

Support and Fitness to Study Procedure

Introduction and Overview

1. This procedure is made under section 8 of Statute XIII. It supports students where there are concerns they are unable to study, and to engage with university and college life, whether academically or otherwise, without unreasonable detriment to their mental and physical health, safety and welfare, or that of other students and staff, once any adjustments have been made under the Equality Act 2010. Any appeals of decisions by departments (including faculties) under this procedure are determined by the Support and Fitness to Study Panel (the “**Panel**”) under Statute XIII. Any questions about this procedure should be emailed to the Panel secretary (the “**Secretary**”) at: fts@admin.ox.ac.uk.
2. This procedure is distinct from concerns about fitness to practise or fitness to teach, which have separate procedures and regulations.¹ This procedure is not applicable to disciplinary matters, which are covered by the [University Student Disciplinary Procedure](#) and the [Code of Discipline](#), which is set out in Statute XI. If Support and Fitness to Study issues arise in the context of disciplinary action, then disciplinary proceedings should usually be paused until this procedure is concluded. If a student subject to this procedure raises a complaint (for example about another student or member of staff), then both procedures should usually be able to continue at the same time.
3. Concerns about a student’s support arrangements and fitness to study that occur in a University environment should be dealt with under this procedure. Concerns about a student’s support arrangements and fitness to study that occur in a college environment should be dealt with under the relevant college procedures (including, in particular, most undergraduate matters).² If there is any uncertainty about which fitness to study procedure is appropriate, the relevant department and college should aim to agree which procedure is most appropriate.
4. The general principles that apply to the application of this procedure are listed at paragraphs 47 to 56, *General principles and practical considerations*.

Support and Fitness to Study

5. The University is committed to creating an inclusive and supportive learning environment that provides an opportunity for students to engage with college and university life.
6. The primary purpose of this procedure is to identify what support the University can provide to the student, including establishing whether there are measures that can reasonably be put in place to help them to continue studying without unreasonable detriment to their mental and physical health, safety and welfare, or that of other students and staff. This procedure consists of 3 stages:
 - Stage 1: Informal Discussions
 - Stage 2: Formal Review
 - Stage 3: Appeal to the Panel

Stage 1: Informal Discussions

7. Stage 1 offers early support through a collaborative discussion between the student and the department, and seeks to identify issues and explore options that will allow the student to continue studying.

Initiating the discussion

8. The process begins when the student’s department has concerns that the student is unable to study or engage with university life without unreasonable detriment to their mental and physical health, safety and welfare, or that of other students and staff. Usually concerns are raised by a member of University or college staff. At that point, the department will appoint an appropriate member of staff as the department representative for Stage 1 (the “**Department Representative**”), the Department Representative should not be the Head of Department (“**HoD**”).
9. If at any point during this procedure, the Department Representative or the HoD decides the situation is urgent and that any immediate protective measure(s) is/are required, they may refer this issue to the Panel

¹ For fitness to practise procedures, please see [Council Regulations 2 of 2020, which provide that a referral may be made to the Panel where a Head of Division or their Deputy considers that the issue is primarily one of fitness to study](#); for fitness to teach procedures, please see [Council Regulations 8 of 2006, which provide that where a student’s alleged issues may be caused by ill health, the fitness to teach procedure will be stopped whilst this procedure concludes](#).

² College means any college, society, or Permanent Private Hall recognised by or established under [Statute V](#).

(through the Secretary at: fts@admin.ox.ac.uk). See paragraphs 41 to 46, *Protective measures* for more information.

Informal meeting

10. The Department Representative will arrange an informal meeting with the student. The Department Representative should ensure the student understands that the meeting is being held under Stage 1 of this procedure. The purpose of the meeting is to discuss the student's wellbeing, inform them of the concerns and give them an opportunity to explain their perspective. The Department Representative may invite other attendees, such as University and college staff. The Department Representative should be mindful of the informal nature of the meeting, and give the student reasonable notice of any additional attendees.
11. The student may invite 1 supporter to attend the informal meeting. This person should usually be a student member or a member of University, college or Oxford University Student Union staff.
12. At the meeting, the Department Representative will explain that the purpose of the procedure is to support the student and answer any questions they may have. If appropriate, the Department Representative should direct the student to relevant support services, such as Student Welfare and Support Services, the Oxford SU Advice Service and the Disability Advisory Service. The Department Representative will ensure that the student is made aware of support options, including: (i) the possibility of applying to suspend studies voluntarily under the [suspension of studies guidance](#); (ii) applying for [individual adjustments \(and, in the case of graduate research students, adjustments to assessment arrangements\)](#); and (iii) other support arrangements available through the study support section of the [Disability Advisory Service](#).³

