UCQ
UNIVERSITY
CENTRE QUAYSIDE

Fitness to Study Policy and Procedure

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1. Policy scope

1.1 These procedures apply to students on Further Education, Apprenticeships and Higher Education programmes, studying either full-time or part-time.

1.2 The procedure is designed to ensure that any concerns related to a student's ability to study are managed and addressed in a timely, equitable and supportive manner.

1.3 This procedure should only be used in exceptional cases where other UCQ policies or procedures are inappropriate, for example if, at any time in the opinion of UCQ Senior Leadership Team (SLT), it is more appropriate to proceed under the Student Disciplinary Policy and Procedure or other associated policies, UCQ shall have the right to do so.

2. Definition of Fitness to Study

2.1 Fitness to Study relates to an individual's capacity and ability to engage safely and satisfactorily as a student, in relation to academic, social, enrichment and community life at UCQ where appropriate. UCQ will provide a positive approach to the management of their physical and mental health issues and act to support a student's learning, academic achievement and enhancement of their UCQ experience.

2.2 A student may be deemed unfit to study where they are unable to meet the above definition and/or where one or several of the following criteria apply:

2.2.1 The student is unable actively to engage in their programme of study, to attend classes or meetings with tutors or supervisors or to spend sufficient regular time in private study in such a way as to enable them to succeed;

2.2.2 The student's continued study is likely detrimentally to affect their health and wellbeing;

2.2.3 The student's continued study is likely to have a detrimental impact on fellow students, staff or UCQ's external partners;

2.2.4 Where the adjustments required in respect of a student's disability, mental health condition, or long-term health need have been fully explored, including consultation with the student, and are evidenced to pose a significant and unmanaged risk to the student or others despite all reasonable measures, UCQ may consider whether continuation of study is safe and feasible. Any conclusions will be evidence-based, non-discriminatory, and reached only after exhausting all alternative support options.

2.3 **Inclusive, Anti-Discriminatory and Trauma-Informed Approach**

UCQ will assess Fitness to Study in a manner that is compassionate, fair, inclusive, and consistent with its core values. Decisions will not be based on assumptions about disability, mental health, neurodiversity or personal circumstances. UCQ adopts a trauma-informed approach, prioritising safety, transparency, empowerment, and collaboration, and recognising that behaviour and engagement can be influenced by a wide range of personal, cultural, health-related or contextual factors.

2.4 Before any decision is reached, UCQ will explore all reasonable adjustments, support options, and preventative measures in partnership with the student.

3. Principles

3.1 The procedure is informed by the following principles:

3.1.1 All students at UCQ must be able to meet the requirements of study as set out in the relevant programme/module specifications.

3.1.2 **Commitment to UCQ Core Values**

This procedure will be applied in a manner that reflects UCQ's core values of inclusivity, integrity, people-centred practice, collaboration and excellence. Every student will be treated with dignity, respect, and cultural sensitivity.

3.1.3 Where disability (including a long-term medical condition or mental health difficulty) as defined under the Equality Act 2010 may be a determining factor in a student's fitness to study, UCQ will make all reasonable adjustments to support the student in continuing to study. All applications for reasonable adjustments should be may through the UCQ Reasonable Adjustments Policy.

3.1.4 Fitness to Study procedures are dealt with in accordance with natural justice in a fair and equitable manner, providing an appropriate, proportionate, prompt and flexible response to serious concerns about a student's fitness to study.

3.1.5 The process followed to determine a student's fitness to study will be staged (with the possibility for immediate escalation) as set out below.

3.1.6 Wherever possible the student will be fully involved in each stage of the procedure.

3.1.7 UCQ will discharge its duty of care and legal obligations where there are serious or severe concerns.

4. Roles and responsibilities

4.1 Staff who have any serious or severe concerns about a student's health or behaviour should consider the use of this procedure.

