

Document

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Brief Description of Policy	This document sets out the Navitas University Partnerships Europe (UPE) policy and procedure for Fitness to Study.

Version Control

Date	Version	Summary of changes	Approver
January 2023	2022/01	Initial policy version	NUKH Academic Board
June 2025	2025_01	- New template used - French Equality Governance addition - Process timeframe	NUKH Academic Board

Key Related Documents

Document Name	Location
QS11 Student Disciplinary Policy	College Website, Policy HUB

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Introduction

This document sets out ICP's policy and procedure for Fitness to Study concerns of students enrolled on a Navitas programme. Navitas UPE has, as part of its Corporate Code of Practice, a commitment to continuous improvement and the UPE College network has demonstrated its adherence to this commitment through the implementation of Fitness to Study in each College. Navitas UPE has a long history of and commitment to the provision of quality services and support to students. It recognises the importance of engaging students early in their learning experience and places immense value on the Student Voice. Working together with students, our teaching and support staff are committed to providing an education and student experience that is shaped, reviewed and enhanced in the spirit of partnership and co-determination.

What is Fitness to Study?

Fitness to Study describes a student's capacity to be able to fully engage and function independently within their studies, academic residential environments and wider university life. ICP is committed to ensuring that all students engage fully with their studies and are able to live and work independently and harmoniously with other students on their programme of study. This Fitness to Study policy applies to situations in which behaviour such as misconduct or unreasonable demands being placed on staff and students arises. When students' behaviour falls below expectations, disciplinary action may be the most appropriate solution **QS11 Student Disciplinary Policy**.

This policy applies to:

- All learning and residential settings managed by Navitas UPE including social events, field trips and excursions that are conducted while a student is enrolled on a Navitas Pathway programme.

Legislation

When dealing with Fitness to Study matters, all Colleges will take account of relevant legislation such as the GDPR, the Mental Health Act (1983, 2007) and the Human Rights Act (1998). Navitas UPE strives to provide a safe and comfortable environment for students from all backgrounds that values diversity and is free from discrimination. We fully subscribe to all equality legislation to protect our students and staff:

- Equality Act 2010 - www.legislation.gov.uk
- Equality Act (Specific Duties) Wales - www.legislation.gov.uk
- Equality Act 2012 (Specific Duties) Scotland - www.legislation.gov.uk
- Equal Treatment Law of the Kingdom of the Netherlands - ec.europa.eu
- Community law in the field of the fight against discrimination France - LOI n° 2008-496 du 27 mai 2008 www.legifrance.gouv.fr
- General Equal Treatment Act Germany - www.antidiskriminierungsstelle.de

General Principles

College teaching and support staff have a duty to report any concerns they have with a student's fitness to study to a member of the College Senior Management Team (SMT).

Definition of a Fitness to Study Concern

A fitness to study concern can include but is not restricted to:

- A student's health problems are disrupting their ability to attend class regularly, undertake class work and homework or participate in the life of the College
- A student has told a member of the College staff or University Partner that they have a physical or mental health issue that is affecting their ability to pursue their studies
- A friend, relative, colleague, medical practitioner or other associate of the student expresses serious concerns about his/her behaviour which questions their fitness to study
- The student is placing unreasonable demands on their tutor, administrative staff member or other students
- The student appears to present a risk to themselves or other students

- The student's academic performance is suffering as a result of physical or mental health issue

The Process

Any staff member, student, friend or associate of a student is encouraged to raise a legitimate Fitness to Study concern relating to a student enrolled at a Navitas UPE College. However, raising a false or malicious concern or complaint may be considered a disciplinary offence **QS11 Student Disciplinary Policy**.

Staff members or other students who would like to raise a concern about a student's fitness to study should initially notify a member of the College SMT. If this is also considered a safeguarding issue, this must also be recorded on DoneSafe immediately or as soon as possible after the concern is raised. Within **five working days** the college will review the concern thoroughly and the SMT will make and communicate a decision to the student on how the particular concern will be dealt with and if appropriate appoint an Investigating Officer. If the investigation conclusion cannot be achieved within **ten working days**, for example due to obtaining further evidence from wider College teams, then the student will be informed of a new completion date as soon as possible.

