

Fitness to Study Policy and Procedures
New College

The purpose of this document

- 1.1 This Policy has been developed in compliance with the Office for Independent Adjudicator's statement of good practice¹ to provide a framework in cases where it becomes necessary to manage the impact of a student's health and welfare on themselves and others and upon their ability to undertake their course of study. This document describes procedures that are designed to provide a fair process for dealing with that impact. They are separate from and should not be confused with academic discipline or other discipline. The policy is based upon the OIA's core principles of accessibility, clarity, proportionality, timeliness, fairness, independence, confidentiality and improving the student experience² to which New College gives due regard when conducting its own procedures.
- 1.2 The policy has been put in place to ensure that the health, safety and welfare of all students is safeguarded, and that the best possible support is given to those whose fitness to study appears to be impaired. Fitness to study procedures can be informal or formal and may be triggered by either health and welfare issues or academic study issues that are the consequence of health and welfare issues that need to be resolved. Health and welfare will include but is not limited to physical health, mental health, psychological health, and behavioural, emotional and social questions arising out of the ordinary incidents of life as a student. Fitness to study support is provided by New College in a learning environment where educational objectives are a core element of being a student, and the aim of the policy is to ensure a balance is struck between the needs and wishes of the student in relation to their health, safety and welfare, and the requirements of the University and colleges to maintain a learning environment with academic standards which has regard to the interests of the student, other students and members of staff.
- 1.3 The policy describes the steps to be taken by New College in making recommendations and decisions to support a student's course of study, including by taking time away from those studies, where a student's pattern of ill-health, prolonged ill-health, impaired welfare or a sudden life event affects their ability to participate fully and effectively in their course of academic study and meet the reasonable academic requirements of their course of study, or life as a student, impacting on their or others' health, safety and welfare.

The scope of this document

- 2.1 Fitness to Study is an academic decision informed by medical or other professional opinions. Fitness to study is defined by New College as follows:
 - (a) a student's fitness:
 - (i) to commence a distinct course of academic study; or
 - (ii) to continue with their current course of academic study; or
 - (iii) to return to their current or another course of academic study;
 - and
 - (b) a student's ability to meet:

¹ The Good Practice Framework: Requests for additional consideration, OIA, December 2020

² The Good Practice Framework: Handling complaints and academic appeals, 2016

- (i) the reasonable academic requirements of the course of study or programme; and
 - (ii) the reasonable social and behavioural requirements of a student (whether resident in college or not) without their physical, mental, emotional or psychological health or state having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff (not withstanding adjustments required by law).
- 2.2 In the case of an undergraduate student the college is considered to be the 'primary body' of the student concerned, whilst in the case of a graduate student the department/faculty of the University is considered to be the primary body of the student concerned. The primary body will have in place procedures to make recommendations or decisions about a student's fitness to study. However, in cases where a student's behaviour (as defined at 3.1 below) is causing concern in the secondary body only (i.e. the department/faculty for undergraduate students or college for graduate students), it may be appropriate for the secondary body to forward fitness to study procedures.
- 2.3 The person in college who is responsible for fitness to study procedures is referred to in this policy as the 'responsible person'. That person is responsible for the fairness of the procedures and the system in New College within which recommendations or decisions are made and is not always or necessarily the person who makes the recommendations or decisions in respect of an individual student. New College's responsible person is the Tutor for Welfare, Mr Jonathan Black.
- 2.4 New College will always try to resolve fitness to study concerns by informal agreement with a student (known in this policy as stage 1). Only on rare occasions will it be necessary for more formal procedures to be used (known in this Guidance as stages 2 and 3). Where New College exhausts the stage 1 and 2 procedures and have not reached an agreed solution with the student, it may be necessary to initiate a further procedure by making a referral to a Fitness to Study Sub-Committee in the college, or to the University's Fitness to Study Panel whose decision, in each case, is intended to be final and binding (known in this Guidance as stage 3). When New College uses the University's Fitness to Study Panel as its stage 3 procedure, the college will confirm the recommendation made by the Panel as its final decision. A student may take a final decision to the Office of the Independent Adjudicator whose process is described on the [OIA website](#).

Circumstances under which a student's fitness to study might be brought into question

- 3.1 Procedures may be triggered when New College is alerted to any of the following concern:
 - A significant deterioration in the apparent health or welfare of a student which may be evidenced by or which may impact on the student's ability to meet the reasonable academic requirements of their course of study; (for example, a persistent inability of a student to submit work or to attend tutorials, classes, lectures, seminar or meetings) or to participate in other normal aspects of the life of a student;
 - A student's behaviour causing concern in relation to their own health, safety and welfare;
 - A student's behaviour adversely affecting the learning environment or the health, safety and welfare of others.
- 3.2 Attached to this policy is a plain language summary to help staff and students.