Informal meeting outcomes

13. At the end of the informal meeting the Department Representative, having consulted with the student, will record a written support and action plan, which should include: (i) referrals to any appropriate support services or other University bodies; (ii) any actions the student and the department are expected to take; (iii) an implementation period; and (iv) the date for a follow-up meeting at the end of the implementation period. The Department Representative will send a copy of the support and action plan and this procedure to the student.

Follow-up meeting

14. At the follow-up meeting the student and the Department Representative will discuss the student's situation and the Department Representative will decide on the next steps. The Stage 1 outcomes are:

Resolution: If the student and Department Representative agree the concerns are resolved, the procedure will be concluded and no further action is usually necessary. If it is reasonable and in the best interests of the student, the Department Representative may establish a monitoring arrangement, such as a further informal follow-up meeting or meetings.

Support and Action Plan: If the student and Department Representative agree that further action is required, but it is not necessary to refer the student to Stage 2, then they should establish another support and action plan following the process set out above in paragraph 13, *Informal meeting outcomes*.

Referral: If the student and Department Representative are unable to agree, or the Department Representative decides that a referral to Stage 2 is appropriate in the circumstances, then the case shall be referred to Stage 2.

After the follow-up meeting, the Department Representative will write to the student to inform them of the outcome, the reasons for the outcome and the next steps.

Stage 2 Formal Consideration

15. Stage 2 is the formal consideration of the case during which the department seeks to decide on the best course of action. This will take place where Stage 1 has not sufficiently resolved concerns about the student's support arrangements and fitness to study.

³ As part of this stage, the Department Representative should take steps to ensure that any individual adjustments the student needs are in place by consulting with the student and the Disability Advisory Service. It will not usually be appropriate to continue this procedure if there are adjustments that the student needs which are not in place.

Notice of Stage 2 meeting

16. The process begins when the Department Representative refers the case to the HoD. The HoD may appoint a delegate, provided the delegate was not the Department Representative at Stage 1 or otherwise involved in the student's case (references to the HoD shall include any delegate).
17. Upon receipt of a referral, the HoD should aim to arrange and chair a Stage 2 meeting as soon as practicable and, where possible, within 25 working days.⁴ The HoD will give the student notice of the meeting at least 10 working days before it is due to be held. The notice will include the list of attendees, copies of the information the HoD will consider, a copy of this procedure and will identify any evidence the student is being asked to provide, following the principles explained in paragraphs 47 to 56, *General principles and practical considerations*. The HoD should also inform the student that, where it is fair, reasonable and proportionate the department may recommend or decide that a student takes time away from their studies or is withdrawn because it is in their best interests or that of other students and staff.
18. The HoD will inform the Secretary of the referral and may consult the Secretary for advice on the application of this procedure.
19. The HoD shall invite a representative from each of the following University and college bodies:
 - Student Welfare and Support Services⁵
 - the student's college
 - the student's department (usually the Department Representative from Stage 1)
20. The HoD may invite additional attendees where it is reasonable to do so, such as individuals in the University community with experience of the student's circumstances, or medical professionals outside of the University community. Such medical professionals may be asked to assess the student (with the student's consent).⁶
21. The student may invite 1 supporter to attend the Stage 2 meeting, provided the HoD does not object to that supporter attending.⁷ This person should usually be a student member or a member of University, college or Oxford University Student Union staff. The student should inform the HoD of the identity of the supporter at least 5 working days before the meeting.

Stage 2 meeting

22. The HoD will ensure the student has understood the nature of the concerns and the purpose of the procedure, and give the student an opportunity to explain their perspective and respond to any new information. The HoD should ask the student if there is any support which they believe they need and which they do not have, and if so, those present at the meeting will discuss whether that support can be provided.
23. At the end of the formal case review meeting, the HoD may ask the student to leave the meeting for discussions to take place to assist the HoD in deciding the outcome. The HoD will then invite the student back into the meeting to explain the outcome or the next steps.

Stage 2 meeting outcome

24. The Stage 2 outcomes are:

Process concluded: The HoD may decide that the student is fit to study and that the procedure should be concluded. This should be when the student and HoD agree the concerns are resolved.

