B5: Regulations for fitness to study

Academic year 2016/17
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Figure 1: Fitness to study procedures 1
Figure 2: Managed Exclusion Order procedures

Concerns Identified and Investigation Completed

Is further action necessary?

Application to Director of Student Services and Administration (DSS) for MEO

DSS Decision

No Action Needed
END

DSS Applies for MEO to Provost

Provost Decision

No Action Needed
END

MEO Applied to Student

Student Decision

Accept MEO
END

Appeal MEO

Provost Decision

Appeal rejected MEO remains

Appeal Successful MEO amended or removed

END
GoP issued
Introduction and scope

1. The University of Surrey is an academic community dedicated to taking forward world-class research, scholarship and learning in partnership with its staff, students, and others who share its vision and values. The University is committed to provide support for its students that is consistent with its primary purpose as an academic community dedicated to teaching, research, and scholarship.

2. The University is an academic community and the support and care facilities it is able to provide for its students are those that are appropriate to an academic community. Where a student needs specialist or 24 hour nursing or other care, the University will refer to the NHS, community and other statutory services that can provide appropriate support.

3. The scope of these Regulations for fitness to study encompasses students studying at the University full-time, part-time and via distance learning, on undergraduate programmes, taught postgraduate programmes and postgraduate research programmes.

4. These Regulations for fitness to study also apply to:
   - students while they are undertaking a Professional Training Year, or are otherwise undertaking work-based learning
   - students while they are on educational exchanges or are otherwise away from the campus
   - 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
   - individuals who have registered with the University to follow short courses

5. Students studying for University of Surrey awards with the University's Associated and Accredited Institutions are subject to the regulations adopted by those Institutions for fitness to study (or their equivalents).

6. These Regulations for fitness to study should be read together with the University’s Student Charter; its Disability Policy for staff students and visitors; its Equality Diversity and Inclusion Strategy; its Widening Participation and Outreach Strategy; its policy statement on Disclosure, confidentiality and sharing of personal data concerning disability and its Regulations for fitness to practise.

7. The University strongly recommends applicants and students who wish to check their own fitness to study to seek advice at the earliest opportunity. For applicants this should initially be through discussions with the staff of the University's Admissions Service who may refer them to specialist advisers where appropriate.

8. Students already registered to study at the University who wish to check their own fitness to study should contact the University's Student Support Services and/or the Additional Learning Support service (ALS). They may also contact the designated Academic Leader for their programme or subject area, their personal tutor, or the academic advice and support service linked to their programme.

Roles and responsibilities

9. 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.
10. For the purposes of these Regulations Authorised Persons are:

- the relevant Executive Dean of Faculty
- the Disabilities Manager
- the Head of Student Support Services (the Senior Warden and Head of Security may request a fitness to study referral to the Director of Student Services and Administration through the Head of Student Support Services)
- the Director of Wellbeing
- the Director of Student Services and Administration
- the Chairs of the following Panels and corresponding Appeal Panels:
  - Academic Misconduct
  - Extenuating Circumstances
  - Fitness to Practise
  - Complaint
  - Disciplinary
  - Process Review (for academic appeals)
- the Chair of the Admission, Progression and Examination Sub-committee

11. For the purposes of these Regulations the Academic Leader is the person designated by their Executive Dean of Faculty to be the lead academic contact for fitness to study matters for a programme, a group of programmes or a supervisory team. The Academic Leader is responsible for checking that concerns about a student’s fitness to study expressed by the student themselves, a Personal Tutor or other member of staff, by other students, placement providers or members of the public, have been referred to the relevant Student Service and for initiating references to Fitness to Study panels.

12. 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 Support Services, the Centre for Wellbeing, and the Additional Learning Support service.

**What is fitness to study?**

13. The University defines fitness to study for its students as:

'being able to participate in the programmes of study, research and scholarship that the University provides for them, to the extent that they are able to do so in safety, and without endangering the safety or well-being of themselves or others, with reasonable adjustments where appropriate, and with full opportunities to meet the learning outcomes for their programme.'

14. The University Academic Regulations require that students participate in their programme in the manner and with the frequency and regularity set out in the programme handbook (with reasonable adjustments where appropriate) or, for a research or professional programme, as agreed with the University, without putting their own wellbeing and/or safety at risk and without putting the wellbeing and/or safety of other students, staff, or third parties at risk. Being able to meet these requirements (if appropriate, with reasonable adjustments) demonstrates a student's continuing fitness to study.
Grounds for concerns about a student's fitness to study

15. Grounds for concerns about a student's fitness to study might include (but not be limited to):

(i) progressive or sudden deterioration in a student's attendance, attention, quality of work, appearance, or behaviour;

(ii) that serious concerns about the student's well-being or safety have been expressed to an Academic Leader, Personal Tutor, or supervisor, or to a member of the Student Services, by a member of University staff; another student; a placement provider; or a member of the public, that indicate that there is a need to address the student's fitness to study;

(iii) the student has told a member of the University that they have a problem and/or provided information that indicates that there is a need to address the student's fitness to study;

(iv) the student has behaved in a way that would otherwise be dealt with as a disciplinary matter, but independent evidence has been provided to the satisfaction of the Director of Student Services and Administration to show that the student's behaviour may be the result of an underlying physical or mental health problem linked to their fitness to study;

(v) the student's participation in their programme or their agreed research activities is not enabling them to make progress with their studies or research and there is reason to believe that this is linked to their fitness to study;

(vi) the student's physical behaviour or demeanour is not acceptable or is causing others to fear for their safety including other students, University staff and/or third parties, and is thought to be the result of an underlying physical or mental health problem.

