of the student and others within the University community are paramount for the University.

- 13.3 The decision to terminate the student's studies at the University permanently will need to be approved by a Deputy Vice-Chancellor, with notification given to the Chair and Clerk of Council.

14. Return to study

- 14.1 Students will be encouraged to remain in contact or retain contact with a named member of staff during their period of suspension, to advise of their progress, and to facilitate a return to study when the student is well enough.

- 14.2 For interruption of study regulations see section 13.3 of the Academic Quality Handbook.

- 14.3 A student who wishes to return to study (following an imposed or voluntary suspension of study or an interruption of study as per 13.3 of the Academic Quality Handbook) must submit a formal written request to the office of the Associate Pro Vice-Chancellor (Student Experience).

- 14.4 The University will determine whether the student is permitted to return to study. In doing this a Case Officer will be appointed who will seek to establish whether the student is fit to resume to studies, what support and/or reasonable adjustments need to be put in place, and whether any conditions need to be placed on the student's return.

- 14.5 To reach an appropriately informed decision, a Case Officer will (among other things):

- consult with relevant University staff and/or other external professionals;
- require the student to meet with staff from the Student Services Department or other staff or external professionals, as appropriate;
- require the student to produce satisfactory medical and other evidence of his/her fitness to study from recognised professionals (a GP, consultant, qualified mental health specialist) who have sufficient knowledge of the student.

- 14.6 The student will be notified by the Office of the Associate Pro Vice-Chancellor (Student Experience) whether a return to study is permitted or declined in writing, normally within fifteen clear working days of the student's request to return to study.

- 14.7 If a return to study is declined and, as a result, the decision is taken to terminate the student's studies at the University permanently, the decision will need to be approved by a Deputy Vice-Chancellor, with notification given to the Chair and Clerk of Council.

- 14.8 If a return to study is permitted, conditions may be imposed as part of this return. The University will work together with the student in respect of any support arrangements that need to be put in place in advance of the return to study.

- 14.9 A return to study meeting is held within the first week of the student's return to study to ensure that the student will transition successfully back to study. An action plan will be drawn up which will detail any conditions imposed and any support identified.

14.10 Procedures outlined in this section will also apply in the case of any student that is allowed to repeat a year of study on medical grounds by an Examining Board.

15. Appeal

- 15.1 A student may raise an appeal against the outcome of fitness to study procedures. Any appeal needs to be submitted in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience) and needs to be received on the appropriate appeal form, normally within 15 clear working days of the date of the letter notifying them of the outcome of the Fitness to Study procedures.
- 15.2 The student is also able to raise a complaint under the student complaints procedure if they have concerns about how the matter was handled or the outcome. Such a complaint normally need to be made within 15 clear working days of the date of the meeting notifying them of the outcome of their case.
- 15.3 Students registered at a collaborative partnership or a Constituent College of the University may submit an appeal in writing to the Office of the Associate Pro Vice-Chancellor (Student Experience) in relation to an institutional level outcome. The appeal normally needs to be made within 15 clear working days of the institutional letter notifying them of the outcome of their case.
- 15.4 A witness cannot make an appeal against the outcome of the Fitness to Study process. Witnesses may be able to make a complaint under the student complaints procedure.
- 15.5 Appeals received after the above deadline will be deemed to be out of time and may not be considered unless there is independent evidence to show compelling reason as to why the appeal was not received in a timely manner. The University will not normally consider any appeal submitted more than 12 months after the receipt of outcome.
- 15.6 The Office of the Associate Pro Vice-Chancellor (Student Experience) will acknowledge receipt of the appeal normally within 5 clear working days. If the appeal has not been acknowledged within 5 clear working days the student should contact the office of the Associate Pro Vice-Chancellor (Student Experience) to ensure that the was actually received.
- 15.7 The request for the right to appeal will only be granted if there is evidence of the following:
- irregularities in the conduct of the Fitness to Study Procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
 - that there is bias or reasonable perception of bias during the procedure;
 - the existence of new material evidence and there are compelling reasons why this evidence was not provided earlier in the procedure;
 - the outcome was not reasonable given the circumstances of the case;
 - that the outcome was disproportionate, or not permitted under the procedures.
- 15.8 An appeal will be considered by an appropriate senior officer from the University, not previously involved in the matter.

