

POLICY / PROCEDURE TITLE		DATE OF APPROVAL
HE Fitness to Study Policy		October 2024
APPROVED BY	VERSION NO.	VALID UNTIL
HE Academic Board	2	October 2027

OWNER	Assistant Director of HE Quality and Standards		
GROUP EXECUTIVE LEAD	Academic Registrar		
DOCUMENT TYPE	Policy <input checked="" type="checkbox"/>	Group Procedure <input type="checkbox"/>	Local Procedure <input type="checkbox"/>
PURPOSE	This policy and procedure sets out how NCG will normally respond to instances where a concern is raised regarding a student's fitness to study and the type of action that NCG may take to deal with the concern and to support the student.		
APPLICABLE TO	This policy applies to all staff teaching on and all students admitted to and undertaking higher education programmes/awards at NCG.		
EQUALITY ANALYSIS COMPLETED [POLICIES ONLY]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	(If EA not applicable, please explain)		
KEY THINGS TO KNOW ABOUT THIS POLICY	<ol style="list-style-type: none"> 1. This policy provides an overview of the kind(s) of concerns that may potentially be understood to impact upon a student's fitness to study. 2. This policy details the interventions NCG may implement to deal with fitness to study concerns and to support students. 3. This policy is to be used as a last resort once all other avenues have been exhausted. It is anticipated that the majority of issues can be resolved without recourse to this policy. 		
EXPECTED OUTCOME	Readers are expected to understand the organisational position on fitness to study concerns and appropriate responses, know their responsibilities in relation to the policy and comply with its terms.		

MISCELLANEOUS	
LINKED DOCUMENTS	<ul style="list-style-type: none"> • NCG Student Positive Behaviour Policy • NCG Academic Regulations • NCG HE Fitness to Practice Policy
KEYWORDS	<ul style="list-style-type: none"> • Fitness to Study • Student Behaviour

Equality Impact Assessment

EQUALITY IMPACT ASSESSMENT			
	Yes	No	Explanatory Note if required
EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in Section 2?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The answer to this must be YES
EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Disability / Difficulty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Religion or Belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA3 - Does the proposed policy/processes contain any language/terms/references/ phrasing that could cause offence to any specific groups of people or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA4 - Does the policy/process discriminate or victimise any groups or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this could be yes or no as positive action is lawful. However, an explanation must be provided for clarity.
EIA 6 - How do you know that the above is correct?	The policy author has consulted with peers and appropriate groups of people in the Group.		

1. General Policy Statement

- 1.1. This policy and procedure applies to students admitted to and undertaking higher education (HE) programmes at NCG. Fitness to study relates to an individual's capacity to participate fully and satisfactorily as a student, in relation to academic studies and life generally at NCG. NCG 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, academic achievement, progression and wider student experience.

2. The purpose and scope of this policy

- 2.1. The purpose of this policy is to provide a suitable and co-ordinated response by academic and support staff in circumstances where:
- the situation is deemed to be urgent; and
 - other internal procedures such as the Student Positive Behaviour policy are not appropriate; and
 - all other avenues have been exhausted.
- 2.2. This process may be invoked following incidences or a pattern of behaviour that breaches NCG's Student Positive Behaviour policy or other alternative NCG procedures (or equivalent policies and procedures within NCG's partner providers), where it is believed that there may be an underlying issue such as pre-existing physical or mental health difficulty (or one subsequently disclosed by the student). In such cases, NCG reserves the right to initiate this policy, or other relevant processes, where appropriate. NCG may refer the treatment of a student's case out of one process to another to secure an appropriate response on the facts of the case. In such cases, NCG's Assistant Director of HE Quality and Standards (or equivalent/nominee) will make the decision as to if/when cases should be transferred.
- 2.3. Where concern(s) have been expressed about the fitness to practise of a student following a course of study that, if completed successfully, would enable them to apply to be placed on the Register of a Professional Body, NCG will normally deal with such matters under the terms of its Fitness to Practise

policy. However, NCG may, if appropriate, choose to initially address the concern(s) under the Fitness to Study policy and procedure.