- 3.3 It is envisaged that these procedures will need to be used only where University and college support for health and welfare and for academic studies, including adjustments required by law, are insufficient to prevent a fitness to study question from arising or continuing. Student health and welfare matters, including disability, will normally be dealt with satisfactorily via the available medical and Student Welfare and Support Services, including those provided by New College, and academic progress will normally be managed alongside these provisions. However, where it is apparent that the student continues to have health and safety issues or to make insufficient academic progress despite this support and either as a consequence or otherwise the student, other students or University and college staff are experiencing an unacceptably deleterious impact upon their health, safety and/or welfare, referral to the fitness to study procedures contained in this policy may be appropriate.

The relationship between this Guidance and other policies and procedures

- 4.1 In the majority of circumstances that are envisaged in this policy, the procedures and provisions for managing health and welfare referrals for an individual student should continue to be followed [New College's Welfare Statement can be viewed [here](#)]. Likewise, the procedures and provisions for managing academic progress should continue to be followed. It is important that it is made clear to the student that they are expected to continue to meet the academic requirements of their course of study subject to any reasonable adjustments that have been put in place by the University or the college.
- 4.2 Where a student is following a course of study to become a doctor or a teacher, the Regulations for procedures for dealing with questions of Fitness to Practise amongst medical students (Council Regulations 7 of 2006) or the Regulations for procedures concerning Fitness to Teach during the course of the PGCE programme (Council Regulations 8 of 2006), will also apply to the student.
- 4.3 Where a student is referred to an academic decision maker, for example the Senior Tutor, because the student is not meeting the reasonable academic requirements of their course of study, that decision maker should first consider whether there may be fitness to study reasons for that issue and, if so, should consider whether the student's fitness to study issues should be dealt with in accordance with the procedures described in this policy. The academic decision maker should refer the student to the Tutor for Welfare for the fitness to study procedure where that person is not the academic decision maker.
- 4.5 New College will be careful when deciding whether a student's conduct or behaviour constitutes a disciplinary matter or is to be treated as one concerning their health and welfare and possible fitness to study. The existence of health and welfare concerns does not in itself excuse behaviour, and it may well be appropriate to pursue a disciplinary case with the relevant concerns to be taken into account in mitigation when determining the sanction if the disciplinary breach is proved. However, in some cases the behaviour, even if it might constitute a disciplinary breach, may clearly be caused by, or be so bound up with health and welfare concerns that it would not be appropriate to pursue the matter purely as a disciplinary referral. In those circumstances, fitness to study procedures are likely to be the most appropriate method of making recommendations or decisions.
- 4.6 New College will therefore ensure that where a student's conduct or behaviour is in question, there is liaison between those responsible for fitness to study procedures (for example the Senior Tutor and Tutor for Welfare) and those within the college who are responsible for disciplinary decision making (the Decanal Team). If it is determined that a disciplinary case

should be pursued, the Dean will decide whether it can or should be dealt with by the college in accordance with its statutes, by-laws and regulations, or whether the matter should be referred to the Proctors under Statute XI: University Discipline. The Dean may refer a matter to the Tutor for Welfare, and the Proctors may refer a matter under their jurisdiction to the University's Fitness to Study Panel, in the course of their investigations, for the purpose of establishing whether the student is fit to study and thus to undergo the disciplinary process (whether that be the investigation, interviews, hearing or other form of determination). Disciplinary proceedings will be suspended pending the decision in respect of the student's fitness to study.

- 4.7 A student's health, safety or welfare may give rise to a need for immediate action, for example the need to protect a student or other students and staff by recommending interim or immediate suspension for a short time-limited period. If in an appropriate case an immediate or interim term of suspension is put in place while fitness to study procedures are being considered, the period of suspension will be subject to regular review and should not be extended without exceptional justification. If immediate or interim suspension is not agreed with the student then the responsible person in college should consider referral to a stage 3 Fitness to Study Sub-Committee. The Proctors are empowered to suspend a student from the University for periods of up to 21 days at a time, pending a University Fitness to Study Panel's consideration.
- 4.8 In urgent cases where there is a risk or threat to the student or to others New College will also contact the appropriate statutory agency (for example, the NHS or the police).

The procedures

- 5.1 The Tutor for Welfare is responsible for the procedures described in this policy. In this document that person is sometimes referred to as the 'responsible person'. It is acknowledged that at stage 1 the nature of informal advice and recommendation involves more than one person working together with a student, sometimes over a period of time, with the consequence that the responsible person may be someone who has also had involvement with the student. Where more formal procedures become necessary at stages 2 and 3, the Formal Case Review Meeting or the Decision Making Panel will be chaired by or assisted by a person who has not had significant involvement with the student prior to the referral or request. In any event, those responsible for fitness to study procedures in New College are not also be responsible for decanal disciplinary matters.
- 5.2 The procedures in this Guidance have three stages:
- Stage 1: Informal Meeting: informal resolution of the fitness to study concerns through discussion in college which may be repeated. This includes initial action by New College when concerns are first raised. The college will facilitate meetings with the student in an attempt to resolve the concerns through discussion and agreement, followed by a review period, a follow-up meeting and a written record of the agreement and the review;
- Stage 2: Formal Case Review Meeting: where prolonged or more serious concerns are identified the responsible person will arrange for a formal Case Review Meeting to be held to which the student is invited;
- Stage 3: Referral to a Fitness to Study Sub-Committee: where the concerns remain unresolved or are too difficult to resolve by an informal meeting or at a Case Review Meeting, the responsible person should make a referral to a Decision-Making Panel.

