

B5: Regulations for support to study

Academic year 2024/25

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Introduction and scope

1. Fitness to study relates to an individual's capability to participate fully and satisfactorily as a student in relation to academic studies and life generally at the University.
2. The University is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement.
3. These *Regulations for support to study* apply to the following students, both during and outside of semester:
 - those registered on the Foundation Year and award-bearing programmes delivered by the University
 - those undertaking a Professional Training Year, or who are otherwise undertaking work-based learning
 - those on educational exchanges or who are otherwise studying away from the campus
 - those educational exchange students registered with another higher education institution who are being hosted by the University, other than where the University and the other institution have made and formally recorded separate arrangements
 - those registered to study for the award of academic credit delivered by the University
4. Students registered with one of the University's Associated and Accredited Institutions to study for an award of the University do not come within the scope of these *Regulations* and are subject to the regulations and procedures of those Institutions for support to study, or their equivalents.
5. Students who are subject to support to study proceedings will find it helpful to seek advice and support from the University of Surrey Students' Union.
6. The University is committed to providing a fair, consistent and accessible service. The University believes that everyone who interacts with it has the right to be heard, understood and respected. The University believes that its staff have the same rights, and the University must provide a safe working environment for its staff. The University must also ensure the efficient and effective operation of its work, so that it can provide a good service to everyone. The [Procedure for managing behaviour in respect to Student Regulations and Procedures](#) applies to everyone who interacts or communicates with the University, including students and their supporters and describes types of actions and behaviour that may have a negative effect and what the University is expected to do in these circumstances.
7. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Surrey is a member of this scheme. Students, who are unhappy with the outcome may be able to ask the OIA to review their case. Students can find more information about making a complaint to the OIA, what it can and cannot look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.
8. Normally, students need to have completed the *Regulations for support to study* before they complain to the OIA. The University of Surrey will send a letter called a "Completion of Procedures Letter" when students have reached the end of these *Regulations* and there are no further steps they can take internally. If a student's complaint/appeal is not upheld, the University of Surrey will issue them with a Completion of Procedures Letter automatically. If their complaint/appeal is upheld or

partly upheld they can ask for a Completion of Procedures Letter if they want one. Students can find more information about Completion of Procedures Letters and when they should expect to receive one here:

<https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

9. The University complies with the Equality Act 2010 and ensures that individuals are not unfairly discriminated against based on lifestyle, culture, or social or economic status. This includes characteristics protected by legislation.

Reasonable adjustments

10. Reasonable adjustments to the processes within these *Regulations*, including the extending of deadlines for student responses, will be made upon the production by the student of relevant third party evidence which demonstrates the need for those adjustments.

Exceptional circumstances

11. In exceptional circumstances it may be appropriate to amend the procedures set out in these *Regulations*, for example, where strict application of the *Regulations* would result in substantial unfairness to a student or a student is in some way at risk because of health or disability. Such cases will be rare and each will be treated on their own merits.

Responsibilities

12. In these *Regulations*, all references to identified senior members of the University, such as the President and Vice-Chancellor, are also to be read as references to their designated Alternates.
13. For the purposes of these *Regulations* Authorised Persons are:
 - the Pro-Vice-Chancellors, Executive Deans of Faculty
 - the Associate Deans of Faculty
 - the Dean of the Doctoral College
 - the Head of Disability and Neuroinclusion
 - the Director of Student Life
 - the Associate Director Student Wellbeing & Disability
 - the Residential Case Manager
 - the Head of the Campus Safety Team
 - the Chairs of the following Panels and corresponding Appeal Panels:
 - Academic Misconduct
 - The lead Academic Integrity Officer, the Head of Academic Administration, the Programme Manager and the Head of OSCAR in relation to the consideration of allegations of academic misconduct
 - Disciplinary
 - The Head of the Office of Student Complaints, Appeals and Regulation (OSCAR) for Stage 1 academic appeals
 - Process Review Appeal for Stage 2 academic appeals
 - Fitness to Practise
 - Complaint

14. For the purposes of these *Regulations* the term 'Student Services' is used as an umbrella term to cover those support services for students provided by the University. This encompasses Student Life, the Centre for Wellbeing, and Disability and Neurodiversity. Within the support to study process, staff members within Student Services may offer an opinion as to whether it would be appropriate to convene a Panel and/or they may provide evidence about a student's circumstances for the Panel's consideration, but they will not determine whether a student is fit to study, as this is the purpose and role of the Panel.