Support and Action Plan: The HoD may decide further action is required to determine whether the student is fit to study. If so, the HoD and the student will agree another support and action plan following paragraphs 10 to 12, *Informal meeting* of this procedure.

Suspension: The HoD may decide that the student is not currently fit to study and that it is necessary for the student to take time away from their studies. If so, the HoD will follow paragraphs 38 to 40, *Suspension of studies* below.

⁴ In more complex cases, including where input from third parties is required before the meeting can take place, it may take longer to arrange the Stage 2 meeting. Where this is the case, the HoD should inform the student of the reason for the delay and the anticipated next steps.

⁵ Student Welfare and Support Services may delegate attendance to a representative from the Disability Advisory Service or other specialist services.

⁶ If the student unreasonably refuses to consent to a medical assessment, this may be taken into account as part of the Stage 2 or Stage 3 decision.

⁷ The HoD may object where it is reasonable to do so in the circumstances. The HoD should provide the student with reasons for their decision and the opportunity to invite an alternative supporter.

Withdrawal: The HoD may decide that the student is not fit to study and that there is no realistic prospect of the student becoming fit to study in a period of suspension allowable under the Examination Regulations, such that it is necessary for the student to be withdrawn from studies. This will usually only occur in exceptional circumstances, for example when the student has been unable to study for an extended period of time.

25. Within 10 working days of the meeting, the HoD will send an outcome letter to the student confirming the decision and including information on how to appeal the decision, the deadline for doing so and the grounds of appeal. The letter should explain the reasons for the decision including what other options were considered and why these were not appropriate.

Stage 3: Appeal to the Support and Fitness to Study Panel

26. An appeal against a decision under this procedure must be made within 10 working days of the date of the Stage 2 outcome letter by emailing the Secretary at: fts@admin.ox.ac.uk. If an appeal is made after the time limit, the student should explain why the appeal is late. The Secretary may exceptionally decide to allow late appeals where there are good reasons for the delay and it is fair and reasonable to do so. If a late appeal is not allowed, the Secretary will send a Completion of Procedures letter to the student, following paragraphs 31 to 37, *Appeal decision*.

Appeal request

27. An appeal may be made on 1 or more of the following grounds:
- (i) there was a procedural irregularity in the procedure which undermines the fairness of the decision;
 - (ii) the student was not provided with clear reasons for the decision;
 - (iii) the decision was unreasonable; or
 - (iv) the student has material evidence which was not provided to the department and the student had good reasons for not having provided the evidence earlier.
28. The request to make an appeal must include the grounds of appeal and, where the student is presenting new material evidence, the new material evidence.
29. Within 7 working days of receiving a valid appeal, the Secretary will acknowledge receipt of the appeal, appoint 2 Panel members to consider the appeal (each a "Panel Reviewer"), and inform the student of the next steps and the names of the Panel Reviewers.
30. Any Panel member (including a chair or deputy chair) may be a Panel Reviewer provided they have had no previous involvement with the student's case or are not otherwise conflicted.

Appeal decision

31. The Panel Reviewers will determine the appeal as quickly as is practicable, if possible within 20 working days of receiving the appeal. The Panel Reviewers will usually determine the appeal on the papers, but may arrange further meetings with the student and anyone else involved in the student's case. The Panel may consult with additional parties, where it is reasonable to do so, such as individuals in the University community with experience of the student's circumstances, or medical professionals outside of the University community. Such medical professionals may be asked to assess the student (with the student's consent).⁸
32. The Panel Reviewers will produce a reasoned decision in writing, including setting out whether each of the grounds of appeal have been upheld, partly upheld, or not upheld. The appeal outcomes are usually:

Not Upheld: that one or more of the grounds of appeal is not upheld;

Upheld or partly upheld with no material impact: That 1 or more of the grounds of appeal is upheld or partly upheld but that the ground or grounds do not have a material impact on the Stage 2 decision or can be easily remedied (for example, where part of the reasoning for the decision was not fully explained, but this would not have impacted on the decision);

Upheld or partly upheld: That 1 or more of the grounds of appeal is upheld or partly upheld and the Panel Reviewers' views are that the department may have reached a different conclusion at the end of Stage 2

⁸ If the student unreasonably refuses to consent to a medical assessment, this may be taken into account as part of the Stage 2 or Stage 3 decision.