- 5.3 The three-stage process does not have to progress in sequence and is not intended to be prescriptive. It may be accelerated according to (a) the seriousness of the concerns or (b) the stage that has been reached in other procedures to manage the student's academic progress and/or health and welfare.
- 5.4 At each stage of this Guidance, New College will consider seeking professional advice from the Student Welfare and Support Services. In particular, appropriate advice may be taken on whether reasonable adjustments for long-term health conditions and/or disability can and should be made or need to be reviewed. Additionally, New College will ensure that the Welfare and Disability Coordinators / Leads are involved in discussions to give advice.
- 5.5 In every case consideration will be given to the support which the student may need to take an effective part in the procedure leading to the recommendations and decisions that are to be made. Such support may include help to understand what is a fair process. It is in the nature of the concerns that are likely to be raised that the student will have experienced or will be experiencing difficulties that will need to be treated with compassion and in a way that is fair and consistent.
- 5.6 A fair process will, among other things that may be specific to the circumstances:
- Be easy to find, understand and follow;
 - Be well advertised with students being reminded of the process at key points during their studies;
 - Inform students about the support that is to be provided to enable them to take an effective part and where they can find alternative advice and support;
 - Set out expectations clearly so that students understand what circumstances are likely to be considered and what sort of evidence they may need to provide which may include medical evidence;
 - Be flexible and consider each case on its individual facts;
 - Explain what is likely to happen if the referral or request is accepted and what will happen if it is not;
 - Inform students how their case will be considered and how long it will normally take;
 - Identify the procedure, forms and guidance;
 - End with a written recommendation or decision with reasons being explained and sent to the student;
 - Include a process for ensuring that recommendations and decisions are consistent;
 - Include a process for students who have been referred for study support several times and who may need extra support or advice;
 - Include a route to a decision-making panel where there are disagreements (this is described as an appeal route by the OIA); and
 - Include an internal process that helps to identify trends, good and consistent practice, quality assurance and training for staff in colleges who are involved.
- 5.7 At each stage, the responsible person will ensure that the procedures provide for the identification, definition and illustration of the concerns that have been raised in clear language and in a chronological context. If at any stage of the procedures it is agreed that a review meeting should take place to follow up on the outcomes, the review should be of clear

and measurable objectives accompanied by a timetable for delivery and the identification of responsibilities where appropriate. In each case these will be provided in a written form. The procedures, forms and any accompanying guidance will be written in a straightforward language and be available in a variety of formats. Individual arrangements or adjustments to procedure will need to be made for students with a disability or, for example, who are placed overseas. Consideration should be given to the use of videoconferencing or other online means.

- 5.8 In an individual case, those who are involved in the procedure will have regard to the college's conflict of interest policy and be able to designate an alternate who will then have responsibility for the procedures where a conflict of interest is identified, or the responsible person is otherwise prevented from taking on their role. In particular, where the responsible person has been closely involved in the informal procedure at stage 1, the more formal Case Review Meeting at stage 2 or a Decision-Making Panel at stage 3 will be chaired by someone who has not had that close involvement.

Stage 1 – Initial action and Informal Meeting

- 6.1 Concerns about a student's fitness to study should be referred to the responsible who can then act as a co-ordinator and single point of contact for all those involved. It will often be the case that information about a student which does not identify an issue to be solved will be shared with a student in a very informal setting by tutors and others in college. It is good practice to record informal discussions that have not led to an informal meeting under stage 1 being initiated so that the context can be understood should a meeting become necessary. The responsible person in college will canvass those who have academic and welfare responsibilities for information about a student to whom these procedures are subsequently applied.
- 6.2 When a referral is made the responsible person will ensure that an informal meeting takes place with the student at which it is explained, in a supportive and understanding manner, that concerns about their fitness to study have been raised. An outcome of the meeting should be the identification, definition and illustration of the event, behaviour or concern that has given rise to the referral. The student will be encouraged to explain the circumstances. Other relevant members of staff may be invited to the meeting to provide advice or information that is in their own knowledge, but they will be kept to a minimum in order to encourage an informal and open discussion. The responsible person will attempt to obtain the available information from those who have relevant knowledge before the meeting takes place. The student will be informed of who will be present and why.
- 6.3 The student may be accompanied at any meeting by a member of the Oxford SU Student Advice Service, a fellow student, or another supporter or advisor including those who are able to support students with a disability. The student should notify the responsible person at least 24 hours in advance of a meeting if they are to be accompanied and by whom. The supporter should not normally be a member of the student's family and that, should this be requested, it shall be agreed in exceptional circumstances only and providing that sufficient reason is given as to why the exception should be made. The meeting is a confidential part of an internal collegiate university study support process. It is not an adversarial or formal legal hearing. The attendance of legal advisors is not permitted.
- 6.4 Informal meetings are a process during which there should be an attempt to resolve the concern through discussion with the student. Typically, the discussion will occur over time

and/or on a number of occasions which will need to be carefully recorded. The discussion might include, where appropriate, use by the student of medical and/or Student Welfare and Support Services. It might also involve the identification of reasonable adjustments for a disability or other measures to help resolve the fitness to study concern. At the end of the discussions, the student should be informed that there will be a review period and follow-up meeting to ensure that the concern about their fitness to study has been addressed and resolved. Any objectives set during this meeting should be observable and measurable.