16. Where a student has disclosed to the University that they have a physical or mental impairment that has a substantial and long-term negative effect on their ability to undertake normal daily activities as a student, the University will make reasonable adjustments to enable them to continue their studies and meet the learning outcomes for their programme, subject to the terms of its Academic Regulations.

Fitness to study and fitness to practise

17. 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, the University will normally deal with such matters under the terms of its Regulations for fitness to practise.

Confidentiality and sensitive personal information in fitness to study matters

18. When registering to study with the University, students are asked to confirm in writing that they consent to the sharing of sensitive personal data between the departments and sections of the University and third parties, including the University of Surrey Students' Union (USSU). The University confirms that such sharing of personal sensitive data will only occur where it is necessary to enable the University to fulfil its duties of care to the student, other students, or to safeguard third parties. For students who are also employees of an NHS Trust, and other healthcare professionals, the University will 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.

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1 With acknowledgements to the University of Bath, Fitness to study policy, 2013, paragraph 4.1.
19. For fitness 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.

Disclosure, confidentiality and sharing of personal data concerning disability in fitness to study matters

20. The University applies its policy statement 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 policy statement under which personal data relating to a student with a disability may only be shared where there are duty of care or health and safety concerns with respect to the student, other students or third parties.²

Fitness to study at the point of application to the University

21. The University welcomes applications from students with physical and mental impairments, or learning difficulties, and encourages them to make prior contact with its Admissions Service, or for research postgraduate students, with the relevant Department, Research Centre, or Research Unit, so that University staff can advise them on what facilities and arrangements may be available to support them. Potential applicants with physical and mental impairments or learning difficulties will find more information on the pages of the University's Additional Learning Support service.

Fitness to study for students who have registered to study at the University

22. Students who have declared a physical or mental impairment in their application, or a learning difficulty, and who have been accepted by the University, will be offered individually agreed support arranged through Additional Learning Support or Student Support Services throughout their studies or research. Where relevant (for example in the case of students who are clinical trainees) the University will also refer to Access to Work.

23. Where a student is encountering difficulties with their studies, and believes that this might stem from a hitherto unidentified or recently developed mental or physical impairment or learning difficulty, the University encourages them to refer themselves to the relevant Student Services for advice, support and guidance. Students encountering such difficulties are also encouraged to seek the advice and support of their Personal Tutor or supervisor, who will refer them to the University's Additional Learning Support, Centre for Wellbeing and/or Student Support Services. Students who are Clinical Trainees, are also advised to refer themselves to their Clinical Tutor, the Occupational Health Department of their employing Trust, and/or to the Robens Centre for Occupational Health and Safety.

24. Through its Student Services, Academic Leaders, Personal Tutors and supervisors, the University will work with students who are aware of a physical or mental impairment or learning difficulty that is affecting their fitness to study, to assess what advice and support can be provided. In such circumstances the University's aim will be to enable the student to complete their studies or research successfully, where this is consistent with the student's own health, well-being, safety, and that of others.

² Disclosure, confidentiality and sharing of personal data concerning disability, paragraph 3.
25. Where a student for whom reasonable adjustments have been made through a Learning Support Adjustment (LSA) statement finds themselves unable to participate in the work of their programme they are encouraged to make a further approach to the Student Services, the Academic Leader for their programme or subject area, their Personal Tutor or their supervisor for assistance and guidance.

26. Students who have concerns about the fitness to study of a fellow student may speak to the Academic Leader for the relevant programme, their own Personal Tutor or their supervisor, who will be able to seek advice from the Student Services.

27. Where a student is an employee of a National Health Trust or has registered to study on a programme that leads to Registration by a Registration Body and did not disclose in their application to the University that they have a pre-existing mental or physical impairment or learning difficulty, the University will normally refer the matter to either the Robens Centre for Occupational Health and Safety or the Occupational Health Department of the employing Trust/placement provider as appropriate. The University will also check whether it is required to inform the relevant authorities and/or convene a Fitness to Practise Panel.

Consideration of fitness to study matters

A fitness to study matter raised through an Academic Leader, Personal Tutor or supervisor

28. For a fitness to study matter raised through an Academic Leader, Personal Tutor or supervisor the general sequence of procedures is as follows:

(i) the Academic Leader checks that the advice of the Student Services has been sought, and seeks a meeting with the Personal Tutor or supervisor and with the student;

(ii) the designated Academic Leader, Personal Tutor or supervisor discusses concerns with the student and may construct a Managed Study Plan with the student at this stage or subsequently;

(iii) the Academic Leader, Personal Tutor or supervisor consults the Student Services;

(iv) the Academic Leader, Personal Tutor or supervisor confers with the student; where concerns remain, and the Academic Leader has not previously been consulted the Personal Tutor or supervisor refers to the designated Academic Leader;

(v) where, after a meeting with the student, the Academic Leader considers that concerns remain about their fitness to study they ask a relevant Authorised Person to refer the matter to the Director of Student Services and Administration with a request to convene a Fitness to Study Panel;

(vi) where the Authorised Person, having checked the case for convening a Fitness to Study Panel put forward by an Academic Leader, concurs that an application should be made to the Director of Student Services and Administration they endorse the Academic Leader's request and send it to the Director;

(vii) the Director of Student Services and Administration confers with the Student Services and checks whether convening a Fitness to Study Panel would be appropriate in the circumstances;

(viii) when they have made their enquiries, and are satisfied that convening a Fitness to Study Panel is appropriate, the Director of Student Services and
Administration requests the Office of Student Complaints, Appeals and Regulation (OSCAR) to prepare for, convene and support such a Panel;

(ix) the Fitness to Study Panel meets and makes its findings and recommendations, (which may include endorsing an existing or updated Managed Study Plan) and communicates them to the student and others who need to know them.