Investigating Officers

The CDP is responsible for nominating members of staff to act as Investigating Officers in matters related to Fitness to Study.

The Investigating Officer will be assigned to a case within **two working days** of the College SMT receiving a concern, they must be independent of the student, and the programme of study in question.

The responsibilities of the Investigating Officer are to:

- Be the first point of contact regarding student Fitness to Study concerns
- Inform the student of the concern and to advise them about the Fitness to Study Policy and Process and potential timescales (if an outcome could fall outside of the **five working days**)

- Ensure that concerns are investigated properly and that full records are kept of the investigation and to determine whether there is a case to be heard
- Correspond with students, staff and the CDP regarding the progress of investigations into student Fitness to Study concerns, keeping Navigate up to date.
- Support hearings by College SMT when necessary and present details of concerns and investigations to these Panels
- Make recommendations to be applied, in relation to student Fitness to Study

The investigation process must not exceed **ten working days**. For any cases requiring a longer period of time, the student will be notified as soon as possible.

There are two stages to the process, starting with an initial informal discussion. The College Director/Principal (CDP) or nominee will usually delegate responsibility for arranging and chairing this initial meeting to another staff member, called the Investigating Officer. The Investigating Officer will normally be a member of the College permanent staff.

Where the CDP or nominee considers the case to be too serious to be dealt with through an informal discussion, they may at their discretion decide to invoke formal proceedings immediately.

Stage 1 - Informal

The Investigating Officer will meet with the student within **five working days** of being appointed, to discuss in a supportive manner the concern(s) that have been raised. The student will be made aware that the meeting has been called as part of the Fitness to Study procedure. The student will be notified that they can have a supporting person (or advocate) in the meeting, but not legal representation. The College must provide signposting to student support while the investigation is ongoing and the possible outcomes and next steps.

At the investigation meeting the student will be asked to give their own view on the matter of concern and to seek to understand why the matter has been raised. The Investigating Officer will attempt to resolve the matter and in doing so will offer a number of options within **ten working days** of the investigation meeting, to support the student during the rest of their studies. This may include a commitment on the student's part to engage with the support services of the

College/University Partner, to make changes to their daily routines or to work differently with members of their class and peer communities. The College should make arrangements to review any plan of action in a student monitoring meeting set approximately **four weeks** after the investigation outcome.

The informal discussions and any actions, agreements and undertakings are documented and filed by the College on Navigate.

Typical outcomes of an informal Stage 1 meeting:

- No further action to be taken
- Agreement to meet regularly with certain members of staff
- Commitments to change behaviour or attend supportive intervention

If the student is not able to cooperate with the Stage 1 Informal investigations or the Stage 1 Informal Investigation is felt to be ineffective or unsuccessful, the Investigating Officer may advise the College SMT to take the investigation to Stage 2.

For Stage 1 escalations, the student must be notified in the Stage 1 outcome notification with **three working days**.

Stage 2 - Formal

Stage 2 – Formal: This can occur either when the investigating officer considers the case should be addressed immediately using the formal process or when Stage 1 needs escalation. A Formal Stage 2 meeting is called by the College SMT, this will take place within **ten working days** of the Stage 1 Informal investigation outcome.

The College SMT will invite the student to a meeting to discuss the concerns that have been raised and if appropriate the outcome of the informal investigation. The student will be given **five working days'** notice of the meeting. The student may bring someone to support them at the meeting, this can be a friend, Student Representative, colleague, member of staff or Disability Support Advisor. The student may not have legal representation at this informal investigation stage, instead advice and guidance can be provided upon request by the College SMT. The College SMT may invite a

representative from the College or University Partner's support services to the meeting, particularly where specialist knowledge relating to physical, mental health or a disability is required.