- 6.5 After the meeting or at the end of the discussion, the responsible person will ensure that the student is sent an email or confirmation in writing of the steps that were agreed between them and invite the student to confirm that the email represents their understanding of what was agreed. The respective responsibilities and expectations of the college, the student and others, including support services, arising from the meeting will be set out clearly. Any timetable for the steps that are agreed will be identified. The email will also confirm the date of a follow-up meeting after a review period. New College will consider with the student whether it is appropriate to inform the student's department/faculty of the steps that are agreed by having regard to [New College's Confidentiality in Student Health and Welfare policy](#) and to the [University's Guidance on Confidentiality in Student Health & Welfare](#).
- 6.6 At the end of the review period, a meeting will be held with the student to discuss the steps that were agreed. If the fitness to study concerns have been resolved, this will be recorded and the question whether and if so how any need for ongoing monitoring and support arrangements to help the student should be addressed. If the steps agreed have not been taken and/or the fitness to study concerns have not been resolved, a further agreement involving the steps to be taken, the responsibilities of those involved and the timescale for further review will be agreed.
- 6.7 Alternatively, it will be necessary in some circumstances to move to the next stage of the procedures described in this policy. Equally, if a student is unable or unwilling to co-operate with the process or an agreement or repeated or prolonged fitness to study concerns are not resolved, it may be necessary to consider a formal Case Review Meeting under stage 2.
- 6.8 If an urgent concern about a significant risk of harm arises on or during a referral, the responsible person may make an immediate recommendation that there should be a suspension for an interim time-limited period. Immediate and interim periods of suspension must be subject to regular review and should not be extended save in exceptional circumstances that are recorded and reasoned in writing. If the recommendation is not agreed with the student, the responsible person may refer the matter under stage 3 of the procedures to a fitness to study Decision Making Panel. Where the Proctors are involved, they are empowered to suspend a student from the University for periods of up to 21 days at a time, pending a consideration by the University Fitness to Study Panel. The consequences of suspension for students holding visas should be considered by the responsible person.

Stage 2 – Formal Case Review Meeting

- 7.1 A referral to a formal Case Review Meeting will be appropriate in the following non-exclusive circumstances:
- if the steps agreed at an informal meeting under stage 1 have not been effective;

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- if the referral or request to the responsible person is thought to be too serious at the outset to be dealt with by informal discussion and agreement or where informality of procedure is not appropriate to the circumstances;
 - if New College has been supporting a student with ill-health or welfare for some while but the student is still unable to meet the academic, social, or behavioural requirements of their course of study and this is having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff.
- 7.2 The responsible person will arrange for the meeting to be convened and if necessary identify a named person who has not had significant involvement with the student to chair the meeting. In addition to the student those with a significant interest in the student's academic progress, health and welfare will be invited to attend, for example, the student's college tutor, and other members of the University and college's academic and welfare support staff who have knowledge of the student's health, safety, welfare and academic progress.
- 7.3 Before the meeting, the responsible person on behalf of the college or the chair of the Case Review Meeting may require the student to provide evidence. For this purpose, the student may be asked to undergo a specialist assessment from a qualified practitioner preferably one familiar with this policy and fitness to study concerns, such as a college doctor or student counsellor. Alternatively, the student may wish to provide the college with specialist advice from their own qualified practitioner, which may be relevant to help determine the following matters:
- The nature and extent of any event, health, safety or welfare issue which the student may be experiencing;
 - The timescale for resolution and/or prognosis;
 - The extent to which it may affect their fitness to study and ability to manage reasonable academic requirements and the normal demands of student life;
 - Any impact it may have on or risk it may pose to others;
 - If reasonable adjustments or other measures have been put in place, the effectiveness of those measures;
 - Whether any and if so what additional measures should be taken by the college to enable the student to study effectively;
 - Whether the student will be receiving any ongoing treatment, therapy or support which is relevant to their need for fitness to study support or the steps to be taken to resolve the fitness to study concern.
- 7.4 Should the student choose not to undertake a specialist assessment or to disclose the contents of the same, the college may continue with this procedure based on the information already in its possession. The decision-maker may then draw such inferences as are reasonable and is entitled to take a precautionary approach to risk in the absence of evidence including medical evidence being provided by the student.
- 7.5. The responsible person will arrange for the student to be given written notice of the convening of a Case Review Meeting and will arrange for the student to be told of the purpose of the meeting, that is the referral or request that has led to the meeting being convened. The responsible person will also arrange for the student to be given any documents that will be

considered at the meeting, and for the student to be asked to provide, in reasonable time, any documentation they may wish to be considered.