3. When to use this policy

- 3.1. This policy should be used when a student's fitness to study is a cause for concern and all other procedures or options have been considered or exhausted. It is to be used as a last resort. The aim is to work with the student to understand the nature of the concern(s), find a constructive way of addressing them, and therefore ensure that NCG has provided reasonable support to enable the student to complete their studies. It is anticipated that the majority of issues could be resolved without recourse to this Policy.
- 3.2. A student's fitness to study may be a cause for concern as a result of a wide range of circumstances, including (but not restricted to) the following:
 - 3.2.1. a student poses a risk to their own health, safety and/or wellbeing and/or that of others;
 - 3.2.2. a student's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other students;
 - 3.2.3. a student's behaviour is (or is at risk of) adversely affecting the day-to-day activities of NCG or a placement provider;
 - 3.2.4. a student's support needs fall outside the scope of the support and other services which NCG can reasonably be expected to provide either directly or indirectly.
 - 3.2.5. A student is physically and/or mentally unable to meet the required occupational/professional standards to complete the course.

4. Guiding principles for the policy and procedure

- 4.1. The fitness to study process seeks to decide whether on health grounds it is appropriate for the student to continue with their studies, either in exercising a duty of care to others or where it is deemed not to be in the interest of the particular student.
- 4.2. All decisions relating to fitness to study concerns will be made impartially, objectively and based on relevant evidence.

- 4.3. The standard of proof applied at every stage of this policy and procedure is the balance of probabilities.
- 4.4. Advice, guidance and evidence regarding a student's fitness to study will, where appropriate, be sought from appropriate practitioners, including health professionals and other external experts.
- 4.5. Any requirements or conditions imposed on the student should be intended to evidence that conditions have been met, and that a student is able to continue with their studies without posing a risk to themselves or to others.
- 4.6. In implementing this policy and procedure, NCG will remain mindful of its duty of care and of its obligations to students under the Equality Act 2010 including in appropriate cases to make reasonable adjustments for disabled students. It will also remain mindful of the often confidential and sensitive nature of fitness to study matters and of its obligations under the Data Protection Act 2018.
- 4.7. If students remain dissatisfied with decisions reached in relation to fitness to study concerns, they may, after following the internal NCG appeals process (detailed in paragraph 16, below) and in circumstances identified in the Higher Education and Research Act 2017, refer the matter to the Office of the Independent Adjudicator for Higher Education in England and Wales (OIA). Information relating to the OIA is available at www.oiahe.org.uk.

5. Responsibilities of NCG

- 5.1. As part of student induction, staff will normally familiarise students with where relevant sources of information, including HE policies and procedures, can be accessed. This will enable the student to make informed decisions.
- 5.2. Any member of staff who has serious concerns that it may not be appropriate for a student to continue with their studies, either in terms of a duty of care to others or where it is deemed not to be in the interests of the student, is advised to contact the relevant support service to discuss the concerns as soon as reasonably possible.

6. Responsibilities of students

- 6.1. Students must advise NCG if there are any changes to their health which impact, or have the potential to impact, their ability to continue with their studies.

7. Support and advice to students

- 7.1. Wherever possible, students should have opportunities to seek support for any matter before it becomes a fitness to study concern. This should include support by relevant academic staff and appropriate support from services within NCG (or their equivalent within NCG's partner providers).
- 7.2. When a fitness to study concern is identified, the curriculum area should:
- identify an academic member of staff, normally the personal tutor, to offer support to the student during the fitness to study process;
 - provide appropriate pastoral support to the student;
 - advise the student about the range of services available from relevant support services which may include occupational health services, confidential counselling, disability services and where applicable the Students' Union;
 - encourage the student to discuss any problems in a supportive and confidential environment;
 - offer support and remediation, where appropriate, to the student;
 - conduct an assessment of the risk to the student and other students.
- 7.3. Students are strongly advised and encouraged to seek advice from relevant support services and where applicable the Students' Union. Students will be entitled at any stage under this policy and procedure to be accompanied and/or represented by one friend, relative, or representative of the Students' Union (where applicable). This is in addition to any health professional or support worker who may usually accompany the student.

8. Temporary Exclusion

- 8.1. If it is considered that the risk to the student or NCG is very high, an immediate temporary exclusion may be deemed the most appropriate course of action.
- 8.2. NCG's Assistant Director of HE Quality and Standards (or equivalent) may impose a temporary exclusion with immediate effect pending the invoking of this policy. A student who is subject to a temporary exclusion order is prohibited from entering NCG premises and from participating in NCG activities. The exclusion may, exceptionally, be subject to qualification, such as the permission to take an examination or to enter NCG premises to attend a meeting with a relevant support service. The terms of exclusion will be individual to each case and will be notified to the student in writing. A student will be marked as 'suspended' on their student record during the period of exclusion.
- 8.3. The decision to exclude will normally be reviewed after four weeks. The review may include a recommendation that a Fitness to Study Panel be convened to consider the case.