4.2 All declarations and disclosures relating to this procedure should be referred to the Senior Leadership Team (SLT) for discussion. They will be added to the Student Safeguarding and Behaviours Log if the student enrols. The SLT meet regularly throughout the year to review all applications from students who may have additional needs and requirements; these include all serious or severe health declarations.

4.3 Referrals to the SLT can be made by a member of UCQ staff.

4.4 Applicants are expected to declare any Special Education Needs and/or Disabilities (SEND).

4.5 Following panel decisions the SLT will communicate with individual students. In regard to successful applications, additional requirements or reasonable adjustments may be necessary. These may include individual risk assessments and/or UCQ care and/or behaviour plans.

4.6 Health concerns may develop or become apparent throughout the year, and these should be recorded on the Student Safeguarding and Behaviours Log by the SLT.

4.7 Applicants, their parents/guardians, health professionals and other external representatives may contribute to these requirements.

4.8 In rare circumstances, where an applicant's or student's assessed needs or behaviours present a significant safeguarding risk that cannot be mitigated through reasonable adjustments, support plans, or multi-agency involvement, the SLT may consider whether UCQ can safely and reasonably meet those needs. Any such decisions will be evidence-based, non-discriminatory, and reached only after consultation with relevant professionals and the student.

4.9 For higher education students on professionally regulated courses there will be consideration of any implications for professional practice and, if so, whether the Fitness to Practice procedure of the awarding organisation should be invoked.

4.10 **Neurodiversity, Cultural Competence, and Individual Needs**

UCQ recognises that behaviours, communication, and engagement may present differently for neurodiverse students and those from different cultural or linguistic backgrounds. SLT and staff involved in decision-making will take account of these factors, seeking specialist advice where appropriate, to avoid misinterpretation, stigmatisation, or discriminatory impact. Any decisions relating to Fitness to Study will be evidence-based.

5. Legislation/data protection/confidentiality

5.1 Students with mental and physical health conditions are entitled to reasonable adjustments and appropriate support in relation to relevant legislation e.g. the Health and Safety at Work Act 1974, the Equality Act 2010, Keeping Children Safe in Education and the SEND Code of Practice. All personal and sensitive information will be managed in accordance with the Data Protection Act 2018 and the common law of confidentiality.

5.2 UCQ will ensure that decisions are compliant with the Public Sector Equality Duty and will actively consider differential impact on protected groups. Information will be shared only where necessary, proportionate and lawful, using a risk-led and student-centred approach. Students will be informed of what is shared, with whom, and why, unless exceptional safeguarding risks prevent prior notice.

5.3 There may be occasion where UCQ is obliged to disclose information, notwithstanding that the student has refused consent:

5.3.1 Where the student's behaviour threatens their safety or safeguarding, and that of others; or
5.3.2 Where UCQ would be liable to civil or criminal liability for failure to disclose

6. Procedure

6.1 The aim of this procedure is to promote and provide positive attitudes to students whose health or wellbeing is significantly affecting their ability to engage with study or participate safely in the learning community. This procedure can be used to support students when they present a risk to themselves and/or others. UCQ has a 'duty of care' to respond appropriately to situations where there are severe or serious concerns relating to a student's mental capacity and the impact that it may have upon that individual and other members of the UCQ community.

6.2 UCQ will make reasonable adjustments to the Fitness to Study process itself for students with disabilities, mental health conditions, or communication differences. This may include allowing additional time, enabling written instead of verbal contributions, providing quiet meeting spaces, offering breaks, allowing support persons to attend, or using accessible formats. No student will be disadvantaged in the process by disability, cultural factors, or past trauma.

6.3 This procedure will be used to deal with instances which have led to:

6.3.1 Concerns about a student's fitness to study at UCQ and/or ability to meet the learning outcomes of the course, notwithstanding reasonable adjustments.

6.3.2 A negative impact on the health, safety, wellbeing and/or learning of the student and/or others with whom they have contact.