- 7.6 In more complex cases, it may be helpful for the responsible person or the chair of the Case Review Meeting to convene a preliminary meeting with the student to discuss the procedure at the Case Review Meeting, the student's need for support at the Case Review Meeting, the identity, definition and description of the fitness to study concerns and the information requirements that there might be to help resolve the concerns.
- 7.7 The student may be accompanied at any meeting by a member of the Oxford SU Student Advice Service, a fellow student, or another supporter or advisor including those who are able to support students with a disability. The student should notify the responsible person at least 24 hours in advance of a meeting if they are to be accompanied and by whom. The supporter should not be member of the student's family unless that is agreed in advance. The meeting is a confidential part of an internal collegiate university study support process. It is not an adversarial or formal legal hearing. The attendance of legal advisors is not permitted.
- 7.8 The purpose of the meeting is to ensure that:
- Those participating in the Case Review Meeting and the student are aware of and understand the nature and extent of the concerns that have been raised;
 - the student's views and wishes are heard and taken into account;
 - the best way to proceed is determined, that is the options to resolve the fitness to study concerns and the best option in all the circumstances are identified and preferably agreed;
 - the likely outcomes if the fitness to study concerns are not resolved are identified and made clear.
- 7.9 The Case Review Meeting will determine its own procedure in the chair's discretion and seek information and opinions, including written materials, from those present and, if appropriate, from Student Welfare and Support Services and other professionals working with the student, and cause such enquiries to be made as may assist its deliberations. The good practice identified in this policy to stage 1 informal meetings should be taken into consideration and adapted to meet the purposes of a Case Review Meeting.
- 7.10 Having taken advice from all concerned, the Case Review Meeting may, among other things appropriate to the circumstances, make one of the following decisions or recommendations:
- that **no further action** is required;
- or
- to **formally monitor** the student's progress for a specified period of time **with an action plan agreed with the student**,
- or
- to **recommend that special academic arrangements, that is reasonable adjustments in the form of a Student Support Plan prepared by the Disability Advisory Service and/or other measures and support are put in place**, specifying the nature of the same and the responsibility for their provision;
- or
- to recommend that the student's **status be suspended for a period of time**;

or

- to recommend that **consideration be given to the student withdrawing from their course of study.**

7.11 The duration of any suspension of status must be carefully considered. Very short suspension, for example for up to 21 days, can sometimes be used to facilitate the resolution of urgent issues or the obtaining of essential evidence whereas longer suspension should have regard to the fact that the student will ordinarily resume their course of study at the point they left it with the consequence that 12 months may be necessary. Resumption of a course of study may need to be monitored and/or if it is practicable phased to take account of expert advice.

7.12 In each case where further action is agreed or recommended to be put in place, there should be an action plan outlining:

- any steps which the student will need to take; and/or
- any support to be provided to the student;
- in each case the responsibilities for the steps to be taken and for how long in order to resolve the concerns identified;
- provision for regular review meetings with the student for the duration of the action plan including at the end of the period agreed to ensure that the action plan is being appropriately followed and/or that measures to enable the student to study effectively are being provided;
- the identity of the college and/ or University staff who will undertake the reviews;
- the likely consequences of the failure of the action plan to resolve the fitness to study concerns which will normally involve a student's fitness to study being considered at a stage 3 panel.

7.13 The recommendations of the Case Review Meeting, together with a concise record of the meeting, should be sent to the student within 7 working days from the date of the meeting, and a copy kept on the student's personal file. New College will consider with the student whether it is appropriate to inform the student's department/faculty of the steps that are agreed by having regard to [New College's Confidentiality in Student Health and Welfare policy](#) and to the [University's Guidance on Confidentiality in Student Health & Welfare](#).

7.14 If, having agreed, the student decides not to follow the action plan or where a recommendation is made, the student does not accept the same, the college should inform the student that the responsible person will consider referring the matter to a fitness to study Decision Making Panel under stage 3 of this Guidance. If the concerns remain unresolved, including because of a repeated failure in any support measures agreed or recommended, a referral to a stage 3 panel should be made by the responsible person.

Stage 3 – Fitness to Study Decision Making Panel and University's Fitness to Study Panel

8.1 New College's Decision-Making Panel is the Fitness to Study Sub-Committee. The University's Fitness to Study Panel is established under Statute XIII. The remit of the panel is to:

'consider a student's fitness to study where all other normal procedures (whether at college or University level) have been exhausted or are inappropriate.'

8.2 If New College wishes to use the University's Fitness to Study Panel, a referral may be made to the University Fitness to Study Panel by writing to the Secretary of the Fitness to Study

Panel at fts@admin.ox.ac.uk and requesting a referral form. As part of the referral requirements, the college will need to show that their fitness to study procedures have been followed, and that reasonable adjustments have been made in the case of disabled students. The documentation relating to stages 1 and 2, where these have taken place, and any other relevant documentation will be required. Responsible persons, the chair of a formal Case Review Meeting and those who have advised orally or in writing at informal or formal meetings may be required to attend a meeting of the Panel as witnesses.

