

ARC Guide to Fitness to Study Procedure

What is Fitness to Study?

The University have a duty of care to all registered students, including you, to ensure that all students studying at Brunel are healthy and their wellbeing raises no concerns to the safety of themselves and everyone else on campus.

[Senate Regulation II](#) has been developed as an alternative to the student rules of discipline. It is intended to be used in circumstances where, in light of concerns regarding a student's health and/or wellbeing, the University considers it inappropriate to deal with the matter as a disciplinary one.

What type of issues could be considered a concern?

“2.2 a) A student poses a risk to his/her own safety, safety and/or wellbeing and/or that of others

b) The student's behaviour is or is at risk of negatively affecting the teaching, learning and/or experience of other students

c) The student's behaviour is or is at risk of negatively affecting the day-to-day activities of the University and/or placement provider.”

I am a part time student; do these rules apply to me?

YES. This regulation applies to ALL students registered at Brunel, irrespective of the mode or place of study. It applies to students on placements including sandwich courses or professional programmes of study. It also applies to students who request a return to their studies after a long break.

The fitness to study policy is not normally used to determine issues of professional competence (The Suitability Procedure should be followed in such cases – please see the ARC guidance on Suitability Procedures).

Who decides whether I am fit to study?

All Brunel University Staff members have a duty to report a concern of fitness to study to the Head of Student Services. It would then be the Head of Student Services' responsibility to investigate the matter.

Will I have an opportunity to get involved?

Yes, the Fitness to Study is an inclusive process, however should a student be unwilling or unable to play a part at any stage of the process, the University may nonetheless follow the procedure where it is reasonable to do so.

What is the process?

The process involves 3 levels, as shown below:

- Level 1 – Initial concerns;
- Level 2 – Ongoing and/or further concerns;
- Level 3 – Serious, persistent and/or critical concerns.

A fitness to study case may not necessarily start at Level 1, for instance a report may be made and it may already be perceived as a serious or critical concern (Level 3).

Level 1 – Initial concerns:

An appropriate member of staff (for example Personal Tutor, Supervisor, a member of residence staff) will arrange to speak with the student. The purpose of the meeting will be to discuss and to consider the concern regarding student's fitness to study. The student will be invited to respond and the staff member will seek to establish the students' perception of the concern.

Once the meeting has taken place, the staff member will determine whether any further action needs to be taken; this could be (but is not limited to):

- No action to be taken;
- Refer the student to Occupational Health Physician
- Put in place support arrangements
- Draw up and action plan
- Ensure that a date is arranged for the action plan to be reviewed.
- Refer the matter to another level
- Recommend that the student takes a period of voluntary abeyance

Students' will be notified in writing with the reasons for the decision within **5 working days** of the meeting.

Level 2 – Ongoing and/or further concerns:

The student will be invited to a meeting with the Head of Student Services to discuss the concern. The Head of Service will inform the student in writing at least 48 hours prior to the meeting date.

The purpose of the meeting will be to discuss and to consider the concern regarding the student's fitness to study. The student will be invited to respond to the concern and the Head of Student Services will seek to establish the students' perception of the concern.

Once the meeting has occurred, the Head of Service will determine whether any further action needs to be taken; this could be (but is not limited to):

- No action to be taken;
- Refer the student to Occupational Health Physician
- Put in place support arrangements
- Draw up and action plan
- Ensure that a date is arranged for the action plan to be reviewed.
- Refer the matter to another level
- Recommend that the student takes a period of voluntary abeyance

Students will be notified in writing, with the reasons for the decision within **5 working days** of the meeting.

Level 3 – Serious, persistent and/or critical concerns:

The student will be invited to a meeting with the Head of Student Services to discuss the concern. The Head of Service will inform the student in writing at least 48 hours prior to the meeting date.

The purpose of the meeting will be to discuss and to consider the concern regarding the student's fitness to study. The student will be invited to respond to the concern and the Head of Student Services will seek to establish the students' perception of the concern.

Once the meeting has occurred, the Head of Service will determine whether any further action needs to be taken; this could be (but is not limited to):

- No action to be taken;
- The matter referred to lower level (level 1 or 2)
- Refer the student to Occupational Health Physician
- Student withdrawn from placement
- Put in place support arrangements
- Draw up and action plan
- Refer the matter to another level
- Recommend that the student takes a period of voluntary abeyance
- Recommend the student should be suspended, excluded or expelled

Students will be notified in writing, with the reasons for the decision within **5 working days** of the meeting.

