

Fitness to study at UCB

On rare occasions, the present fitness or general state of health of an applicant to a programme or an existing student may be such that their admission to, or continuing attendance at, UCB represents a risk to the health and safety of the student and/or the UCB community, or a significant impediment to the progress of the student or their group.

If the matter relates to an application from a person with a criminal conviction, the [Admissions Policy](#) for such applications will be followed.

Fitness to Study Procedure

If a member of staff is of reasonable opinion that a student's present fitness or general state of health is such that their continuing attendance at UCB may represent a risk to the health and safety of the student and/or the UCB community, or be a significant impediment to the progress of the student or their group, they shall report their opinion, and any evidence which supports their opinion, to a member of the Executive Management Team (EMT)).

If the student is in imminent danger or considered to be placing other students and staff at risk, any member of the EMT may suspend the student until such time as it is suitable for the student to return. During a suspension, the student is excluded from any property owned or controlled by UCB. The student concerned may not enter these areas without the permission of an EMT member. Suspension in this case is not a disciplinary sanction and is intended to ensure the safety of all in the UCB community. At the same time, an EMT member will initiate contact with any external agency that may be relevant in the circumstances.

The case will be immediately forwarded to the Executive Dean of School/FE Principal/Sixth Form Principal who will convene a panel to consider the evidence provided and may request additional information as relevant. In some cases, such as those involving medical issues, it may be required that the student obtain an opinion from UCB's medical advisor (this would necessitate the consent of the student for UCB to contact their Medical Practitioner) as whether they are medically fit to be on UCB premises and to attend the programme of study on which the student is enrolled. In the case of a student under the age of eighteen, UCB will involve the parent or guardian of the student from the outset, unless there is very good reason not to.

If, on receipt of the evidence and other information, the panel is no longer of the opinion that the student's attendance at UCB represents a risk, the student will be informed in writing of the decision to not pursue the matter further.

If, on receipt of the evidence and other information, the panel is still of the reasonable opinion that the student's attendance at UCB represents a risk, or they refuses to give consent to a medical opinion being sought, the student will be notified of the time and date of a Fitness to Study meeting at which their case will be discussed. The student shall be given at least 5 days' notice in writing of the time, date, and place of the meeting.

Past and Present Conduct and Concerns over Fitness to Study

If information comes to light about a student suggesting concerns over their fitness to study, it should be reported immediately to the Executive Dean of School/FE Principal/Sixth Form Principal who will carry out a risk assessment and, if this concludes that the student may be a risk, a Fitness to Study meeting will be called.

The Fitness to Study Meeting

The procedure for the meeting shall be determined by the Executive Dean of School/FE Principal/Sixth Form Principal. The student may be accompanied by one other person('companion'). Advice can be supplied by an employee of the Guild of Students. During the meeting the student will be given every opportunity to ask questions and to make a statement.

If, at the conclusion of the meeting, having considered all the evidence (including any medical opinion which has been provided) the Executive Dean of School/FE Principal/Sixth Form Principal is of the reasonable opinion that the student's attendance at UCB represents a risk to the health and safety of the student and/or the UCB community, or a significant impediment to the progress of the student or their group, the Executive Dean of School/FE Principal/Sixth Form Principal may exclude them on the grounds of unsatisfactory state of health, or posing a potential risk to members of the UCB community, or others.

After the meeting outlined above has been concluded, UCB will notify the student in writing of the outcome of the meeting.

A student may only appeal against the decision of the Executive Dean of School/FE Principal/Sixth Form Principal on the grounds covered in 8.1-8.4 on page 10.

Appeals Process

The student will be permitted to appeal against a fitness to study decision. The appeal will be considered by a panel, chaired by an Executive Dean/Senior Manager independent of your programme of study, who has not been involved at any previous stage of this process. UCB can require a student (or their companion) to submit an appeal in writing, by email, as indicated in the decision letter.

The appeal stage will involve a review of the formal stage, or a complete rehearing of the case. It is good practice to set out the grounds on which a student may appeal. Those grounds might include:

- 8.1 That the procedures were not followed properly.
- 8.2 That the decision maker(s) reached an unreasonable decision.
- 8.3 That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
- 8.4 That there is bias or reasonable perception of bias during the procedure.

The Chair of the Appeal Hearing should be clear about the remit of an appeal to ensure that the student understands its purpose and scope. If the student's expectations appear to exceed the scope of the appeal stage, the Chair should explain this to the student as soon as possible in writing so that they understand the possible outcomes.

If the Chair of the Appeal Hearing is not satisfied with the outcome of the previous stage, the matter will be referred to the Executive Dean of School/FE Principal/Sixth Form Principal for reconsideration.

If the student successfully appeals the outcome of a fitness to study decision, the Chair of the Appeal panel will need to consider whether there has been an adverse impact upon the student, and whether UCB should provide a remedy.

In addition to the above, UCB recognises the role of the Office of the Independent Adjudicator (OIA), University of Warwick (UoW) for all students on UoW-accredited programmes, and the University of Birmingham (UoB) for all students on UoB-accredited programmes, in respect of student grievances. Full details will be provided within the written communication from the Chair of the Appeal Hearing.