- 8.3 The full procedures of the University Panel are set out in detail in Statute XIII, Part B and Council Regulations 1 of 2012, which are published on the University's web pages at: <https://governance.admin.ox.ac.uk/legislation/statutes>.
- 8.4 Where New College has exhausted the stage 1 and 2 procedures of this Guidance without resolving the fitness to study concerns it will refer the case to a Decision-Making Panel. In addition, where, at any stage, the college considers that the seriousness of the case makes referral to a panel appropriate without going through the two earlier stages of the procedures, then a referral should be made, including where an immediate suspension is necessary and the student does not agree.
- 8.5 A Decision-Making Panel is empowered to decide whether or not the student is fit to study; it may also make a decision or recommendation that the student's continued access to University and college facilities and premises should be subject to certain conditions, or that they should be suspended for a specific, or for an indefinite, period.
- 8.6 The decision of a Panel is final and marks the completion of the procedure concerning fitness to study.
- 8.7 In considering a case a Decision-Making Panel shall be entitled to employ or to draw upon suitably qualified expert advice, including but not limited to expert medical, psychiatric and legal advice and shall have due regard to the obligations under equality legislation and in particular the duty to make reasonable adjustments.

Return to Study

- 9.1 In cases where the student has suspended their status at any stage as an outcome of the fitness to study procedures in this policy, the conditions necessary for resumption of their student status and return to their course of study will be made clear by the responsible person in the college or the Panel that made the decision. The conditions will be provided in writing to the student prior to suspending so that students are fully informed before they suspend of the conditions that must be met in order to reinstate by returning to their course of study. The conditions are likely to include evidence of improved health or welfare or improved management of health conditions or behavioural concerns in order to establish that an identified fitness to study concern is resolved. The monitoring of fitness to study for a specified period of time after resumption and/or the gradual return to a course of study with conditions to be considered at each stage are possible outcomes.
- 9.2 The improvement in health, welfare or behaviours required for resumption of status should be explicit. These may include reasonable social and behavioural requirements in the context of the student's health, safety and welfare or may refer to the reasonable requirements of the course of study. New College will have regard to any reasonable adjustments which apply to a student who has a disability and in particular where there are pre-existing agreements about those adjustments, for example, the length of the course of study or adjusted deadlines.

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- 9.3 When a student indicates to New College that they wish to resume their studies after a period of suspension of student status, it may be necessary for the student to be offered support to make an application to return to study. New College will assist the student in their application and ensure that they have sought appropriate advice from any appropriate specialist or professional practitioner and/or from Student Welfare and Support Services.
- 9.4 A return to study decision will normally involve a further informal meeting with the student or a formal Case Review Meeting to which the student is invited. In each case, the responsible person will ensure that a procedure is followed that is appropriate to the circumstances having regard to this Guidance and the procedure that was used to help resolve the fitness to study concerns that existed.
- 9.5 It is the responsibility of New College to satisfy itself that the conditions necessary for resumption have been met by seeking advice from any specialist or professional practitioner who was involved in the fitness to study procedures and from Student Welfare and Support Services where that is appropriate. The college may request the student to provide evidence from an appropriate specialist or professional practitioner or confirmation of their health or welfare and ability to resume their course of study and to sustain that resumption. This is likely to be from the specialist or professional practitioner who has provided support or treatment for the student during suspension. The college has the right to seek a second opinion. The college may require both medical and other evidence relating to the fitness to study concern in order to decide that it is appropriate for the student to return to study and/or that the relevant conditions have been met or can be maintained. Medical fitness is not necessarily the same as an overall conclusion that a student is fit to study. The relevant academic leads will discuss with the student their study-related support needs in returning to education and specifically the support that is reasonably required in the short term.
- 9.6 Resumption of status following any suspension that exceeds a continuous period of 24 months will only be considered in exceptional circumstances.
- 9.7 In preparation for an informal decision on an application to return to study or a formal Case Review Meeting considering such an application, the college may, if appropriate, obtain advice from Student Welfare and Support Services in the form of a Return to Study Plan. The responsible person or the Chair of the Case Review Meeting will conduct a review of the documentary evidence relating to return to study including the records from the stage 1, 2 or 3 procedure that concluded with the agreement or decision to suspend. The responsible person or chair will consider that evidence in the context of the academic requirements of the student's course of study and any reasonable adjustments that exist where the student has a disability.
- 9.8 The responsible person or chair will hear and take into account the student's wishes and feelings about return to study and make a decision or recommendation that includes the following:
- whether the conditions have been met and/or can be met on a sustained basis so that it is appropriate for the student to return to study;
 - if not, whether there are further steps or evidence that are required before return to study is appropriate;
 - if so, the most appropriate time for the student to return to study and how that return is to be managed in the context of the academic requirements of the student's course of study

