



BATH SPA  
UNIVERSITY

# Fitness to Study Policy and Procedure

## 1. Purpose

- 1.1 To ensure a consistent and compassionate approach where there are significant concerns for a student and their capacity to undertake academic study or manage the demands of university student life or adhere to specific professional, regulatory or statutory body requirements; including candidates who have received an offer from the University (offer-holders).
- 1.2 To provide a transparent, equitable and inclusive framework to respond to such concerns and assess the level of risk presented to self, and/or others. This applies both during active study periods and when students request to return from a study break taken on mental or physical ill-health grounds. The framework will determine whether any risks can be mitigated through the University's supportive mechanisms or services.

## 2. Definitions and scope

- 2.1 The University defines Fitness to Study as a student's ability to engage fully with their programme of study and independent student life, in a way which does not negatively impact on the student themselves, other students, staff or third parties.  
A student or offer-holder may be deemed as not fit to study where they are unable to meet the above definition and/or where one or more of the following apply:
  - The student is unable to actively engage in their programme of study, to attend classes or meetings;
  - The student's continued study is likely to have a detrimental impact on their overall health and wellbeing;
  - The student's continued study is likely to have a detrimental impact on fellow students, staff or University external partners;
  - The adjustments required in respect of the student's disability, including mental ill-health have become or are unreasonable or unsustainable.
- 2.2 This policy and procedure applies to all Bath Spa University provision and can be used for students and offer holders. Educational Partners will follow the same principles outlined in this policy and are responsible for ensuring that an appropriate framework is in place.
- 2.3 The Fitness to Train to Teach Policy applies to all Initial Teacher Training (ITT) applicants and students, ([Fitness to Train to Teach Policy Procedure](#)).

### **3. Policy**

#### **3.1 Principles**

This policy is informed by the following principles:

- Where a disability, as defined under the Equality Act 2010 (including a long-term medical or mental ill-health condition) may be a factor in determining a student's or offer-holder's fitness to study, the University will make all reasonable adjustments possible to support them in continuing to study.
- Concerns will be acted on promptly, and when risk to self or others is identified, appropriate and proportionate measures will be established to reduce the level of risk.
- That it is appropriate for Fitness to Study to be used as an alternative to disciplinary procedures or other processes for managing unsatisfactory academic progress, when there is strong evidence to suggest the issues are because of mental or physical ill-health.
- The process followed to determine a student's or offer-holder's fitness to study will be open, compassionate, transparent and consistent.
- Wherever possible the student or offer-holder will be fully involved in each stage of the procedure.

#### **3.2 When Fitness to Study should be used**

- When previous interventions and enhanced supportive measures have not been successful, for example Support to Study Level 2 action plans.
- When there are serious and persistent concerns about a student's or offer-holder's ability to meet the criteria outlined in Section 2.
- When a student's behaviour or ill-health constitutes a serious and imminent risk to the health and wellbeing of a student, and/or others.
- When a student or offer-holder is detained under the Mental Health Act.

#### **3.3 Initiating Fitness to Study**

Fitness to Study will be initiated by the Director of Student Wellbeing Services and/or the SWS Complex Case Manager where:

- Concerns for a student have not been resolved through other interventions; and/or
- There is a significant rise in the level of risk to the health and safety of a student or others; and/or
- The level of risk cannot be safely managed by the University.

## 4. Procedure

### 4.1 Fitness to Study Review

- Student Wellbeing Services (SWS) holds regular scheduled meetings to review referrals and ongoing Fitness to Study related case work, including offer-holders and return to study requests.
- Meetings are chaired by the Complex Case Manager and attended by relevant SWS Managers whereby students' cases are reviewed through an equitable, inclusive and transparent lens using a risk-based approach to determine if a student's situation can be reasonably managed within the University's support mechanisms, such as with enhanced supportive measures or if an escalation to a Fitness to Study Panel is necessary.

### 4.2 Fitness to Study Panel

The Fitness to Study Panel is to assess whether a student can continue their studies safely and effectively, considering their health, wellbeing and ability to meet academic and conduct requirements.

Panel members:

- Senior Pro Vice Chancellor or nominee (Chair)
- Pro-Vice Chancellor or nominee
- Director of Student Wellbeing Services or nominee.