regarding the student's support to study arrangements and/or whether they were fit to study but for the circumstances set out in the upheld ground(s) of appeal. In this case the Panel Reviewers will determine either:

- that they are able to substitute their view for that of the department on the papers (for example by imposing a different Stage 2 outcome), in which case the Panel Reviewers will proceed to issue a decision; or
 - that the matter or parts of the matter can only fairly be considered by reconvening a Stage 2 formal consideration.⁹
33. If the Panel Reviewers determine that the matter or parts of the matter can only fairly be considered by reconvening Stage 2 they will apply the following principles:
- a case should not usually be reconvened more than once under this paragraph unless there are compelling reasons to do so. In the absence of such reasons, if the case has already been reconvened, the Panel Reviewers will proceed to paragraph 35; and
 - whether there is good reason to believe that reconvening a Stage 2 formal consideration can successfully take place, having regard (for example) to the availability of participants and the need to complete the process in a reasonable period of time.¹⁰
34. If Stage 2 can fairly be reconvened, the Panel Reviewers will refer the matter back to the department which shall reconvene a Stage 2 consideration with a different decision-maker (i.e., replacing the HoD) who has not previously considered the matter.
35. If Stage 2 cannot fairly be reconvened, the Panel Reviewers must issue a written decision taking into account that any matters which should have been considered again at Stage 2 must be determined in the student's favour.
36. The Panel Reviewers will produce a decision in writing which the Secretary will send to the student. They should ensure that their written decision explains why they have made that determination. The outcome letter should also inform the student what other options were considered and why these were not appropriate.
37. Where appropriate, this decision will be in the form of a Completion of Procedures letter ("COP"). The COP concludes the University's procedures and will include the written decision and information on appealing to the Office for the Independent Adjudicator.

Suspension of studies

Voluntary suspension

38. If a student wishes to suspend their studies at any point during this procedure, then the department will support them in following the [suspension of studies guidance](#). Whenever suspension is discussed, the student should be informed of the impact of suspension on their studies, and directed to the [Student Immigration Team](#) and [Student Fees and Funding Team](#) to discuss any impacts on their visa (where applicable) and fees. Any voluntary suspension under this procedure remains subject to the rules for changes in student status for [undergraduates](#) and [graduates](#). Students should ensure they discuss applications for suspension of status with their college, including making sure they understand any impacts on their residence, fees and access.

Suspension under Stage 2 or Stage 3 of this procedure

39. The HoD or Panel Reviewers may also determine that the student should suspend their studies as an outcome at Stage 2 or Stage 3. Suspension will be for a specified period of time. Any conditions for return to study should be clear and the decision-maker should be satisfied that they are likely to be achievable. Usually the conditions will involve the student providing medical evidence, following the process set out in paragraph 52. It is not usually appropriate to expect the student to pass any additional academic test or exam in order to be permitted to return to studying.
40. Where a student has a disability, the department and, where appropriate, the Panel should seek advice from the Disability Advisory Service to ensure that the terms of the suspension, including any conditions

⁹ Appeals against protective measures cannot be reconvened and will be decided by the Panel Reviewer.

¹⁰ It is good practice for the formal process, from the beginning of Stage 2 to the completion of the procedure, to take no more than 90 calendar days in total.

that have to be met for them to return to study, take account of any reasonable adjustments the student needs. Any advice from the Disability Advisory Service should be recorded in the outcome letter.