Definition of fitness to study

15. The University defines fitness to study as:
'Being able to participate, with reasonable adjustments where necessary, in the programmes of study and/or research that the University provides and/or in University life in general without negatively impacting the safety or well-being of themselves or others, and with full opportunities to meet the learning outcomes for their programme. This includes engaging in Disciplinary, Fitness to Practise and similar University processes.'
16. The University encourages students to access the support services available to them on campus, and also to access support from external sources and the University recognises that the accessing of such support is not, of itself, a cause for concern regarding fitness to study.

Managed Support Plan

17. A Managed Support Plan can take many forms including, but not limited to, a Learning Support Adjustment (LSA) and/or an individual agreement between the student and a member of the Centre for Wellbeing (CWB) and/or Disability and Neurodiversity and/or their academic School/Department. A student may also access support from the Occupational Health service or external agencies.

Fitness to study and fitness to practise

18. Where concerns have been expressed about the fitness to study of a student following a programme of study that, if completed successfully, would enable them to apply to be placed on the Register of a Registration Body, this will normally be dealt with under the terms of the [Regulations for fitness to practise](#).
19. Where concerns have been expressed about the fitness to study of a student who is a Registrant of a Registration Body, this may be dealt with under the terms of the [Regulations for fitness to practise](#). Alternatively, and following advice from the University Secretary and General Counsel, the University may determine to take on the role of 'reporting party' and lodge a complaint with a Registration Body regarding a student who is a full Registrant.

Burden of proof

20. In support to study matters it is for the University to show that the student is not fit to study. The burden of proof switches to the student at the appeal stage.

Standard of proof

21. The standard of proof applied by a Support to Study or Support to Study Appeal Panel is that of the balance of probability; that it is more likely than not something was or was not the case.

Confidentiality and General Data Protection Regulations

22. In support to study matters the University seeks to limit access to sensitive personal information to those who require it to enable the student's fitness to study to be established and/or who need it to support the student. The University collects and processes a variety of personal data in order to fulfil relevant student Regulations (see the [Regulations web page](#) for a list of all Student Regulations). This personal data may be provided by the student or collected from other departments within the University or taken from publicly available sources such as social media. More detail on the types of data collected and how it is used to fulfil each Regulation can be found in the Student Regulations Privacy Notice, available at the above link. The University processes personal data for this purpose in its legitimate interests. Some Regulations will require the sharing of sensitive personal data (defined as "special category" data by data protection legislation). The University processes and shares special category data in the substantial public interest and only where it is necessary to enable the University to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the Student Regulations Privacy Notice, available at the above link.
23. For students who are also employees of an NHS Trust, and other healthcare professionals, the University may also be required to share such personal and sensitive data with the Trust that employs the student or provides learning opportunities to enable them to study or undertake practice and/or research.
24. The University applies its privacy notice on [Disclosure, confidentiality and sharing of personal data concerning disability](#) where a student has made a disclosure relating to a disability in their admission to the University or subsequently. Staff will follow the terms of that privacy notice under which personal data relating to a student with a disability may only be shared if it meets one of the bases for sharing listed on the privacy notice, or where there are duty of care or significant health and safety concerns with respect to the student, other students or third parties.¹

Trigger events

25. Trigger events give rise to concerns about a student's well-being, safety, health or behaviour and they may include both emergency and non-emergency situations. Concerns may be expressed by the student themselves, or by a third party, and they will indicate that there is a need to address the student's fitness to study in relation to the definition in regulation 15 above.
26. Trigger events can occur within Faculties or in other departments of the University, for example, in University accommodation. Trigger events can happen on or off campus and can happen in or out of semester.

Referral by an Authorised Person

27. In response to a trigger event an Authorised Person may request in writing that OSCAR initiates the support to study procedure. Such requests must be accompanied by details of:
 - the trigger event(s) which has(have) necessitated the request
 - a chronology of concerns and associated supporting actions
 - support measures already in place, including details of any Managed Support Plan, with details of how the support measures are not improving the behaviours/health condition

¹ [Student support services privacy notice](#) .