9. Stages of the procedure

- 9.1. Members of staff who consider that a student's fitness to study is impacted should inform the Head of Curriculum (or equivalent) of their concerns at the earliest possible opportunity.
- 9.2. The Head of Curriculum (or equivalent) will consider the concerns and determine whether steps should be taken under this policy and procedure and, if so, at which stage of the procedure the concerns should be considered.
- 9.3. There are two stages for dealing with concerns regarding a student's fitness to study under this procedure:
 - 9.3.1. Informal stage – the informal stage will normally be used in relation to initial concerns regarding a student's fitness to study.
 - 9.3.2. Formal stage – the formal stage will normally be used when informal avenues have been unsuccessful, the other processes available have been considered and deemed to be inappropriate, and the student is not engaging and/or action plans have not been met.

- 9.4. Should a student without good cause be unwilling or unable to participate at any stage of this procedure or attend a meeting/hearing, NCG may nonetheless follow the procedure in their absence. Students who fail to attend an informal stage meeting, without good cause, may be progressed to the formal stage of this procedure.

10. Investigations into fitness to study concerns

- 10.1. Prior to any matter being determined at a meeting under the informal or formal stages of this policy and procedure, NCG may undertake any such investigations as it considers reasonable and appropriate in the circumstances.
- 10.2. A member of staff from the academic team and/or curriculum leadership team will be appointed to conduct an investigation and will determine the process to be followed for the investigation and may speak with the student concerned and with other students, staff and, where relevant, third parties (such as placement providers or health professionals) and call for information.
- 10.3. Any investigation will be carried out in a transparent and fair manner. The purpose of any investigation may be, for example, to inform NCG of the appropriate manner in which to deal with the matter, to determine at which stage a matter should be dealt with, or to prepare a report to be presented at the relevant meeting. As part of this process, the student may be asked to provide specific information including, for example, relating to their health/medical condition. The appointed member of staff may also consider it appropriate to seek input and evidence from relevant professionals, including health professionals and/or other external experts.
- 10.4. The student will normally be informed that an investigation is being carried out and of the identity of the member of staff appointed to conduct the investigation.

11. Informal stage

- 11.1. Initial concerns regarding a student's fitness to study will normally be considered under the informal stage. This will involve informal discussions with the student and the agreement of action plans.

- 11.2. The Head of Curriculum (or equivalent) will notify the student of the nature of the concern(s) regarding their fitness to study and invite them to attend a meeting under the informal stage to discuss them, together with any support needs the student may have. This meeting will normally be attended by the Head of Curriculum (or equivalent) and any relevant members of academic staff. An appropriate member of staff from student support services may also be invited to attend. Depending on the nature of the concern(s), information may be sought from other individuals in order to deal with the matter and ensure any support needs are met.
- 11.3. The student will be provided with a copy of this policy and procedure and advised of their right to be accompanied during the meeting and where they might wish to seek advice.
- 11.4. During the meeting, the student will be provided with an opportunity to respond to the concern(s), ask questions and raise any points they consider to be relevant.
- 11.5. The Head of Curriculum (or equivalent) will determine whether or not the student's fitness to study has been impacted and the appropriate outcome at the informal stage. The potential outcomes of the meeting include (but are not limited to) one or more of the following:
- that no further action is taken under the fitness to study policy and procedure, i.e. the student is deemed fit to study;
 - that an action plan be drawn up and agreed with the student;
 - that the matter be considered further at a formal stage hearing under the formal stage of this procedure;
 - that the matter be considered further under another NCG policy/procedure.
- 11.6. The outcome determined at the informal stage will be communicated to the student in a timely manner.
- 11.7. Appropriate written records will be kept within the curriculum area to capture relevant details of the fitness to study concern and the outcome determined at the informal stage.