New College Fitness to Study Policy and Procedures

- if the student's course of study has changed, whether or not it is feasible to return to it and what the options are for the student and the best option in all the circumstances of the case;
 - the availability of continuing support for the student including from Student Welfare and Support Services.
- 9.9 In each case Student Welfare and Support Services will, if asked, help to draw up a 'Return to Study Plan' in consultation with the student and the relevant welfare, disability and academic leads. The Plan will ordinarily address and include:
- the specific study-related support needs of the student in returning to education;
 - the support which is reasonably required in the short term;
 - the involvement of and liaison with external agencies;
 - any longer-term support or adjustments that are reasonably required and any conditions that might or will apply;
 - a risk management plan that takes account of the experiences that led to the student initially suspending from their course of study and any other information that is known to be relevant.
- 9.10 Any return to study recommendation that is not agreed by the student will be referred by the responsible person to the next stage of the procedure in this Guidance. If the responsible person considers that there are still grounds to be concerned about a student's fitness to study, they may either agree with the student a further period of suspension with a view to receiving a further application to return to study at a later date or convene a further formal Case Review Meeting in accordance with stage 2 of the procedures, to consider the matter after a further period of time which is to be specified.
- 9.11 A decision or recommendation to return to study together with a concise record of the meeting, will be sent to the student within 7 working days from the date of the meeting by the responsible person, and a copy kept on the student's personal file. New College will consider with the student whether it is appropriate to inform the student's department/faculty of the steps that are agreed by having regard to [New College's Confidentiality in Student Health and Welfare policy](#) and to the [University's Guidance on Confidentiality in Student Health & Welfare](#).

Fitness to Study Guidance for Colleges (undergraduates)

Appendix

Plain Language Flowchart

The follow pages provide a useful summary of each of the three stages:

STAGE 1

Initial Action and Informal Meeting

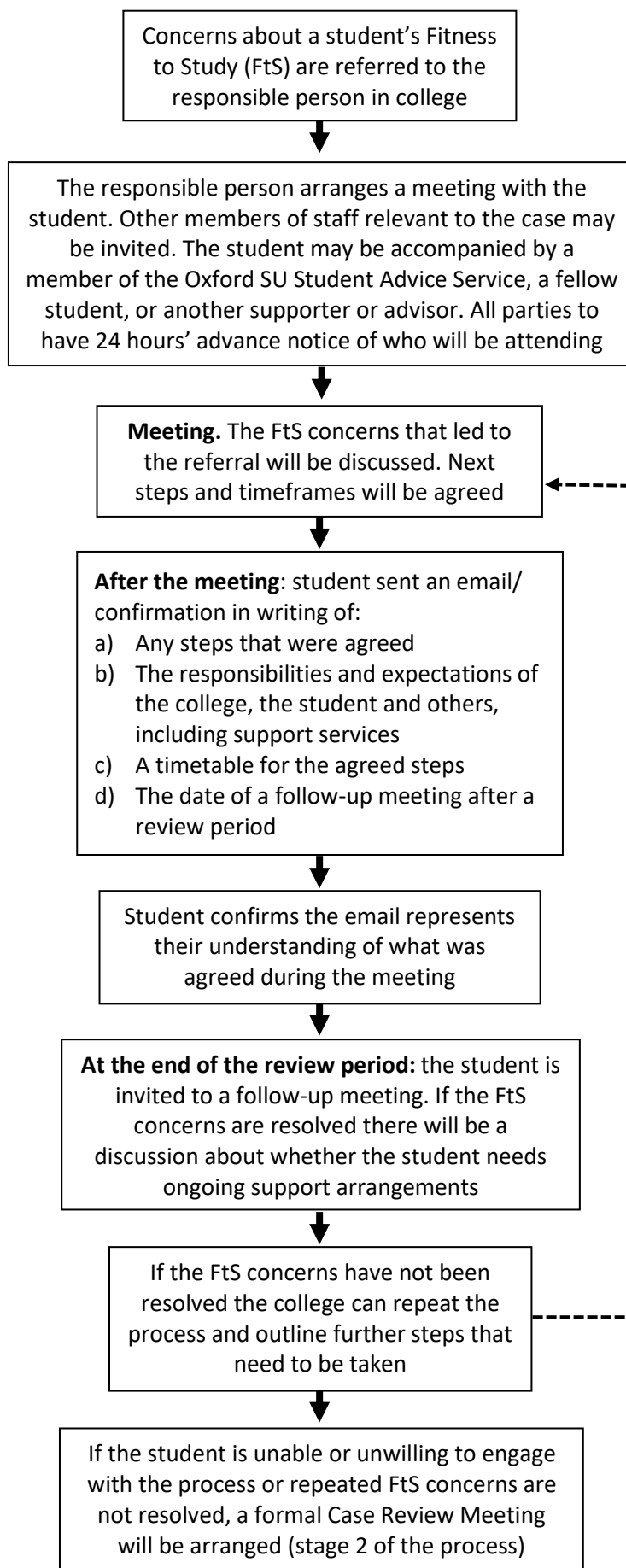
STAGE 2

Formal Case Review Meeting

STAGE 3

College Fitness to Study Decision Making Panel and the University Fitness to Study Panel

STAGE 1: Initial Action and Informal Meeting



STAGE 2: Formal Case Review Meeting

Before the meeting:

Concerns about a student's Fitness to Study are referred to the responsible person in college

The responsible person arranges the meeting. In attendance:

- The student;
- the Chair - a named person who has not had significant involvement with the student;
- members of staff with significant interest in the student's academic progress, health and welfare, including representatives of the University's Student Welfare and Support Services;
- the student can choose to be accompanied by a member of the Oxford SU Student Advice Service, a fellow student, or another supporter or advisor. The supporter should not be a member of the student's family unless agreed in advance. Legal advisors are not permitted.