OSCAR's decision

28. OSCAR acts as the University's procedural gatekeeper for fitness to study matters. They check whether a matter is consistent with the University's definition of fitness to study (see regulation 15 above). They also check whether the University's regulations and procedures have been followed and whether the document they receive in a referral request is sufficiently complete. As part of the checks that they make OSCAR will satisfy themselves that the matter is one of fitness to study and should not be regarded as one of either fitness to practise or a disciplinary matter.
29. In determining what further action may be necessary, OSCAR always consults with the relevant academic School/Department and with any internal or external bodies as necessary to access expert guidance on what support measures are appropriate.
30. OSCAR oversees the process for seeking a Managed Exclusion Order whether this is an order that has been requested by an Authorised Person or is an Order that they have sought on their own authority in order to safeguard the student's safety and wellbeing, and the safety and wellbeing of others (see [Procedure for Managed Exclusion Orders](#)).
31. Within five University working days of receiving a completed referral from an Authorised Person, OSCAR will come to one of the following decisions:
 - that no further action is needed
 - that the matter is one of either fitness to practise or is a student disciplinary matter and they will ensure that the issue is transferred to the relevant process
 - that a Professionals Meeting should be held which will explore and implement a support package for the student and will include a Managed Support Plan
 - that a Support to Study Panel should be convened by OSCAR

Professionals meeting

32. Professionals Meetings are chaired by the Chief Student Officer or their nominee. Other meeting attendees will normally include:
 - the student, who may be accompanied at the meeting by a member of the University of Surrey Students' Union or a friend
 - a representative, or representatives, from the relevant academic School/Department; this could be the Director of Learning and Teaching, the Personal Tutor, or Supervisor
 - a representative, or representatives, from relevant internal or external specialist agencies; this could be the Centre for Wellbeing, or Disability and Neurodiversity
33. The student will normally be provided with five University working days' notice of the Professionals Meeting and will be provided with details of the purpose of the meeting and the names and professional titles of all attendees. Where a Professionals Meeting is to be held sooner than five University working days, this will be arranged in consultation with the student.
34. The student may provide a written statement to the Professionals Meeting, or they may attend in person or via Microsoft Teams, videocall or telephone. If the student is too ill to attend, the meeting can proceed in the absence of the student, in which case the student's friend or USSU supporter can attend as a witness. If the student's non-engagement in the process appears to be motivated by a desire to stall proceedings or itself leads to further concerns about the student's fitness to study, OSCAR may determine to proceed to a Support to Study Panel.

35. A Professionals Meeting will aim to identify if a support package can be provided to assist the student in the continuance of their programme of study. Where it is determined that specific support measures are appropriate and necessary these will be detailed in a Managed Support Plan which will specify responsibilities for monitoring and will also detail timings for review.
36. After a period of temporary withdrawal or exclusion following a Support to Study Panel, the Professionals Meeting will identify the arrangements necessary to optimise a successful return to study.
37. If considered appropriate, an individual nominated at the Professionals Meeting will take responsibility for monitoring whether a support package, and associated Managed Support Plan, is having the required affect upon the student's behaviours or health concern in the timescales agreed. This process may be iterative and will conclude either:
 - when the behaviours of health condition are no longer a cause for concern, or
 - where the support package is not positively affecting the student's behaviours or health condition, by the convening of a Support to Study Panel

Support to Study Panels

38. Support to Study Panels are convened and organised by OSCAR. Support to Study Panels conduct their business in accordance with the [Procedure for hearings by Panels](#) which detail how Panels work, including, where relevant, the right of a student to attend a hearing and to be accompanied. It is expected that those asked to attend a hearing will acquaint themselves with the *Regulations*.
39. The Panel hearing will normally be completed within 20 University working days of approval. Where it is going to take longer than this, the student will be kept updated as to progress and likely timescales.

Membership of a Support to Study Panel

40. The membership of a Support to Study Panel comprises three members from the pool of trained panel members as follows:
 - a member of staff from the pool of trained Chair persons
 - a member of University staff
 - a sabbatical officer or a student member nominated by the Students' Union

A member of OSCAR is in attendance as Secretary to the Panel.

41. Members of a Support to Study Panel should have no current academic or personal connection with the student considered by the Panel.
42. The student's academic School/Department is always asked to provide input to the Panel.

Procedure

43. The OSCAR Case Manager compiles a dossier of all relevant documentation for the Support to Study Panel. The Case Manager will then write to the student:
 - setting out the reasons for the convening of the Support to Study Panel, and including the information that accompanied the request from the Authorised Person along with all the documentation considered and all records from any Professionals Meeting
 - inviting the student to provide a written response

- reminding the student that it would be advisable for them to seek advice and support from the Students' Union and that a Union supporter or friend will be able to attend the Support to Study Panel hearing to support them should this be the student's wish
44. Should the student provide a written response to the information sent to them by OSCAR, the Case Manager will provide copies of the response for the Support to Study Panel.
 45. Where the student or a witness that the student wishes to attend the Support to Study Panel hearing is the subject of a Managed Exclusion Order, the OSCAR Case Manager ensures that the terms of the Order enables the student, and any witnesses they have stated that they intend to call to have access to the place where the hearing is to be held.