This is an overview of the Fitness to Study Process. For in depth detail please refer to [Senate Regulation II](#).

How long will it take?

Unfortunately there is not a definitive answer to this. It is all dependent on the facts of the matter, how serious the concern is and to what extent the concern could affect your ability to participate in your studies.

What could this mean for me?

The University predicts that cases of fitness to study will be exceptional and as such in the interest of fairness each case will be considered on an individual basis and will depend on the specific circumstances. To give you an idea of what may happen:

- A student may be referred to the Occupational Health Physician for an assessment of his/her fitness to study. A referral would be made through Head of Student Services.
- If the Vice-Chancellor's representative believes that there is a risk to the health, safety and/or wellbeing of a student and/or to other persons, and/or that the student's behaviour impacts negatively on the teaching and learning of other students, the VCR may:

- **Temporarily exclude the student** from all or specified areas of the University and/or placement and/or from using any of the University's

facilities for a specified period as is reasonable in the circumstances of the matter. **You will be advised of the exclusion within 3 days of the decision being made.**

- **Temporarily suspend** the student from the University and/or placement for a specified period of time as is reasonable in the circumstances of the matter.

You will be advised of the suspension within 3 days of the decision being made.

Firstly and quite importantly: any temporary exclusion or suspension made is a neutral act and is not a determination regarding a students' fitness to study, therefore it does not necessarily imply you are not fit to study but is a precautionary measure whilst the matter is looked in to.

Further, a review of the exclusion or suspension will take place at regular intervals and consideration made whether it is reasonable to revoke, amend or extend the action.

Can I appeal the decision to exclude or suspend me?

Yes you can appeal; you have 28 days to do it.

The appeal has to be made on one of the below grounds:

- *There has been procedural irregularity;*
- *There was prejudice or bias on the part of the decision maker;*
- *The decision of the Head of Student Services and/or Vice-Chancellor is unreasonable and/or disproportionate;*
- *New material evidence has become available which was not previously reasonably available during the process.*

The appeal needs to be put in writing to the Head of Registry. The Head of Registry will normally inform the student of the decision within **10 working days**

Does the Head of Registry have to accept my appeal?

No, there are no guarantees and it all depends on the strength of the appeal and evidence submitted to substantiate any claims made. There are likely to be 2 outcomes:

- *To dismiss the appeal in which case the suspension/exclusion will continue*

- *To uphold the appeal, the suspension/exclusion will be lifted and the Head of Student Services will consider what, if any further steps may need to be taken with the matter.*

Who else considers my appeal?

A review panel will convene consisting of three members of senate, one of which will be a student representative. The review panel will determine the process to be followed for dealing with the appeal in light of the circumstances of the matter. The student will normally be invited to appear before the panel- unless there are serious concerns that student may find a formal review meeting unduly stressful.

The decision of the review panel will be notified to the student within 5 working days. The decision of the review panel is final.

Returning to Study

Students who wish to return to study will need to satisfy the Head of Student Services that they are fit to study and fulfilled any conditions attached to their return. This may mean obtaining satisfactory medical or other evidence of their fitness to study (for example from the University Occupational Health Physician, psychiatrist, GP or mental health support worker).

Students should put their request to the Head of Student Services in writing to HOSS@brunel.ac.uk

The Head of Student Services may invite the student to discuss the return to studies in person.

The HOSS may consult other professionals involved in student's care and may also seek advice from other support services in relation to potential adjustments if the student was to return to studies.

The HOSS will be responsible for ensuring that arrangements are put in place for providing support identified for a student returning to study and for that support to be reviewed at such intervals as is appropriate in the circumstances.

The decision will be notified to the student in writing normally within 14 working days of the student's written request to return to study.

This decision will be final.

What advice and help can I expect to receive from the Advice & Representation Centre?

The ARC can help you in the following ways:

- Help you to understand the process
- Check draft letters and statements before you submit them
- Talk through realistic outcomes and what you could expect
- Help you to define appeal grounds if you wish to appeal
- Support you at the appeal and through the process
- Help you decide whether appealing is a realistic option
- Help you outline support arrangements which you require