6.4 This procedure is intended to make decisions which are non-judgemental and non-discriminatory whilst being consistent and sensitive, with the appropriate level of intervention. UCQ may refer individuals to external professional support, and they may be asked to supply written confirmation in relation to an individual's fitness to study. If early intervention measures are put in place and recommendations for support followed, a crisis situation can be avoided.

6.5 There may be circumstances where there appears to be conflict between a student's fitness to study and the health and safety of that individual, other students and employees. All cases will be reviewed on an individual basis.

6.6 Stage 1: Informal Intervention

6.6.1 Where staff have concerns that a student may not be Fit to Study as outlined above, the Tutor or other appropriate staff member should meet with the student to discuss the concerns and develop a plan of action, in agreement with the student and colleagues from professional services where appropriate. Actions may include steps to be taken by students and/or adjustments to be made by UCQ in order to facilitate a student's progress (in particular in relation to a disability or mental-health-related issue).

6.6.2 A written record of the meeting and of any agreed actions should be kept.

6.6.3 A review date should be set and agreed with the student.

6.6.4 At the review meeting, progress against actions should be assessed. If the concern is still not resolved the case may be escalated through the formal Fitness to Study process as outlined below.

6.7 Stage 2: Formal Fitness to Study Procedure

6.7.1 The formal process should be instigated where there are serious and persistent concerns about a student's ability to meet the criteria for Fitness to Study which have not been resolved through the informal steps.

6.7.2 The student should be formally notified in writing that the Fitness to Study Procedure is being instigated and should be provided with a copy or link to this procedure. The nature of the specific concerns should be outlined to him/her in this communication, and the student should be advised that he/she may be accompanied to a meeting with two members of staff. The student should normally be given 5 working days' notice of the meeting unless there is an urgent reason to call it in a shorter timescale.

6.7.3 The student will be invited to a meeting with two members of staff from UCQ, nominated by the SLT as appropriate.

6.7.4 At the meeting, the specific concerns regarding the student's Fitness to Study will be discussed. The focus of the meeting should be on the best interests of the student, how the concerns can be alleviated and the options available. If the student wishes to continue their studies in the short term, targets should be set and these may be more restrictive than those identified in Stage 1 above, including binding attendance requirements and evidence of substantial behaviour change. Further adjustments by UCQ may also be agreed.

6.7.5 Detailed records of the meeting should be kept as well as an agreed record of actions and targets.

6.7.6 A review date should be set (with a reasonable timeframe given the actions identified and in any case within 4 working weeks) and agreed with the student.

6.7.7 At the review meeting progress against actions will be measured. Three options are available:

- No further action required. Targets have been met and staff have been satisfied that the student is fit to study.
- Resetting of targets. This may be appropriate where targets have been partially met or where further, relevant targets are helpful to maintain progress, and these have been identified in the course of the review meeting.
- Escalation. Where targets have not been met and the setting of further targets would appear unlikely to yield any progress the case should be escalated to Stage 3.

6.8 Stage 3: Escalation Fitness to Study Procedure

6.8.1 Exceptionally, Stage 3 may be invoked without the full implementation of Stages 1 and 2, where in the opinion of the SLT, the student's behaviour constitutes a serious and immediate risk to their health and well-being or the health and well-being of others and action to suspend the student temporarily under the Student Disciplinary Policy and Procedures is not appropriate.

6.8.2 Safeguards against discriminatory assumptions:
Decisions relating to immediate risk will be based on specific behaviours, evidence, or circumstances rather than diagnoses, disabilities, neurodiversity, or other protected characteristics. UCQ will adopt a trauma-informed, inclusive and anti-discriminatory approach when determining whether Stage 3 is appropriate and will seek specialist advice (including mental health or medical input) where required to ensure decisions are fair, proportionate and lawful.

6.8.3 Stage 3 represents the final stage of the process. It is intended for use when the informal and initial formal steps outlined above have been exhausted without success.

6.8.4 Stage 3 consists of a panel assessment of the case. The panel should be composed of three or four members of the SLT.