29. The role of an Authorised Person in these Regulations for fitness to study is set out in Regulations 63-65 below.

A fitness to study matter raised by the University's Student Services

30. For a fitness to study matter raised by the University's Student Services the general sequence of procedures is as follows:

(i) for reviewing the student's case the Student Services follow their own internal procedures for determining whether there is a concern about the student's fitness to study that needs to be referred to a Fitness to Study Panel;

(ii) the Disabilities Manager or the Head of Student Support Services or the Director of Wellbeing confers with the Academic Leader for the student's programme or subject area;

(iii) the Disabilities Manager or the Head of Student Support Services or the Director of Wellbeing refers the matter to the Director of Student Services and Administration, with a request that a Fitness to Study Panel be convened;

(iv) the Director of Student Services and Administration satisfies themselves that the Student Services have conferred with the Academic Leader and that convening a Fitness to Study Panel would be appropriate in the circumstances;

(v) the Director of Student Services and Administration requests OSCAR to prepare for, convene, and support a Fitness to Study Panel;

(vi) the Fitness to Study Panel meets and makes its findings.

A fitness to study matter raised in the course of a Panel hearing

31. For a fitness to study matter raised in the course of a hearing by a Process Review Panel, an Academic Misconduct Panel, an Extenuating Circumstances Panel, a Fitness to Practise Panel, a Complaint Panel, a Disciplinary Panel, or one of the various Appeal Panels linked to these or raised via the Admission, Progression and Examination Sub-committee, the general sequence of procedures is as follows:

(i) the Chair and the Secretary report the Panel's concerns to the Director of Student Services and Administration and suggest that the matter be dealt with by a Fitness to Study Panel;

(ii) the Director of Student Services and Administration confers with the Student Services and the Academic Leader for the student's programme or subject area, and checks whether convening a Fitness to Study Panel would be appropriate in the circumstances;

(iii) when they have made their enquiries, and are satisfied that convening a Fitness to Study Panel is appropriate, the Director of Student Services and Administration requests OSCAR to prepare for, convene, and support such a Panel;
(iv) the Fitness to Study Panel meets and makes its findings and recommendations and communicates them to the student and others who need to know them.

**Fitness to study in acute or crisis situations**

32. In an acute or crisis situation, where a student considers that their fitness to study is putting their wellbeing, security and/or safety or that of others at risk, or a member of University staff, a fellow student or a third party, such as a placement provider, considers that a student's fitness to study is in doubt or is putting their own security, well-being, or safety, or that of others at risk, they should contact the University's Security Department without delay.

33. As well as dealing with the immediate emergency, the Head of Security will also ensure that the matter is reported to the Head of the University's Student Support Services and the Director of Student Services and Administration at the earliest opportunity. The Director of Student Services and Administration will inform the Academic Leader for the student's programme or subject area that they have been involved in an emergency or crisis situation.

**Academic staff and fitness to study**

*Meeting with a student convened by an Academic Leader to discuss concerns about fitness to study*

34. Where a member of academic staff, who may or may not be the student's Personal Tutor or supervisor, considers that there are grounds for questioning a student's fitness to study they contact the Academic Leader for the student's programme or subject area, or their Personal Tutor or supervisor, as appropriate (see Regulation 28 above). The Academic Leader will be responsible for contacting the Student Services to seek their advice and comments.

35. Where an Academic Leader, Personal Tutor, or supervisor has concerns about a student's fitness to study (see Regulation 15 above) or concerns are raised with them by staff or another student, they seek an early meeting with the student to discuss those concerns. When writing to the student to convene the meeting, the Academic Leader:

- states that the reason for requesting the meeting is to enable them to discuss concerns that have been raised about the student's fitness to study
- briefly describes the grounds for such concerns
- states that the Personal Tutor or supervisor will be present at the meeting
- states that the student may be accompanied at the meeting by a friend who may be a fellow student or an Official of the University of Surrey Students Union (USSU) Advice and Representation section
- refers the student to these Regulations

36. At their meeting, the Academic Leader, Personal Tutor or supervisor discusses with the student the concerns that have been raised about their fitness to study. At all stages of the meeting the Academic Leader offers the student, and/or their friend, opportunities to ask questions to help the Academic Leader to understand the student's position. The Academic Leader keeps a note of the points they and the student, and/or their friend, have raised.

37. Where the Academic Leader, Personal Tutor, or supervisor and the student identify an academic or learning support difficulty or a health and well-being matter that requires the support of the Student Services, and the student is willing to be referred
to the Services, the Academic Leader, Personal Tutor or supervisor will make such a referral.