Attendance of the student at a Support to Study Panel

46. The University normally expects that a student who is the subject of a support to study hearing will attend the hearing and be accompanied or supported by a friend. Where the student does not to attend, the Panel hearing may proceed in their absence. Where there is evidence to show that the student is incapacitated they may request for a friend or USSU supporter to attend on their behalf. The student can request a postponement of a hearing by a Support to Study Panel where there are valid reasons supported by appropriate evidence.
47. In circumstances where the student is too unwell to be present at the Support to Study hearing, and the illness which prevents their attendance at the Panel forms the basis of the concerns regarding their fitness to study, the Panel will normally make a finding on the facts collated by OSCAR.

Findings and outcomes of a Support to Study Panel

48. A Support to Study Panel may come to one of four findings by normally considering the following questions:
 - (i) is the student fit to study now without putting their safety and well-being at risk or that of other students, staff and third parties?
 - if the answer to the above question is 'yes' the process is ended with no further actions needed
 - if the answer to the above question is 'no', the Panel considers a second question;
 - (ii) would a new or amended support package enable a student to immediately continue on their programme without putting their safety and well-being at risk or that of third parties?
 - if the answer to the above question is 'yes', the Panel will either approve a new or amended support package or instruct OSCAR to convene a Professionals Meeting
 - if the answer to the above question is 'no', the Panel considers a third question;
 - (iii) could the student return to studies after a period of temporary withdrawal/exclusion with a new or amended support package stipulated as a necessity for their return, without putting their safety and well-being at risk or that of third parties?
 - if the answer to the above question is 'yes' the Panel will:

- specify a period of temporary withdrawal/exclusion and determine the necessary return to study arrangements or instruct OSCAR to convene a Professionals Meeting shortly before the period of temporary withdrawal/exclusion concludes. This Professionals Meeting will determine the necessary return to study arrangements.
- if the answer to the above question is 'no' the Panel will:
 - terminate the student's registration and
 - inform the student that any future applications to the University will only be considered if they are accompanied by compelling evidence that they are fit to study at the time of application.

49. The findings of a Support to Study Panel take immediate effect.

Arrangements following a Support to Study Panel

50. Following a hearing by a Support to Study Panel the Secretary conveys the findings of the Panel to the student and all relevant parties in writing. The student is informed of their right to appeal against the findings of the Panel within the specified time limit (see regulation 52 below), and that, if they have no grounds to appeal (see regulation 54 below), that they may request a Completion of Procedures letter.²
51. A Panel decision remains in force until the outcome of any appeal is known.

Appeal against the findings and outcomes of a Support to Study Panel

52. Students making an appeal against the findings and/or recommendations made by a Support to Study Panel do so by completing the relevant form which can be found on the OSCAR [web pages](#). Appeals must be received by OSCAR within 10 University working days of the Panel conveying its findings to the student in writing. If the appeal is received on time it will be assigned to an OSCAR Case Manager. If a student is unable to provide all supporting evidence by the appeal submission deadline (for example, if they are awaiting receipt of a medical letter), then they are still required to submit their appeal within the 10 University working days timeframe (including a complete supporting statement and any available evidence) but may request an extension in respect of the submission of any pending evidence. Such requests should explain the reason the extension is required and be made by [email](#) to OSCAR at the time of the appeal submission.
53. If an appeal is received after the 10 University working days deadline the student will be asked to provide reasons and accompanying independent supportive evidence as to why the appeal is late. The reasons and supporting evidence will be considered by an OSCAR Case Manager, who will determine whether the reasons are valid. Consultation may take place with other members of staff in complex or unusual cases, and this will be recorded. A decision on the validity of the reasons will normally be made within 20 University working days of receiving the final submission of information from the student. If the reasons are not deemed valid, the appeal will not be considered and the student will be offered a Completion of Procedures letter. If there are valid reasons the appeal will be accepted and assigned to an OSCAR Case Manager.

² A Completion of Procedures letter is a formal written statement issued by the University to a student to confirm that the student has exhausted the University's internal procedures. A Completion of Procedures statement is required before a student can refer a matter to the Office of the Independent Adjudicator.