6.8.5 The student will be invited to attend the meeting and may be accompanied if he/she so wishes. The student should normally be given 7 working days' notice of the meeting unless there is an urgent reason to call it in a shorter timescale. The accompanying person may present the student's case on his/her behalf.

6.8.6 The staff from UCQ and any relevant mentors or professional services staff will be invited to present documentation regarding the earlier stages of the procedures and their current concerns regarding the student's continued study at UCQ. This documentation should normally be submitted to the SLT at least 3 working days before the meeting.

6.8.7 The student will be invited to provide relevant independent medical or other professional practitioner evidence of his or her health and the potential impact of this on his/her ability to study and function as a member of the UCQ community. This should be provided to the SLT at least 3 working days in advance of the meeting. The student will normally be expected to bear the cost of this unless the report is requested by UCQ to aid its assessment of the case or there are compelling financial hardship grounds.

6.8.8 The panel should consider the evidence base and give the staff and student involved the opportunity to give their perspectives of events. The panel may ask questions of all parties to enable it to gain a fuller understanding of the situation and the possible options. The student and staff previously involved with the case will be asked to leave at the end of these discussions to allow the panel to consider its decision in private.

6.8.9 The student will be informed of the decision of the panel and the reasons for it in writing within 3 working days of the meeting. The potential range of outcomes are as follows (though this list is not exhaustive):

- Recommend that the student be permitted to continue immediately with his/her studies in the current mode of study with no conditions attached.

- Recommend that the student be permitted to continue immediately with his/her studies in the current mode of study with specified conditions, intended to safeguard the well-being of the student and/or the well-being of others, attached. If these conditions are not met the panel will be reconvened to reconsider the case.
- Recommend that the student be permitted to continue immediately with his/her studies but be required under to adopt a less demanding mode of study (i.e. part-time/ stretched degree).
- Recommend that the student be required to take a Break in Learning under the provisions of Department for Education funding rules.

6.8 Return to Study

Where a student has taken a break in learning, UCQ will work collaboratively with the student to develop a clear, supportive return-to-study plan. This may include phased engagement, academic adjustments, wellbeing support, risk assessments, or external input. The aim is to promote successful reintegration and continuing academic progress. Students will be fully involved in planning their return and may bring a supporter or advocate to relevant meetings.

7. Appeals

7.1 Right of appeal

7.1.1 All students have the right to appeal a Fitness to Study decision at each stage of the process if there are extenuating circumstances or additional evidence or information that is relevant but not known by the member of staff at the time of the decision or action under this procedure.

7.1.2 All appeals will follow AC-001 Appeals Procedure.

8. Document history

ISSUE NO.	DATE	PAGE	REVIEWER	DETAIL OF AMENDMENT
03	30/01/2026	All	Tara Henderson	Periodic review conducted: Para 6.7.8.4 – reference updated from ESFA to DfE S8 Document history added S9 IEA added

9. Initial equality impact assessment (IEIA)

Department: All	**Completed by:** Tara Henderson, Head of Policy and Governance	**Date of initial assessment:** 30/01/2026
Area to be assessed:	TLA-019 Fitness to Study Policy and Procedure	
Existing or new policy/procedure:	Existing	

What evidence has been used to inform the assessment and policy? (please list only)

- Equality Act 2010
- Health and Safety at Work Act 1974
- Data Protection Act 2018 and common law duty of confidentiality
- Keeping Children Safe in Education
- SEND Code of Practice
- Office for Students (OfS) Regulatory Framework
- UK Quality Code for Higher Education
- UCQ Reasonable Adjustments Policy
- UCQ Student Disciplinary Policy and Procedure
- UCQ Appeals Procedure (AC-001)
- Sector good practice guidance on Fitness to Study and student wellbeing