**Managed Study Plan**

38. The Academic Leader, Personal Tutor, or supervisor may also suggest to the student that they draw up a Managed Study Plan together. Where the student and the Academic Leader, advised by the Personal Tutor or supervisor, are able to agree what alterations to the student's participation in their programme, the manner of their participation, and/or their behaviour, will enable them to deal with the concerns that have arisen about their fitness to study, they record these in the Managed Study Plan, which will also record how the alterations in the student's participation and/or behaviour will be monitored and followed up, together with suggested time scales in which progress is expected. In cases where the necessary alterations will require advice and support for the student from the Student Services the Academic Leader seeks the student's permission to share the record of the meeting with the relevant Student Service. A copy of the agreed Managed Study Plan is shared with the student.

39. Where the student and the Academic Leader, advised by the Personal Tutor or supervisor, are not able to agree what alterations to the student's participation in their programme would be needed to deal with questions that have arisen about their fitness to study, the Academic Leader notes this and makes a written record of the proposals that were made to the student. This record is shared with the student. In cases where the Academic Leader has advised the student to seek the advice and support of the Student Services, and the student has declined to seek such support, the Academic Leader's record of the meeting also includes that information.

**Failure by a student to respond to an invitation to attend a fitness to study meeting with an Academic Leader or to attend the meeting**

40. Where an Academic Leader has invited a student to a meeting to discuss concerns about their fitness to study and the student does not respond or does not attend, the Academic Leader will check that the student received the invitation and enquire into the circumstances of any non-attendance.

41. The Academic Leader may issue a second invitation to the student to attend a meeting to discuss concerns about their fitness to study. Where this is followed by failure on the part of the student to respond or to attend a meeting, and the Academic Leader considers that the student's failure to attend or respond has added to existing concerns about their fitness to study, they consult the Student Services. Having consulted, the Academic Leader may ask an Authorised Person for their Faculty to refer the matter to the Director of Student Services and Administration and request that a Fitness to Study Panel be convened.

**Follow-up to a fitness to study meeting between the student, the Academic Leader and the Personal Tutor or supervisor**

42. Where, following a fitness to study meeting between the student, the Academic Leader and the Personal Tutor or supervisor, the Academic Leader is able to confirm that the subsequent improvements in the student's participation in their programme allay previous concerns about their fitness to study, the Academic Leader writes to the student and the Personal Tutor to record that the matter of the student's fitness to study is closed.

43. Where a Managed Study Plan has been agreed and recorded but concerns about the student's fitness to study continue to be expressed to the Academic Leader, or where improvements in the student's behaviour or participation in their programme have not
been put into effect within the required timescale, this is reported to the Academic Leader. The Academic Leader will then write to the relevant Authorised Person to have the matter referred to the Director of Student Services and Administration for a Fitness to Study Panel to be convened.

44. In writing to the Authorised Person the Academic Leader:
   - sets out the grounds for their concerns for the particular student's fitness to study (see Regulation 15 above)
   - describes the steps that have been taken to support the student and the outcomes of any meetings that have been held with the student to explore their fitness to study
   - describes how the Academic Leader, Personal Tutor or supervisor has engaged with the Student Services and their advice
   - states whether the need to address the student's fitness to study is urgent and whether they advise that an application be made for a Managed Exclusion Order
   - asks the Authorised Person to apply to the Director of Student Services and Administration to request that a Fitness to Study Panel be convened

**Administrative and support staff and fitness to study**

45. In circumstances where a member of the University's administrative or support staff has concerns about a student's fitness to study (see Regulation 15 above) they will refer the matter to their line manager who will confer with the Student Services and may pass the matter to the Director of Student Services and Administration. The Director will convey the matter to the Academic Leader for the student's programme or subject area.

**The Student Services and fitness to study**

46. The University's, Additional Learning Support, Student Support Services and the Centre for Wellbeing, provide advice and support for students on learning support and on welfare and well-being, including counselling, health, chaplaincy, together with advice on financial hardship. These Services also provide advice and support for members of University staff working with students to support their fitness to study.

47. When working with students, the Student Services follow their own agreed internal procedures. Where members of the Student Services, having applied the University's definition of fitness to study (see Regulations 13-16 above), come to the view that a student may not be fit to study, they refer the matter to the Head of their particular Service in the latter's capacity as an Authorised Person. When so doing they:
   - set out the grounds for their concerns for the student's fitness to study (see Regulation 15 above)
   - describe the steps that have been taken to support the student and their engagement with the particular Student Service
   - ask the Authorised Person to apply to the Director of Student Services and Administration to request that a Fitness to Study Panel is convened

48. Where the Head of the Student Service, as an Authorised Person, is satisfied that there is evidence to show that the student's fitness to study is open to question, they apply to the Director of Student Services and Administration to request that a Fitness to Study Panel is convened. The Director of Student Services and Administration will normally confer with the Head of the particular Student Service in order the satisfy
themselves that convening a Fitness to Study Panel would be appropriate in the circumstances. Where the Director of Student Services and Administration is satisfied that it would be appropriate to refer the matter to a Fitness to Study Panel they request OSCAR to prepare for, convene, and support a Fitness to Study Panel.

49. When a Fitness to Study Panel is convened it will routinely request advice and information from the Student Services and will normally ask a member of the Service to be in attendance to provide specialist advice when the Panel meets. The Head of the Student Service will be mindful of this when referring a matter to the Director of Student Services and Administration and take appropriate steps to minimise the risk that bias or conflicts of interest will compromise the fairness of any fitness to study proceedings.