Protective measures

41. Where there are concerns about a student's fitness to study, the University's first priority is to protect the welfare of all involved. Accordingly, if the department's view is that any protective measure(s) is/are needed, the Department Representative or the HoD should first contact the Directors of Student Welfare and Support Services who will review the welfare concerns of all those involved and provide the Department Representative or the HoD with recommendations as to whether protective measures are appropriate.¹¹ The Department Representative or the HoD should then contact the Secretary with any protective measure(s) that is/are proposed by the department (in consultation with Student Welfare and Support Services) and reasons for recommending such measure(s). The Secretary will refer the decision to a Panel member who has not previously been involved in the case. The Panel member may decide to impose the measure(s) as requested (or with any such adjustments or additions as the Panel members deems appropriate) or decline the measures, and may consult further with Student Welfare and Support Services in making their decision.
42. Protective measures are usually (but may not be) temporary and imposed where the Panel member believes there are reasonable grounds for the imposition of such measures pending the outcome of this procedure.
43. Protective measures may include: (i) a ban from, or time constraints for, accessing particular University buildings or services or from engaging in particular activities;¹² (ii) alternative teaching arrangements; (iii) a requirement that the student work remotely and not physically be present in the University; or (iv) where no other option is appropriate, a temporary suspension of studies.
44. Protective measures should aim to cause the minimum restriction necessary to protect the student or other members of the University from an identified risk. Protective measures are particularly likely to be appropriate in cases involving a possible risk to any individual's mental or physical health or where there is a threat of serious disruption to University activities.
45. If the Panel decides to approve any protective measure(s) then they will inform the Department Representative or HoD, as appropriate, and the student (in writing) of their decision and will explain to the student that they may appeal any protective measure(s) under this procedure. If the Panel has imposed a temporary suspension of studies on the student, the Panel will review any decision to suspend a student pending the outcome of the procedure at least once every full term and may change the student's suspension status at any time during the procedure.
46. The student may appeal the decision to issue any protective measure(s) following the process set out in Stage 3 of this procedure. This is a separate route of appeal which is distinct from an appeal against a Stage 2 decision. It should usually be made within 10 working days of the decision to impose any protective measure(s).

General principles and practical considerations

47. This procedure is formally made under section 8 of Statute XIII of the University's Statutes. The University should follow all the provisions of this guidance unless there is good reason in a particular case not to do so.
48. There are a number of indicative time limits within the procedure which should be met by all parties. The department and the Panel may extend time limits where it is necessary to ensure a fair outcome.
49. The student's college and department should, if it is reasonable to do so (for example, to avoid initiating two parallel procedures), communicate with one another about whether the appropriate procedure is the college procedure or this procedure. However, if a college and department disagree on whether a case falls within the jurisdiction of this procedure, they should contact the Secretary. The Panel shall make the final determination about whether this procedure applies in accordance with section 15 of Statute XIII.
50. Meetings and hearings may take place via video link (wholly or partly) where this is reasonably necessary, including to avoid undue delay, because of the location of the individuals involved or to protect individuals

¹¹ References to the Directors of Student Welfare and Support Services include any delegates appointed by them

¹² Which includes recommending a ban from, or time constraints for, accessing particular college buildings or services (subject to endorsement by the relevant college).

involved. Documents provided or considered under this procedure may be provided electronically or in paper form as appropriate, taking into account the preferences of the people involved.

51. Students are expected to engage with this procedure and, if they do not (without good reason), the department and the Panel are able to proceed without the student's attendance, and to make decisions in their absence. However, the Department Representative, HoD and Panel Reviewers are expected to make reasonable efforts to seek the student's input at each stage and to give them due notice of any meetings.
52. The Department Representative, HoD and Panel Reviewers may request appropriate medical evidence from the student and external third parties. Advice should be sought from the Disability Advisory Service when asking students to provide medical evidence. Further information about how to provide medical evidence is set out in Education Committee's [guidance on medical evidence and certificates](#). If the student is expected to provide evidence, the requester must clearly explain to the student what evidence is being requested, why it is being requested, and what will happen if the evidence is not presented.
53. Records will be kept at all stages of the process in accordance with University policy (see further the University's [Student Privacy Policy](#) and the [Student Record Retention Policy](#)). It is good practice for departments to inform the Secretary when they have completed any Stage of this procedure, for the purpose monitoring the number of students (on an anonymous basis) who are subject to this procedure.
54. University staff involved in this procedure shall have suitable experience or qualifications to consider the issues raised in the student's case.
55. No member of University staff involved in this procedure should have any conflict of interest in the matter, and they should not act if there is any reasonable perception that they are biased. If, as a result, someone allocated to consider the case under the procedure cannot act, the HoD will appoint an appropriate substitute (for the Departmental Representative) and the Pro-Vice-Chancellor (Education) will appoint (an) appropriate substitute(s) for the HoD or the Panel member(s).
56. The Support and Fitness to Study Procedure should be dealt with confidentially by all parties involved. As a general principle, details should not be revealed to third parties by the University unless there is a good reason to do so, such as to take a protective measure, protect members of the University community or comply with legal obligations. It will usually be appropriate for the University to keep the student's college updated about the progress of the Procedure and to inform them of the outcome at each stage, and where it is necessary to protect the welfare and safety of members of the University community.