1. Describe the aims, objectives or purpose of the policy/procedure	The Fitness to Study Policy and Procedure aims to ensure that concerns relating to a student's physical health, mental health, wellbeing, or behaviour are identified and managed in a timely, fair, proportionate, and supportive manner. The policy seeks to safeguard the wellbeing of individual students, the wider UCQ community, and external partners, while ensuring students are supported to meet programme requirements wherever possible through reasonable adjustments, staged intervention, and clear decision-making.		
2. Which stakeholders/groups are intended to benefit from this policy/procedure?	➢ Students across Further Education, Apprenticeship, and Higher Education programmes ➢ Students with physical or mental health conditions, disabilities, or temporary health needs ➢ Academic and professional services staff ➢ Senior Leadership Team members responsible for safeguarding and wellbeing ➢ The wider UCQ learning community and external partners		
The Equality Act 2010 requires public bodies to have 'due regard' to the need to:- (1) Eliminate unlawful discrimination, harassment and victimization (2) Advance equality of opportunity between different groups; and (3) Foster good relations between different groups (4) Prevent instances of sexual harassment of employees, including by third parties	**3. Could the policy/procedure have a disproportionately negative effect impact in terms of the aims set out in (1) to (4) of the Act on any of the protected characteristics?:-** **High** **Medium** **Low** **No effect**	**4. Briefly explain how the policy/procedure furthers or prevents the aims set out in (1) to (4).**	**5. If there is a disproportionately negative impact on any protected characteristics, can it be justified on the grounds of promoting equality or any other reason? If yes, please explain.**

Protected characteristics	**Age**	No effect	Not applicable	Not applicable
	Disability	**Low** - The policy may be engaged more frequently in relation to students with disabilities or mental health conditions. However, this is inherent to the purpose of the policy and is mitigated through reasonable adjustments, staged intervention, individual assessment, and non-judgemental decision-making.	The policy prevents discrimination by applying fair, evidence-based decisions and reasonable adjustments. It promotes equal opportunity by supporting students' continued study and fosters good relations through transparency and involvement. It also helps prevent harassment by managing risky behaviours and ensuring safety.	Any differential impact relating to disability or mental health is justified as a proportionate means of meeting UCQ's duty of care, safeguarding obligations, and legal responsibilities, while promoting equality of opportunity through tailored support and reasonable adjustments.
	Gender	No effect	Not applicable	Not applicable
	Gender reassignment	No effect	Not applicable	Not applicable
	Marriage and Civil Partnership	No effect	Not applicable	Not applicable
	Pregnancy and Maternity	No effect	Not applicable	Not applicable
	Race	No effect	Not applicable	Not applicable
	Religion or Belief	No effect	Not applicable	Not applicable
	Sexual Orientation	No effect	Not applicable	Not applicable

6. Has the potential impact of this policy/procedure on freedom of speech and academic freedom been thoroughly assessed?	Yes. The policy focuses solely on fitness to study, wellbeing, safety, and capacity to engage with learning. It does not restrict lawful freedom of speech or academic freedom and is not applied on the basis of academic views, opinions, or expression.
7. Has there been any consultation/engagement with the appropriate protected characteristics?	Yes. The policy reflects sector guidance, internal consultation with academic staff, student support and safeguarding leads, and ongoing engagement with students through support, disclosure, and review processes.
8. What action(s) will you take to reduce any disproportionately negative impact, if any?	➢ Use staged intervention wherever possible before escalation ➢ Ensure students are actively involved in decision-making ➢ Apply reasonable adjustments in line with the Equality Act 2010 ➢ Provide clear communication and written records at each stage ➢ Offer flexibility in mode of study or breaks in learning where appropriate ➢ Monitor application of the policy through SLT review and safeguarding logs
9. Based on the information in sections 1 to 8, should this policy/procedure proceed to Full Impact Assessment? (recommended if one or more 'High' under section 2)	No - A full Equality Impact Assessment is not required at this stage, as no unjustified high-risk impacts have been identified.

Assessor signature:	Approved by (Policy Committee Member): Michelle Elliott	Date approved: 30/01/2026