**Managed Exclusion Order**

50. A Managed Exclusion Order is a way of managing the access of a student to University premises and services for a specified period of no longer than 20 working days (in the first instance) in the student’s interest, in the interests of other students and staff, and in the interests of enabling information to be gathered and a Fitness to Study Panel to be convened. The granting of a Managed Exclusion Order does not signify a view on the part of the University that a finding has been made about the student's fitness to study or that the student has committed any misconduct. Students who are the subject of a Managed Exclusion Order may be prevented from representing the University at sporting or other public occasions.

51. In cases where the participation of a student in their programme, agreed research activities, in the life of their residence, or in the University more generally appears to pose an immediate threat to their own wellbeing and/or safety, or to the wellbeing and/or safety of other students, staff or third parties, the University's Head of Security should be informed. Consideration should also be given to making an immediate application to the Director of Student Services and Administration or, in their absence to their designated Alternate, for a Managed Exclusion Order.

52. To ensure that it has robust arrangements to handle emergencies, including urgent requests for Managed Exclusion Orders, the University maintains a guide to dealing with such matters with the Head of Security together with a sealed set of out of hours contact details for: the Provost, the Vice-Provosts, the Director of Student Services and Administration, the Head of Student Support Services, and their designated Alternates.

53. Before seeking a Managed Exclusion Order the Director of Student Services and Administration will seek advice from the designated Academic Leader for the student's programme or subject area, the University's Student Services, and the Head of Security, so as to ensure that this is consistent with the student's safety and wellbeing and the safety and wellbeing of others and to limit the effect of the Order on the student's studies, where possible.

54. Managed Exclusion Orders may apply to the whole of the University's premises, parts of the campus, parts of the campus at specified times, particular services (such as the University's web site or email services) or combinations of all these. Before making such an Order the Provost or the Vice-Provost will satisfy themselves that the underlying circumstances make such an order necessary.

55. The duration of an existing Managed Exclusion Order may be extended for a further defined period where the Director of Student Services and Administration, on behalf of the Case Officer, is able to demonstrate to the Provost that:
• the extension is necessary as the student poses a threat to the safety or well-being of themselves or other members of the University
• the extension is necessary to complete the collection of information or to enable the student and/or the University to complete their preparations for a Fitness to Study Panel hearing

56. The Provost will consider the recommendation and review the terms recommended for the Order. The Order may be granted where the Provost is satisfied that it is necessary in the interests of the student's safety or well-being, the safety or well-being of others, of the integrity of the University's procedures or in the interests of the University overall.

57. When the Order has been approved and signed by the Provost, the Director of Student Services and Administration ensures that the student, the Head of Security, the Senior Warden (where relevant) and others needing to be aware of its terms and conditions to give effect to the Order are provided with that information.

Appeal against a Managed Exclusion Order

58. A student may appeal against the grant of a Managed Exclusion Order, or its terms, by writing to the Provost, via OSCAR, providing relevant evidence that one or more of the following grounds applies in their case:

• that the terms of Managed Exclusion Order are excessive
• that the student does not pose a risk to themselves, other students, staff, or University property, or the integrity of the University's fitness to study procedures
• that the University has shown bias or prejudice in the way that it has sought to impose the Managed Exclusion Order on the student
• that in making the Managed Exclusion order the University has not followed its own procedures or has not followed them with due care

59. Where the Provost receives such an appeal from a student they ask a different OSCAR Case Officer from the one involved in the granting of the Managed Exclusion Order to investigate the matter and report back to them. The Managed Exclusion Order remains in force until the Case Officer has completed their investigation and the Provost has ruled on the matter.

60. In their investigation, the Case Officer reviews the evidence provided by the student and the grounds for their appeal. They may also meet the student to confirm the grounds for their appeal and the evidence they have put forward.

61. Where the Case Officer is able to establish that the imposition of the Managed Exclusion Order was unfair, excessive, or has the appearance of bias against the student, or that the student has not put forward grounds for their appeal and/or supporting evidence, they advise the Provost accordingly. The Provost considers the report and recommendations of the Case Officer, and makes a ruling.

62. The Case Officer conveys the ruling of the Provost, in writing, within five working days, to the student and the Director of Student Services and Administration and other members of the University who need to know the outcome of the student's appeal, such as the Head of Security, the Head of Student Support Services, the Director of Wellbeing, the Disabilities Manager, and the Academic Leader for the student's programme. The letter to the student constitutes a Completion of Procedures letter for the student's appeal against the imposition of the Managed Exclusion Order.
The role of an Authorised Person in fitness to study proceedings

63. The role of an Authorised Person in fitness to study proceedings that have originated with an Academic Leader is to:

(i) receive applications from an Academic Leader that the Director of Student Services and Administration be requested to convene a Fitness to Study Panel;

(ii) check, with reference to Regulations 15 and 44 above that there are grounds for such a request to be made to the Director of Student Services and Administration and that the matter is one of fitness to study;

(iii) confirm that the advice of the Student Services has been sought on the student's fitness to study;

(iv) check that a meeting has been sought with the student, that the student was informed that the matter concerned their fitness to study, and that they could be accompanied at the meeting by a friend or University of Surrey Students’ Union Official;

(v) check that where the student did not respond to an invitation to attend a meeting with the Academic Leader, or otherwise attend the meeting, that this was followed up and the student was offered a further meeting;

(vi) check that the application from the Academic Leader includes notes setting out the information listed above and notes of the meeting(s), if any, held by the Academic Leader, the Personal Tutor or supervisor and the student and whether it would be advisable to apply to the Director of Student Services and Administration for a Managed Exclusion Order.