- 15.9 The student raising the appeal will be informed of the remit of the appeal and its scope and purpose.
- 15.10 No appeal hearing will be held as part of the appeal process. A hearing can only be held if the matter has been referred back to the formal stage for reconsideration.
- 15.11 The Officer reviewing the appeal will be able to:
- uphold the original outcome;
 - refer the matter back to the formal stage for reconsideration;
 - offer a modified outcome.
- 15.12 The outcome of the appeal will be confirmed in writing by the Office of the Associate Pro Vice-Chancellor (Student Experience), normally within 20 working days of the appeal being received. The appeal decision is final and is the final possible stage of the University's internal processes.
- 15.13 In all cases (whether an appeal is upheld, the appeal is not upheld, or is not permitted to proceed under the grounds of appeal), a Completion of Procedures letter will be sent to the student within 28 days. In this letter, the student will be advised via a Completion of Procedures letter that a complaint may be made to the Office of the Independent Adjudicator (OIA) for Higher Education. Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the date of the Completion of Procedures letter. Full details of the procedure will be available from the OIA website: www.oiahe.org.uk.

16. Confidentiality parameters

- 16.1 The University will be mindful of the sensitive and confidential nature of issues relating to a student's physical and/or mental health and its obligations in this respect under relevant data protection regulations and the Equality Act 2010.
- 16.2 All parties will be reminded of the confidentiality associated with the procedures outlined above. Information associated with the case will be disclosed to as few people as possible.
- 16.3 Witnesses will not normally be able to give evidence confidentially. Where witnesses indicate that they would like to give their information confidentially, normally their evidence will not be relied on.

17. Standard time-lines

- 17.1 Throughout the policy, standard time-lines are mentioned for key stages of the process. The University will, wherever possible, seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, the students and any other relevant parties will be advised of the reasons for this. Processes may need to be suspended.

Key stage	Standard time-line
Invitation to meetings	Notice provided not less than 2 clear working days
Completion of the initial risk assessment process	Within 5 clear working days of the start of the risk assessment process
Submission of appeal against precautionary measures	Within 5 clear working days of the date issued of the notice of the precautionary measures
Completion of investigative process	Within 30 clear working days
Notification of the outcomes of non-complex fitness to study concerns	Within 5 clear working days of the receipt of the investigative findings
Proceed to panel notice for complex fitness to study concerns	Within 5 clear working days of the receipt of the investigative findings
Information about the format of the panel, membership, date and venue	Notice provided not less than 10 clear working days in advance of the meeting
Circulation of any documentation associated with the meeting of the panel	Notice provided not less than 5 clear working days in advance of the meeting
Notification in writing of the outcome of a panel meeting	Within 5 clear working days
Completion of the formal process	Within 60 clear working days of the allegation made against the student
Appeal against an outcome	Within 15 clear working days of the date of the notification of the outcome
Notification of the receipt of the appeal	Within 5 clear working days
Notification of the outcome of an appeal	Within 20 clear working days of the appeal being received

18. Monitoring

- 18.1 A Student-facing Policies overview report will be submitted annually to Senate by the Associate Pro Vice-Chancellor (Student Experience). This report will also monitor the effectiveness of the suite of policies.

19. Resource implications

Implication	Detail
Finance	<i>Training for all University members of staff associated with fitness to study procedures (e.g. Case Officers, Chairs of Case Review Panels, staff providing support, senior members of staff, minute takers)</i>
Staff	<i>No additional resource anticipated.</i>
Assets	<i>There are no identified asset costs.</i>
Partners	<i>Consideration will be given to the application of this policy across the dual-sector group.</i>
Timescales	<i>Once approved the policy will be implemented immediately. The policy will be regularly monitored to ensure ongoing compliance with relevant legislation.</i>
Leadership	<i>APVC (Student Experience)</i>

20. Impact Assessment

Implication	Impact considered (Yes/No)	Impact Identified
Legal	Y	<p><i>The policy conforms with:</i></p> <ul style="list-style-type: none"> - <i>Contract and consumer law</i> - <i>Negligence (duty of care)</i> - <i>The Human Rights Act 1998</i> - <i>The Equality Act 2010</i> - <i>Health and Safety at Work Act 1974</i> - <i>Natural Justice (fairness)</i> <p><i>Data Protection Act 2018 (and GDPR)</i></p>
Contribution to the Strategic Plan	Y	<i>The policy aligns with the values expressed in the Strategic Plan.</i>
Risk analysis	Y	<p><i>Policy compliance will mitigate the risk of escalation because of deteriorating physical or mental health of students.</i></p> <p><i>It will also mitigate against complaints to the OIA and ICO.</i></p>
Equality	Y	<i>The policy will ensure adherence to provisions of the Equality Act 2010.</i>
Welsh language	Y	-
Environmental and sustainability		<i>None identified.</i>
Communication / Media / Marketing		<i>The policy will be made available to staff and students via MyDay.</i>

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Document version control

Version No.	Reason for change	Author	Date of Change
0.1	Draft policy	MP	26.10.16
0.2	Feedback following APC	MP	10.11.16
0.3	Feedback following Senate	MP	23.11.16
04	Annual review of policy	MP	21.11.2018