Grounds for making an appeal

54. When making an appeal the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:
- that the Panel failed to follow the University's regulations and/or procedures or failed to follow them with due care
 - that the Panel has shown bias or prejudice towards the student in reaching its findings and outcomes
 - that relevant new evidence has become available that should be considered and there are valid reasons why it was not available to the Panel at the time
 - that the decision of the Panel was unreasonable and/or the outcome was not proportionate in all of the circumstances

Investigations by OSCAR

55. When OSCAR receives an appeal against the findings and/or outcome imposed by a Support to Study Panel the Case Manager checks whether:
- (i) the appeal has identified the grounds on which it has been made;
 - (ii) the grounds are consistent with regulation 54 above;
 - (iii) the grounds are supported by relevant evidence.
56. The Case Manager consults with a second Case Manager and if at least one agrees that the appeal meets the requirements set out in regulation 54 above a Support to Study Appeal Panel will be convened.
57. Where both of the Case Managers consider that the appeal does not meet any of the requirements set out in regulation 54 above the appeal will be dismissed and the Case Manager will write to the student explaining the grounds for the dismissal and that this communication constitutes a Completion of Procedures letter.
58. Where new evidence is raised, further investigations may need to be carried out which may require the review to be delayed pending the outcome of these investigations and to give the student an opportunity to consider any new information obtained.
59. Where OSCAR has requested the student to provide additional information and the student fails to do so within 10 University working days of the request being sent to the student's University email address, the student will be sent a further reminder and warned that their appeal will be closed if a response is not received within a further calendar month.
60. If at any stage evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest, the appeal will be closed and the evidence submitted to the University's disciplinary procedures as specified in the [Student disciplinary regulations](#), where applicable. The same approach will be taken if it can be shown that the student has tried to mislead the University about their case.

Support to Study Appeal Panels

61. Support to Study Appeal Panels are convened by OSCAR and conduct their business in accordance with the [Procedure for hearings by Panels](#) which detail how Panels work, including, where relevant, the right of a student to attend a hearing and to be accompanied. It is expected that those asked to attend a hearing will acquaint themselves with the *Regulations*. The University aims to complete a support to study Appeal Hearing within 20 University working days of the completed appeal being lodged. Where it is going to take longer than this, the student will be kept updated as to progress and likely timescales.

Membership of a Support to Study Appeal Panel

62. The membership of a Support to Study Appeal Panel comprises three members from the pool of trained panel members as follows:
- a member of staff from the pool of trained Chair persons
 - a member of University staff
 - a sabbatical officer or a student member nominated by the Students' Union

A member of OSCAR is in attendance as Secretary to the Appeal Panel.

63. Members of a Support to Study Appeal Panel should have no current academic or personal connection with the student (or students) considered by the Panel. Members of the Appeal Panel should not have been members of the initial Support to Study Panel.

Findings and outcomes of a Support to Study Appeal Panel

64. A Support to Study Appeal Panel may come to one of five findings:
- (i) that the findings of the Support to Study Panel should be confirmed and the appeal dismissed;
 - (ii) that there has been a failure to follow the University's regulations and/or procedures or to follow them with due care such as to deny the student a fair hearing;
 - (iii) that there was bias or prejudice towards the student in the way the Support to Study Panel reached its findings or in other aspects of the support to study procedure;
 - (iv) that relevant new evidence that was not available to the Support to Study Panel at the time for valid reasons should be taken into account;
 - (v) that the decision of the Support to Study Panel was unreasonable and/or that the outcome was not proportionate with the evidence presented in all of the circumstances.
65. Where the finding is as in (ii), (iii) (iv) and/or (v) above the Support to Study Appeal Panel may:
- direct that the matter be heard anew by a differently constituted Support to Study Panel
 - substitute the findings of the Support to Study Panel with its own findings
 - or, where the unfairness to the student is extreme, nullify the findings of the Support to Study Panel, end the support to study procedure and, if relevant, reinstate the student
66. Following a hearing by a Support to Study Appeal Panel the Secretary conveys the findings of the Panel to the student and all relevant parties in writing. The Secretary's letter also states that it constitutes the completion of the University's procedures and that the student can request a review of the University's decision by the [Office of the Independent Adjudicator](#).

Intermediate exit award

67. Where a student's registration is terminated as a result of a Support to Study or Support to Study Appeal Panel hearing, OSCAR ensures that the student receives any intermediate exit award to which they are entitled and a copy of their transcript or its equivalent.