64. Where the Authorised Person is satisfied that the matter is one of fitness to study, and that the information listed in Regulation 44 above has been provided, they forward the information to the Director of Student Services and Administration and request that a Fitness to Study Panel be convened. Where the Authorised Person considers that additional information is required before the matter can be referred to a Fitness to Study Panel they will defer making such a reference until the necessary information has been provided.

65. The role of an Authorised Person in fitness to study proceedings that have originated with the Student Services is described in Regulation 30 above. In fitness to study matters the Disabilities Manager, the Head of Student Support Services or the Director of Wellbeing take care to ensure that their role as the Head of their Service does not compromise their ability as an Authorised Person to review fairly and impartially a request from their Service for a matter to be referred to the Director of Student Services and Administration for a Fitness to Study Panel to be convened.

Referral to a Fitness to Study Panel

66. When it is necessary for the University to make a decision on a student's fitness to study it does so through convening a Fitness to Study Panel, which the student normally attends, and which receives information, guidance, and advice about the student's fitness to study in order to come to a finding. Fitness to Study Panels are convened by the Director of Student Services and Administration and are organised through OSCAR. Fitness to Study Panels conduct their business in accordance with the University's Regulations for hearings by panels.

67. When the Director of Student Services and Administration receives a request from an Authorised Person that a matter be referred to a Fitness to Study Panel (with or without a request that a Managed Exclusion Order be sought) they check the
grounds on which the request is advanced by the Authorised Person and the accompanying report of the discussions between the Academic Leader the Personal Tutor or supervisor, the student and the Student Services, any subsequent outcomes, and the steps the Authorised Person has taken to confirm the facts of the matter.

68. As part of the checks that they conduct, the Director of Student Services and Administration will satisfy themselves that the matter is indeed one of fitness to study. Where the Director is of the opinion that the matter should more properly be regarded as one of fitness to practise or a disciplinary matter, they will consult with the University's Legal Adviser in order to determine whether the matter should be dealt with under other University Regulations, such as the Regulations for fitness to practise or the Student disciplinary regulations.

Role of the Director of Student Services and Administration in fitness to study proceedings

69. The Director of Student Services and Administration acts as the University’s procedural gatekeeper for fitness to study matters, in which capacity they receive correspondence and reports on requests for matters to be referred to a Fitness to Study Panel. They check whether a matter is consistent with the University's definitions of fitness to study (see Regulations 13-15 above). Where they require information on, or clarification of, specialist or technical matters the Director of Student Services and Administration consults the Student Services.

70. The Director of Student Services and Administration 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, the safety and wellbeing of other students, staff or third parties, or to maintain the independence of the fitness to study procedure.

71. When acting in their role as procedural gatekeeper the Director of Student Services and Administration checks whether the University's Regulations and procedures have been followed, and whether the documentation is sufficiently complete to enable the matter to be put before a Fitness to Study Panel.

Role of OSCAR in fitness to study proceedings

72. When the Director of Student Services and Administration is satisfied that the matter that has been referred to them meets the requirements set out in Regulations 13-15 above they pass the request with the accompanying report to OSCAR which will assign it to a Case Officer. The Case Officer compiles a dossier of all relevant paperwork for the Fitness to Study Panel. The Case Officer will then write to the student:

- setting out the grounds that have been put to OSCAR for requesting a referral to a Fitness to Study Panel, and including the information that accompanied the request from the Authorised Person along with any comments or advice provided by the Student Services or other specialist advisors including the Robens Centre for Occupational Health and Safety
- inviting the student to provide a written response in writing to the request from the Authorised Person should they be able to do so
- reminding the student that it would be advisable for them to seek advice and support from the University of Surrey Students Union (USSU) and that a friend or a USSU Official will be able to attend any Fitness to Study Panel hearing to support them and speak for them, should this be the student's wish.
73. Should the student provide a written response to the information sent to them that is listed in Regulation 71 above, the Case Officer will provide copies of the response for the Director of Student Services and Administration and the Fitness to Study Panel.

74. Where the student or a witness that the student wishes to attend the Fitness to Study Panel hearing is the subject of a Managed Exclusion Order the OSCAR Case Officer 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. Where necessary the OSCAR Case Officer may seek to have the terms of the Managed Exclusion Order varied to enable the student or witnesses to attend the hearing.

Hearing by a Fitness to Study Panel

75. Hearings by Fitness to Study Panels are conducted under the University's Regulations for hearings by panels and these Regulations.

76. The Academic Leader for the student's programme or subject area, the student's Personal Tutor or supervisor, members of the University's Student Services and its Head of Security may be invited to attend Fitness to Study Panel hearings to provide expert advice at the request of the Chair of the Panel.

Attendance of the student at a Fitness to Study Panel

77. The University normally expects that a student who is the subject of a fitness to study hearing will attend the hearing and be accompanied or supported by a friend. Where the student chooses not to attend, the Panel hearing may proceed and the student may be represented in their absence by a friend. Where the student requests a postponement of a hearing by a Fitness to Study Panel the University takes into consideration the criteria and requirements for evidence set out in the University's Regulations for extenuating circumstances.