All parties to have 24 hours' advance notice of attendees.

The student **receives** written notice of the Case Review Meeting, outlining the purpose of it and what referral/request has led to it; any documents that will be considered at the meeting.

The student **provides** any documents they wish to be considered at least 24 hours in advance of the meeting.

The student may be asked to undergo a specialist assessment from a qualified practitioner, such as a college doctor or student counsellor. Alternatively, the student may wish to provide the college with specialist advice from their own qualified practitioner, which may be relevant to help determine the matters outlined in section 7.3 of the full guidance.

Should the student choose not to undertake a specialist assessment or to disclose the contents of the same, the college may continue based on existing information that they hold.

During the meeting:

The Chair will seek information and opinions from those present to assist discussion.

- The nature and extent of the FtS concerns will be discussed;
- the student's views and wishes will be heard and taken into account;
- the best way to resolve the FtS concerns are identified and preferably agreed;
- the likely outcomes if the FtS concerns are not resolved are identified and made clear.

After discussion, the Case Review Meeting may, among other actions, make one of the decisions or recommendations outlined in section 7.10 of the full guidance:

- that no further action is required;
- to formally monitor the student's progress for a specified period of time with an action plan agreed with the student;
- to recommend that reasonable adjustments and/or support are put in place, specifying the nature of the same and the responsibility for their provision;
- to recommend that the student's status be suspended for a period of time;
- to recommend that consideration be given to the student withdrawing from their course of study.

An action plan should be agreed outlining:

- any steps which the student will need to take;
- any support to be provided to the student;
- responsibilities for the steps to be taken and timeframes;
- provision for regular review meetings with the student for the duration of the action plan including at the end of the period agreed;
- the identity of the college and/ or University staff who will undertake the reviews;
- likely consequences of the failure of the action plan to resolve the FtS concerns – this will normally involve a student's FtS being considered at a stage 3 panel.

After the meeting:

Within 7 working days from the date of the meeting: student to receive in writing the recommendations of the Case Review Meeting and a concise record of the meeting.

A copy of this documentation will be kept on the student's personal file, and consideration should be given regarding sending to the student's department/faculty.

If the student decides not to follow the agreed action plan, or where the student does not accept a recommendation from the Case Review Meeting: the college to inform the student that the responsible person will consider referring the matter to the college's fitness to study Decision Making Panel or University's Fitness to Study Panel (stage 3 of the guidance).

If the concerns remain unresolved, including because of a repeated failure in any support measures agreed or recommended, a referral to a stage 3 panel should be made by the responsible person.

STAGE 3 - College Fitness to Study Decision Making Panel and the University Fitness to Study Panel

If the FtS concerns are not resolved after stage 1 and 2 the case will be referred to a college Decision Making Panel. If the college considers that the seriousness of a case makes referral to a panel appropriate without going through the two earlier stages of the procedures, then a referral to stage 3 should be made, including where an immediate suspension is necessary and the student does not agree.

In circumstances where a college does not have a Decision Making Panel available to it, a referral may be made to the [University Fitness to Study Panel](#) by writing to fts@admin.ox.ac.uk and requesting a referral form. As part of the referral requirements, colleges will need to show that their fitness to study procedures have been followed, and that reasonable adjustments have been made in the case of disabled students.

The documentation relating to stages 1 and 2, where these have taken place, and any other relevant documentation will be required. Responsible persons, the chair of a formal Case Review Meeting and those who have advised orally or in writing at informal or formal meetings may be required to attend a meeting of the University Panel as witnesses.

The full procedures of the University Panel are set out in detail in Statute XIII, Part B and Council Regulations 1 of 2012, which are published on the University's web pages at: <https://governance.admin.ox.ac.uk/legislation/statutes>. College Decision Making Panels may choose to adopt the same procedures.

Powers of the panel:

- A Decision-Making Panel is empowered to decide whether or not the student is fit to study; it may also make a decision or recommendation that the student's access to University and college facilities and premises should be subject to certain conditions, or that they should be suspended for a specific, or indefinite, period.
- In urgent cases a panel may recommend, after discussion with the college, that necessary and proportionate interim measures be adopted until the case may be further determined by the panel.
- In considering a case a Decision-Making Panel is entitled to employ or to draw upon expert advice, including but not limited to qualified expert medical, psychiatric and legal advice. The Panel shall have due regard to the obligations of the University and the student's college under equality legislation and in particular the duty to make reasonable adjustments.
- The decision of a Panel is final and marks the completion of the procedure concerning fitness to study.