4.2.1 The student will be notified in writing of the decision to hold a Fitness to Study Panel, outlining the reasons for this; the date, time, and place of the panel meeting; information on the order and conduct of the proceedings; and be provided with a copy of the evidence that will be shared with the panel. The student will be invited to submit supporting evidence for the Panel to consider, for example, a letter from a doctor, therapist or other independent professional third party and if they wish, any personal statement or written representation for the panel to consider.

4.2.2 The student will be invited to attend the Panel meeting but is not required to do so. The student will be advised that they can nominate individuals to meet the panel as witnesses and if the student attends, they can bring a friend, family member, or Students' Union representative in a supportive capacity.

4.2.3 The Panel may order the meeting agenda at its discretion, may invite witnesses, and request further medical evidence.

### 4.3 Panel outcomes

4.3.1 Possible Panel outcomes include, but are not limited to:

- Approval to continue with studies or return to studies, which may include a Support to Study Action Plan with enhanced supportive measures, including additional reasonable adjustments.
- An immediate suspension to allow the student to be assessed by a medical professional, access services (internal and/or external to the University) or to enable the University to obtain further information. The student will be marked as suspended on their student record during the period of suspension and will not accrue accommodation or tuition fees during this period.
- Suspension from University with conditions. A student who is suspended from the University may be prohibited from participating in University activities, from entering University premises or the premises of relevant work based or academic placements or have restricted rights to enter these premises, for their own safety and/or the safety of others. The terms of the suspension will be determined on a case-by-case basis and the student informed in writing.
- Withdrawal of Registration. If the Panel concludes, after considering the individual circumstances of the case and appropriate supporting evidence (including medical), that there is no reasonable prospect of the student re-engaging with their programme of study, or there has been a serious breach of the required professional standards, the student's registration may be withdrawn. This outcome should only be considered in the most serious of cases.

Where a student has been suspended from the University and has failed to engage or communicate with the University for a period of at least 12 months in relation to assessing Fitness to Return to Study; the University reserves the right to withdraw the student from the University on the basis that there is no reasonable prospect of the student re-engaging with their programme of study.

Any other action or conditions considered to be appropriate and proportionate.

Where a student is also an employee of the University or the Students' Union, the Director of Human Resources and/or CEO of the Students' Union will be informed of the suspension.

The Panel decision will be given to the student in writing within 5 working days.

## **5. Emergency (precautionary) suspension**

- 5.1 A student who has been detained under the Mental Health Act will be automatically suspended from the University for a minimum of 4 weeks. This is to provide recovery time and the opportunity for SWS to work with the student and their supporters to consider their transition back to studies.
- 5.2 An emergency suspension will be for a specific length of time and authorised by the Senior Pro-Vice Chancellor or University Secretary.
- 5.3 An emergency suspension can be reviewed by SWS on request from the student, usually no earlier than 4 weeks after the notification of suspension was received. If the student is fit to return, SWS will specify what support may be required and if any further conditions should be applied.

## **6. Return to Study**

- 6.1 When a student has taken a study break on physical or mental ill-health grounds, as an outcome of a Fitness to Study process or voluntarily, they are required to provide appropriate independent medical evidence that confirms they are fit to return to their studies, meet the academic and professional requirements of their course and live independently.
- 6.2 A Return to Study assessment will be processed by Student Wellbeing Services to determine if the student is fit to return, which will include consideration of what supportive measures may be required and whether these are within the University's control to manage. If the assessment determines that a student is not well enough to return to study a Fitness to Study Panel meeting will be arranged as outlined in 4.2.

## **7. Appeal against the outcome of a Fitness to Study Panel**

- 7.1 Students are permitted to appeal against a fitness to study decision, including the action that Bath Spa University has decided to take.
- 7.2 If a student wishes to appeal the decision of the Fitness to Study Panel, they must lodge their appeal by emailing [reviews@bathspa.ac.uk](mailto:reviews@bathspa.ac.uk) within ten working days from the date of notification of the Fitness to Study Panel's decision. Such appeals must be made in writing, clearly specifying the ground(s) for appeal and attaching all supporting evidence. Extensions to the deadline for the submission of supporting evidence must be agreed by the Vice-Chancellor.
- 7.3 The grounds on which a student may appeal include:
- That the procedures were not followed properly;

- That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
- That there was bias or reasonable perception of bias during the procedure.