78. In circumstances where the student is too unwell to be present at the fitness 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 should consider finding on the facts collated by the OSCAR Case Officer that the student should be subject to one of the following:

- a Managed Study Plan
- suspension of the student's studies
- exclusion
- termination of the student's registration

79. Where the student is not present at the Fitness to Study Panel hearing it is only in the most exceptional cases that the Panel may find that the student's registration should be terminated. In order to reach such an exceptional finding the Panel must normally be in possession of clear, professional, and independent evidence that the student is unlikely to be able to return to the University for the foreseeable future.

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3 The definition of suspension is given in Ordinance 6.3.1.2(b) and includes suspension as a neutral act, not linked to any sanction.
**Findings that a Fitness to Study Panel can make**

80. Fitness to Study Panels are convened to consider the matters referred to them by the Director of Student Services and Administration at the request of an Authorised Person, review the accompanying report, hear the evidence put before them by the student and/or their friend and any witnesses or specialist or professional advisers attending to assist the Panel, and make findings and recommendations on the matter referred to them.

81. Fitness to Study Panels make their findings and recommendations solely on the basis of the written information provided for them and information put before them by the student, witnesses (if called to assist the Panel) and expert advice from the Academic Leader for the student's programme or the University's Student Services.

82. The matters a Fitness to Study Panel will normally consider in order to come to its findings and any recommendations include the following:

- 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 Panel should accompany their findings with recommendations and advice about actions that the student might take to avoid a further reference to a Fitness to Study Panel and may require that a Managed Study Plan be put in place (see Regulation 38 above) or endorse an existing plan
  - if the answer to the above question is 'yes', but only with the student's adherence to the terms of a Managed Study Plan, the Panel should check with the Academic Leader for the student's programme and the Student Services that any support that the student will require can be provided by the University on a continuing basis or, if not by the University, by the NHS or Access to Work, and that should the behaviour or concern that caused the initial reference to the Panel recur, that will trigger a new reference to a Fitness to Study Panel
  - if the answer to the above question is 'no', when might the student be fit to study?
    - if the answer to the above question is 'within a period that can be specified', then having taken advice from the Academic Leader and the Student Services, the Panel should recommend a Managed Study Plan that may include a brief period of suspension of studies and a return to study assessment.
    - if the answer to the above question is 'not for the foreseeable future' then, again having taken advice from the Academic Leader and the Student Services, the Panel should find accordingly and recommend termination of the student's Registration

**Suspension of studies**

83. Where a Fitness to Study Panel receives specialist advice that a student will be likely to regain their fitness to study with rest, recuperation, or by undertaking specified activities or therapies, the Panel may recommend a short-term suspension of the student's studies or recommend the extension of an existing suspension. Suspension of studies is normally agreed as part of a Managed Study Plan and at its conclusion requires the student to complete a specified return to study assessment that is linked to the behaviour or concern that triggered the initial reference to the Panel.
Exclusion for a defined period

84. Where a Fitness to Study Panel considers that a student's wellbeing and safety or the wellbeing or safety of other students, staff, and third parties can best be achieved by requiring the student to remove themselves from the University for a defined period, the defined period will be specified after consultation with the student's Academic Leader, will not normally exceed one year, and will only conclude when the behaviour or concern that triggered the initial reference to the Panel has been addressed as shown by the student's successful completion of a specified return to study assessment for fitness to study.

85. A Fitness to Study Panel may recommend that a Managed Exclusion Order is made for the duration of a student's exclusion from the University.

Termination of registration

86. Where, with the benefit of specialist advice, a Fitness to Study Panel comes to the view that there is no realistic prospect that the student will regain their fitness to study in the foreseeable future, the panel will recommend that the student's registration is terminated. The Panel may choose to attach to this recommendation a comment on how any subsequent application by the student to enrol on the same programme or another programme at the University might be handled, and whether the student should be required to complete a specified return to study assessment that is linked to the behaviour or concern that triggered the initial reference to the Panel in order to demonstrate their fitness to study.

87. Where the recommendation of a Fitness to Study Panel is that the student's registration be terminated, the period of termination begins immediately.

88. If the student does not lodge an appeal within the specified time limit against a recommendation by a Fitness to Study panel that their registration be terminated, the Secretary to the Fitness to Study Panel offers a Completion of Procedures letter.

Arrangements following the Fitness to Study Panel

89. Following a hearing by a Fitness to Study Panel the Secretary conveys the findings of the Panel, and any approved recommendations, including any recommendations for a Managed Exclusion Order to the student, the Director of Student Services and Administration, the Executive Dean of the student's Faculty, the Head of their School or Department, the Academic Leader for the student's programme and the Authorised Person(s) who referred the matter of the student's fitness to study to the Director of Student Services and Administration.

90. Where the Panel has recommended the termination of the student's registration the Panel's recommendation remains in force until the outcome of any appeal is known.

91. Where the Panel has recommended that a Managed Exclusion Order be sought the Secretary of the Panel will inform the Director of Student Services and Administration who will prepare the necessary Order or extension and submit it to the Provost for their consideration.

92. Where the Fitness to Study Panel has recommended that the student's registration is terminated the Director of Student Services and Administration ensures that the student receives any interim or alternative award to which they are entitled and a copy of their transcript or its equivalent.
**Return to study arrangements**

93. Where a fitness to study hearing has resulted in the Panel finding that the student should be subject to a period of suspension or exclusion, the student's return to study will only be approved when the University receives evidence, through the Director of Student Services and Administration, that the student has successfully completed a Return to Study Assessment conducted for the University by the Robens Centre for Occupational Health and Safety or other independent specialist advisers where appropriate.