12. Formal stage

- 12.1. When informal avenues have been unsuccessful, other available processes have been considered and deemed to be inappropriate, and the student is not engaging and/or action plans have not been met, the student's fitness to study will normally be considered under the formal stage of this process and policy. This formal stage entails the undertaking of a fitness to study panel to review the details of the case and decide upon the most appropriate response to be adopted.
- 12.2. A student's fitness to study will only be considered under the formal stage in the following circumstances:
- following a temporary exclusion under section 8 of this policy; or
 - if the student does not agree or is not engaging with action plans established as a result of the informal stage of this policy and process; or
 - the case is deemed sufficiently serious and urgent to warrant an immediate referral without consideration of the informal stage.
- 12.3. The student will be notified of the nature of the concern(s) regarding their fitness to study and informed that the concern(s) will be considered under the formal stage of this policy and procedure. The student will be invited to attend a meeting to consider the concern(s), together with any support needs the student may have. The student will be provided with a copy of this policy and procedure.
- 12.4. The student will be given appropriate notice of the date of the fitness to study panel. The student will be provided with:
- details of the date, time and place of the panel;
 - full details of the nature of the concern(s), including copies of any relevant documents, statements, correspondence and student records, (except where the provision of such information would be likely to breach the Data Protection Act 2018 or other legislation);
 - details of the members of the panel (see paragraph 12.6 below);
 - details of any other individuals who may be asked to attend the panel to give evidence;

- details of their right to be accompanied during the panel;
 - details of their right to submit a statement and provide relevant documentary evidence (any statements must be signed and dated).
- 12.5. All information for consideration by the panel must be received in a timely manner before the date of the panel hearing.
- 12.6. The panel will normally comprise of the Head of Curriculum (or equivalent), NCG's Assistant Director of HE Quality and Standards (or equivalent) and any other members of staff deemed appropriate. NCG's Assistant Director of HE Quality and Standards will normally chair the panel.
- 12.7. The student will normally be expected to attend the panel hearing. If the student does not attend, without good cause, the panel may proceed in the student's absence. The panel will consider any representations made by or on behalf of the student (in absentia) at the appropriate point in the meeting.

13. Procedure for a formal fitness to study case panel hearing

- 13.1. The following procedure will normally apply, although the fitness to study panel may, at its discretion, adjourn or depart from this procedure if it considers it to be in the interests of fairness or efficiency to do so.
- 13.2. The Chair will invite all those present to introduce themselves and will explain the purpose of the panel. Where a student's companion is not bound by a Professional Code/Rules, the Chair will reinforce that the content of the meeting is confidential.
- 13.3. The panel will outline the fitness to study concern(s), together with any evidence in support.
- 13.4. The student or their representative will have an opportunity to respond to the concern(s) and present their case.
- 13.5. The panel shall have an opportunity to call any relevant witnesses.
- 13.6. The panel shall have an opportunity to question any of those witnesses, and the student.
- 13.7. The panel may ask questions of either party at any stage during the case review.

- 13.8. The panel will sum up, with particular reference to the implications for the student's fitness to study.
- 13.9. The student or their representative will sum up, with reference to any mitigating factors.
- 13.10. The panel may ask for specific enquiries to be undertaken, additional witnesses to be called and/or additional information to be presented. If necessary, the panel may determine the panel hearing should be adjourned for these purposes.
- 13.11. The panel will deliberate the issues and reach its determination in relation to the fitness to study concerns in private. The panel will make its findings, and reach its decision, on the balance of probabilities (standard of proof). If a consensus of decision is not achieved, the Chair will have the casting vote.
- 13.12. The details and outcome of the formal panel hearing should be recorded in formal minutes.

14. Potential outcomes of a formal fitness to study panel

- 14.1. The purpose of the panel is to determine whether or not the student's fitness to study is impacted and to decide upon the most appropriate outcome at the formal stage.
- 14.2. The panel's decision will be proportionate, taking into account the nature of the fitness to study concern(s), the seriousness of any risk posed, the interests of other students, and the interests of the student. The Panel will consider any mitigating and aggravating factors presented when determining the appropriate outcome.
- 14.3. Possible recommendations available to the panel may include:
 - A short-term exclusion to allow the student to be assessed by a medical professional, access support services both within and outside of NCG or for NCG to obtain further information. The exclusion will be reviewed within four weeks as set out above in relation to emergency temporary exclusion.
 - Suspension with conditions for a period up to twelve months. A student who is suspended from NCG will be prohibited from participating in NCG activities and may also be prohibited from entering NCG premises or have

restricted rights to enter the premises. The terms of the suspension will be notified to the student in writing, depending on the circumstances of the case. The decision to suspend a student shall be reviewed as necessary by the Panel.