Typically, a College SMT would include:

- College Director/Principal
- Director of Learning and Teaching
- Director of College Services
- Director of Marketing & Admissions
- Member of Navitas UPE Academic Registry (Formal stage only and where appropriate)

The meeting will assess whether further action needs to be taken. Typical outcomes include:

- No further action is recommended
- The student may be referred to an external organisation or University Partner services for support
- A formal action plan may be put in place with a series of review meetings. Students will need to demonstrate they understand the expectations that have been set out in the action plan and informed of the potential outcomes if these are not met.
- The student may be advised to take a break from studies
- The student may be suspended or excluded from the College temporarily or permanently

The student will be informed in writing within **three working days** of the decision of the College SMT. They will also be informed how to appeal the decision, how the appeal process operates and where they can obtain further advice and guidance.

All outcomes relating to the above Stages of investigation should be recorded on Navigate. Please contact Navitas Academic Registry for further information.

Appeal Process

A student may appeal within **two months**, in writing, against the outcome or the penalty imposed by a Stage 2 Hearing.

Only the following constitute grounds for appeal:

- That there has been a procedural irregularity that has adversely impacted the outcome
- There is evidence of prejudice or bias in the decision made
- That there is new evidence which would demonstrably have affected the outcome and could not reasonably have been made available to the hearing
- That the outcome is perverse given the facts of the case

The appeal must be put in writing to the Navitas UPE Academic Registry using this address: upe.academicregistry@navitas.com

The Academic Registry will review the appeal within **one month**. They will decide on one of two outcomes:

- To uphold the appeal fully or in part and decide on what further steps and actions to be taken

OR

- Dismiss the appeal in which case the action or sanction identified in Stage 2 will be fully enforced

Length of Process

The process should observe these timelines:

Action	Action	From	To	Process deadline
1	Concern acknowledgement email	College SMT	Student (and/or guardian with consent)	Two working days
2	Investigating Officer assigned to case	College SMT	Investigating Officer	Within two working days
3	Contact Student for meeting / statement	Investigating Officer	Student (and/or guardian with consent)	Five working days
4	Contact Staff / Witness for statement	Investigating Officer	Staff / Witness	Two working days
5	Investigation timeframe and findings to SMT	Investigating Officer	College SMT	Ten working days
6	Investigation outcome email (including escalation to Stage 2 – Formal meeting)	College SMT	Student (and/or guardian with consent)	Three working days (unless otherwise agreed)

7	Stage 2 Hearing	College SMT	Student (and/or guardian with consent)	Hearing held within Ten working days of findings of investigation
8	Student notification of Stage 2 Hearing Outcome	College SMT	Student (and/or guardian with consent)	Within three working days of the Hearing Outcome
9	Appeal to Stage 2 Outcome	Student	Navitas UPE Academic Registry	Within two months of Stage 2 Outcome
10	Response to Appeal	Navitas UPE Academic Registry	Student (and/or guardian with consent)	Within one month of receipt of Appeal
11	Student OIA deadline for Appeal	Student	OIA	Within 12 months of receiving 'completion of procedures' letter

Time Limits

Time limits should usually be met by all parties. Time limits may be extended by the Investigating Officer where necessary to ensure a fair outcome.

Further Review (OIAHE)

If a student has completed the Navitas UPE Internal Appeals Process outlined above and they are still dissatisfied with the outcome, they may be able to refer their Appeal to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the Appeal is eligible under the OIA's Rules.

In such cases Navitas UPE Academic Registry will provide on request a letter stating that a student has completed the Navitas internal Appeals process. The letter will include information on the OIA and will comply with the OIA's guidance for a 'Completion of Procedures' letter.

Students have a maximum of **12 months** from the date of the 'Completion of Procedures' letter to bring their complaint to the OIA.

Returning to Study

If a student wishes to return to the College having taken time off as a result of the implementation of the Fitness to Study procedure, the College SMT may request that they have met certain conditions, e.g., obtaining a medical certificate. They will also normally recommend regular review meetings between the student and a member of the College services team.

Policy Review

This policy will be reviewed every two years unless there are internal or legislative changes that necessitate an earlier review.