7.4 The Vice-Chancellor shall nominate a member of the University's Senior Leadership Group who has not had any previous involvement with the case to review the appeal. That individual shall decide if the appeal submission falls within one of the grounds set out in 7.3. They will also consider if the appeal has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of the University's Senior Leadership Group decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered, then it shall be referred to a Fitness to Study Appeals Panel. If not, then the decision of the Fitness to Study Panel will stand.

7.5 Bath Spa University may decide to reject an appeal without assembling an appeal panel if the student's appeal submission does not fall within one of the grounds set out in this procedure.

## **8. Fitness to Study Appeals Panel**

8.1 Composition. Membership of the Fitness to Study Appeals Panel shall consist of:

- A chair appointed by the Vice-Chancellor from the senior staff group;
- Three members of academic staff;
- Students' Union Vice-President Education or nominee.

The Secretary of the Appeals Panel will be present, as may the Student Wellbeing Services Complex Case Manager or nominee in an advisory capacity only.

No members of the original Fitness to Study Panel may be members of the Fitness to Study Appeals Panel.

8.2 Assistance to the Panel. A person will be appointed to act as Clerk to the Fitness to Study Appeals Panel, to provide procedural advice and to assist the Panel as it thinks fit. The Clerk will arrange for a note of the proceedings to be taken.

8.3 Procedure. Subject to the provisions of this Procedure, the order of proceedings shall be at the discretion of the Chair of the Panel. At least ten working days prior to the hearing, the Clerk to the Fitness to Study Appeals Panel will ensure that the student is sent the time, date, and venue of the appeal hearing.

8.4 The Terms of Reference of the Fitness to Study Appeals Panel shall be:

- to review the case presented to the Fitness to Study Panel but not to re-hear the evidence (witnesses will therefore not usually be permitted at the hearing);
- to examine any relevant evidence which was not considered by the Fitness to Study Panel before the decision was taken and which may have affected the outcome, and which the student was not able to submit to the Fitness to Study Panel;
- to determine whether the procedures were followed correctly by the Fitness to Study Panel;
- where the result of the Fitness to Study Panel action was suspension or withdrawal, to consider whether the nature of the situation justified the sanction, i.e. to determine whether to uphold the Fitness to Study Panel's decision.

8.5 Outcome. After consideration of the appeal, the Fitness to Study Appeals Panel shall have the power to annul, vary or confirm the decision of the Fitness to Study Panel.

8.6 The decision of the Fitness to Study Appeals Panel shall be final, and the student shall be notified in writing by the Clerk of the Appeal Panel of the decision whether the appeal is upheld or not, by issuing a Completion of Procedures Letter as soon as possible and within 28 days, together with reasons for the decision and any action that will be taken. There shall be no further permissible appeal against the outcome.

8.7 The decision will also advise the student about their right to submit a complaint to the OIA (see Independent External Review) within 12 months.

## **9. Independent External Review: Office of the Independent Adjudicator for Higher Education (OIA)**

9.1 If, after the University's internal procedures have been exhausted, the student is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator (OIA), subject to the rules of the OIA's independent complaints scheme. Once the University's procedures have been exhausted, the University will issue a "Completion of Procedures" letter. Students must apply to the OIA within twelve (12) months of the issue of this letter if they wish to make a complaint. For information on how to submit a complaint to the OIA, please refer to the OIA's website: [www.oiahe.org.uk](http://www.oiahe.org.uk)



## Document Details

**Responsible Office:** Student Wellbeing Services

**Responsible Officer:** Director of Student Wellbeing Services

**Approving Authority:** Academic Board

**Date of latest approval:** January 2026

**Effective Date:** January 2026

**Related Policies and Procedures:** Academic and Student Policies

<https://www.bathspa.ac.uk/about-us/governance/policies/>

Support to Study Procedure

Fitness to Train to Teach

Student Disciplinary Procedure

Bath Spa University Privacy Notice

Safeguarding Policy

Data Protection Policy

**Supersedes:** N/A

**Next review due:** January 2029