94. When the Director of Student Services and Administration receives a statement from the student that they meet the University's requirements for fitness to study with supporting evidence they copy both items to the Student Services, the relevant Authorised Person and Academic Leader, for their information.

95. The University will expect that the Academic Leader for the student's programme and their Personal tutor or supervisor will closely monitor and support the student's return to study.

**Appeals from the findings and recommendations of a Fitness to Study Panel**

96. The following paragraphs should be read in conjunction with the University's Regulations for hearings by panels.

97. Students making an appeal against the findings and/or recommendations made by a Fitness to Study Panel do so using the University's prescribed standard form, copies of which are available from the web pages for OSCAR.

98. Appeals against the findings of a Fitness to Study Panel must be received within 10 working days of the relevant Panel conveying its findings to the student.

**Grounds for making an appeal against the findings or recommendations of a Fitness to Study Panel**

99. In an appeal, the burden of proof passes to the person making the appeal. That is, it is for the student to show that their appeal against the findings of the Fitness to Study Panel is consistent with one or more of the grounds set out below and that they can support their appeal with evidence.

100. When making an appeal against the findings and/or the recommendations of a Fitness to Study Panel the University recognises only the following as valid grounds:

- that the Panel failed to follow the University's Regulations, or failed to follow them with due care
- that in reaching its finding and/or recommendations the Panel exhibited bias or prejudice against the student
- that there is fresh relevant evidence that was not available to the Panel but that has since come to light and should be considered, including that there were extenuating circumstances that were relevant to the matter that were not made known to the Fitness to Study Panel at the time, for good reason

**Investigations by OSCAR**

101. When OSCAR receives an appeal against the findings or penalty imposed by a Fitness to Study Panel the Case Officer assigned to deal with the matter checks whether:
the appeal has identified the grounds on which it has been made;
(ii) the grounds are consistent with those that the University recognises as valid (see Regulation 100 above);
(iii) the grounds advanced are supported by relevant evidence;
(iv) the appeal is supported by evidence that was not put to the Fitness to Study Panel (fresh evidence) and whether the evidence is relevant to the fitness to study matter that was referred to the Panel.

102. Where the student has submitted fresh evidence in support of their appeal the Case Officer will check that the evidence is relevant to the matter and include it in the appeal dossier they compile for the hearing by the Fitness to Study Appeal Panel. Where the student’s appeal meets the requirements set out in Regulation 100 and Regulation 101 (i), (iii) and/or (iv) above, the Case Officer checks with a second Case Officer before confirming that an Appeal Panel should be convened and making the necessary arrangements. This may include ensuring that the terms of any current Managed Exclusion Order in force enable the student to make necessary preparations for the hearing and for any witnesses to attend the hearing.

103. Where the Case Officer, having reviewed the documents setting out the student's appeal, considers that it does not meet one or more of the conditions set out in Regulation 100 and Regulation 101 (i), (iii) and/or (iv) above, and this is confirmed by a second Case Officer, the first Case Officer writes to the student to dismiss their appeal, explaining the grounds for the dismissal, and that this communication constitutes a Completion of Procedures.

Hearings by Fitness to Study Appeal Panels

104. Hearings by Fitness to Study Appeal Panels are conducted under these Regulations and the University's Regulations for hearings by panels. The University aims to complete a fitness to study Appeal Hearing within 30 working days of the appeal being lodged.

Recommendations that a Fitness to Study Appeal Panel can make

105. On the basis of the written evidence provided for it, and the evidence brought to its attention through the hearing, a Fitness to Study Appeal Panel may:

- confirm the recommendations made by a Fitness to Study Panel and dismiss the appeal
- find that there was bias in the way a Fitness to Study Panel reached its recommendation or in other aspects of the fitness to study procedure or that there has been a failure to follow the University's own procedures and/or Regulations or to follow them with due care. Where there is evidence of bias or failure by the University to follow its own procedures such as to deny the student a fair hearing the Fitness to Study Appeal Panel may:
  - direct that the matter be heard anew by a differently constituted Fitness to Study Panel
  - substitute the findings of the Fitness to Study Panel with its own findings
  - or, where the unfairness to the student is extreme, nullify the recommendations of the Fitness to Study Panel, end the fitness to study procedure and reinstate the student
  - request that the original approval for the students' registration to be terminated be rescinded
106. When the Fitness to Study Appeal Panel hearing concludes, the Secretary to the Panel writes to the Provost, the student, the Director of Student Services and Administration, the Executive Dean of the student's Faculty, and any relevant Authorised Person, on behalf of the Panel, stating whether the student's appeal has been upheld or dismissed and whether any associated penalty has been upheld. The Secretary's letter also states that it constitutes the completion of the University's procedures and that where the student considers that they have grounds to complain against this outcome they may do so to the Office of the Independent Adjudicator for Higher Education.

107. Where the outcome of the Fitness to Study Appeal Panel hearing is that the termination of the student's registration is confirmed, the Director of Student Services and Administration ensures that the student receives any interim award to which they are entitled and a copy of their transcript or its equivalent.

**Records of Fitness to Study Panel and Fitness to Study Appeal Panel hearings**

108. The outcomes of Fitness to Study Panel and Fitness to Study Appeal Panel hearings, including the relevant correspondence, information, dossiers and notes of findings and recommendations are held securely by OSCAR in accordance with the University's standard records retention policy and arrangements.