- Exclusion or requirement to withdraw - if the Panel concludes, taking into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the student re-engaging with their programme a recommendation will be made that the student is permanently excluded or required to withdraw. This recommendation should only be made in the most serious cases. The option of the student receiving a contained award will be reviewed.
- Any other action considered to be appropriate and proportionate.
- In cases where the student is studying on a programme accredited by a PSRB, the Panel will decide if this is a fitness to practise concern, and follow the related policy and procedure in these circumstances.

14.4. The student will be notified of the panel's decision in writing, together with reasons for the decision. Where the panel has determined it appropriate to apply conditions, the panel will specify the applicable timescales. When setting conditions, the panel should ensure they are appropriate, proportionate, workable, carefully explained to the student, and have a clear and demonstrable outcome.

14.5. A record will be held on the student's personal file and will be taken into account in any future referrals through the procedure.

15. Process of reporting fitness to study case decisions

15.1. Where appropriate, the student will be advised that the outcome of the panel hearing will be reported to relevant third parties in accordance with paragraph 18.1 of this policy and procedure.

15.2. In cases where the student is studying a programme accredited by a PSRB, the Panel will also advise the student if this is deemed a fitness to practise concern and refer them to the appropriate policy and procedure.

- 15.3. Any condition(s) recommended by the Panel will be reported to the Board of Examiners/Assessment Board.

16. Appeal process

- 16.1. The student may appeal against a suspension or requirement to withdraw. A letter setting out the grounds of appeal should be addressed to NCG's Academic Registrar and emailed to heregistryadmin@ncgrp.co.uk, to be received within 21 days of the date on which the order for suspension or the requirement to withdraw was made. The student is encouraged to seek assistance from the Students' Union Advice Service (if applicable) when preparing the letter of appeal.
- 16.2. The student will be informed of the outcome of their appeal and the reasons for this outcome in a timely manner.

17. Office of the Independent Adjudicator for Higher Education

- 17.1. A student who remains dissatisfied following the conclusion of the appeal process may apply to the OIA for reconsideration of the case under the rules of its scheme within twelve months of the issue of the 'letter of completion'. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>

18. Disclosure and recording of information

- 18.1. Personal data of students will be processed by NCG in compliance with the Data Protection Act 2018. NCG has a duty to inform relevant third parties of the nature and outcome of a proven formal fitness to study case in certain circumstances, including:
- to inform the relevant professional, statutory or regulatory body if standards require notification of outcomes and specified conditions imposed;
 - to inform the Disclosure and Barring Service where the statutory test regarding harm posed to children and/or vulnerable adults is met;
 - to inform placement providers in relation to any placements the student may be required to undertake as part of the programme;

- to inform UK Visas and Immigration (UKVI) within the Home Office, in case of a significant change in the circumstances of an international student.

18.2. Unless exceptional circumstances apply, the student will be informed in the event of any such disclosures and will be reminded of their obligation to disclose any specified conditions to the professional, statutory or regulatory body, at the appropriate time.

18.3. NCG will also reserve the right to disclose details of proven fitness to study cases to any third party in the event of a reference request where NCG considers it to be relevant. The student will normally be informed in the event of any such disclosure.

19. Statement on Implementation

Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Business Round-Up.

20. Statement on Equality and Diversity

NCG is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our [Equality Diversity Inclusion and Belonging Strategy](#). This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups.

21. Statement on Freedom of Speech

NCG is committed to upholding the principles of freedom of speech as enshrined in UK law. This policy is designed to ensure that all members of our NCG community, including students, staff, and visitors, can express their views and ideas freely and without fear of censorship or reprisal, provided that such expressions are within the law. We affirm that this policy does not, in any way,

diminish or undermine the rights of individuals under existing Freedom of Speech legislation.

22. Statement on Consultation

This policy has been reviewed in consultation with members of the HE Quality and Standards Committee. Prior consultation took place with HE Managers, including Partnerships Teams.

VERSION CONTROL				
Version No.	Documentation Section/Page No.	Description of Change and Rationale	Author/Reviewer	Date Revised
2	Passim	As part of a routine periodic review of policy, small and non-substantive changes have been made to the policy text in the interests of clarity, correctness, currency and concision.	Tom Cuthbertson	07/10/24