

CITY OF LONDON COLLEGE



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A UNIVERSITY SECTOR PREMIER COLLEGE

FITNESS TO STUDY POLICY

2022/2023

CITY OF LONDON COLLEGE FITNESS TO STUDY POLICY

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1 Preface

- 1.1. Concerns about a student's wellbeing should be acted upon promptly. Early intervention may prevent situations developing into crises at a later stage.
- 1.2. If you have concerns regarding a student's health and consider that it is posing a risk to his/her own health, safety or wellbeing, or that of others, contact Student Services for advice.

2 Introduction

- 2.1. The College is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health issues is critical to student learning, academic achievement and to the wider student experience.
- 2.2. The College also recognises that there may be instances where a student's physical or mental health may give rise to concerns about the student's fitness to study, for example the student's capacity to engage with his/her studies and/or to function more widely as a member of the College community. Such instances may arise where, for example, the College is concerned that:
 - a student poses a risk to his/her own health, safety and/or wellbeing and/ or that of others;
 - a student's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other students;
 - a student's behaviour is (or is at risk of) adversely affecting the day-to-day activities of the College or a placement provider;
 - a student's support needs fall outside the scope of the support and other services; which the College can reasonably be expected to provide.
- 2.3. This Procedure sets out how the College may respond to instances where a concern is raised regarding a student's fitness to study and the type of action that the College may take to manage the matter and support the student.
- 2.4. The College recognises that concerns may be raised by a variety of individuals, for example College staff, other students, and third parties (such as health professionals or placement providers). This Procedure seeks to promote early intervention, active collaboration between staff, students and third parties, and consistency of approach. Matters will be dealt with sensitively and non-judgementally and in a coordinated manner across the College. Whilst the College will seek to work with students in a spirit of cooperation, cases may arise in which it may, under this Procedure, determine that a student is unfit to study and that his/her registration should be suspended or terminated.
- 2.5. This Procedure applies to all students throughout their period of enrolment with the College, whatever their registration status, and includes students:

- on campus
 - engaged in College related activities away from campus (such as placements, field trips and study abroad)
 - in College or private sector accommodation.
- 2.6. The procedure also applies to former students seeking a return to study whose registration has previously been interrupted, suspended or terminated under a Fitness to Study Procedure.
 - 2.7. In implementing this Procedure, the College will at all times remain mindful of its duty of care and its obligations to students under the Equality Act 2010, including in appropriate cases its obligation to make reasonable adjustments. It will also remain mindful of the confidential and sensitive nature of fitness to study matters and of its obligations under the Data Protection Act 1998.
 - 2.8. College staff dealing with students at any and all levels of this Procedure will consider what support may be offered to students both from within the College and. Students will be encouraged to seek support.
 - 2.9. College staff dealing with fitness to study cases must contact Student Services for guidance in order to consider the student's immediate support needs and the appropriateness of intervening under this Policy and Procedure.
 - 2.10. Students who are dealt with under this Procedure are entitled at any level to be accompanied and/or represented by a member of staff, friend, relative, representative of the Students' Union, health professional or disability support worker.
 - 2.11. All matters dealt with under this Procedure will be dealt with according to the individual circumstances. Whilst the College anticipates that such cases will be exceptional, it reserves the right at any level of this Procedure to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety (for example, in crisis situations, or where it is concerned that a student's attendance at a meeting would be unduly stressful, or where the student is in hospital).
 - 2.12. Should a student be unwilling or unable to participate at any level of this Procedure or to attend a meeting, the College may nonetheless follow this Procedure where it is reasonable to do so. The College may, where it is reasonable to do so, deal with issues on the basis of written reports and/or statements in the absence of the student and/or his/her representative.
 - 2.13. Where reference is made in this Procedure to any specific named College role, such references are to be read as including reference to their nominees.
 - 2.14. Student Services will monitor and record all incidents falling within the terms of this Procedure and will produce an anonymised annual report on cases in order to monitor trends and plan for future student support services.

2.15. Where there are critical concerns about the risks posed by a student's health or where a temporary suspension is being considered, Student Services will normally get in touch with the "emergency contact" provided by the student at the point of registration. The student's consent for this action to be taken will be sought. The College reserves the right to make this contact if it deems the student's vital interests are at risk even if such consent is not given and/or the student is unable to give such consent.

3 Alternative College Procedures

3.1. This Procedure has been developed by the College to manage situations where, in light of concerns regarding a student's health or wellbeing, the College considers it inappropriate to implement other processes such as its Student Conduct Policy and Disciplinary Procedures.

3.2. There may, however, be situations where it is appropriate to implement alternative College procedures, such as its Student Conduct Policy and Disciplinary Procedures, and the College is not prevented from doing so notwithstanding concerns regarding the student's health or wellbeing.

3.3. The Head of Student Services will make the decision as to when cases should be transferred from the Fitness to Study Policy into alternative College procedures and vice versa.

4 Temporary Suspension

4.1. Where the CEO reasonably believes that a student about whom a fitness to study concern has been raised poses a serious risk to:

- his/her health, safety and/or wellbeing and/or that of others;
- College property, and/or the reputation of the College *and* immediate action is required;

he or she may agree to:

- suspend the student's registration for a specified period of time, and/or;
- exclude the student from College premises for a specified period of time pending steps being taken under this Procedure.

4.2. Any suspension is a temporary and neutral act made in the basis of risk and is not a determination under this Procedure regarding the student's fitness to study.

4.3. Where a student is suspended, the CEO will require a review by the Head of Student Services at regular intervals to determine whether it is reasonable for the suspension to continue or whether it should be revoked or extended.

- 4.4. In addition, as part of his or her determination, the CEO will consider whether specific arrangements can reasonably be put in place for the student in order to minimise the impact on his/her studies (for example, to allow the student to undertake study remotely or to permit the student to attend the College to sit an examination or submit an assessment).
- 4.5. Where the CEO suspends a student, the student will be notified in writing to all known addresses, normally within two working days of the decision.
- 4.6. The student may appeal against the decision that they be temporarily suspended within ten working days of the notification, on the grounds that:
- the correct procedures were not followed;
 - material irregularity took place;
 - the decision was unreasonable in the circumstances.
- 4.7. The appeal process is outlined in later paragraphs of this Policy and Procedure.

5 Procedure to be Followed

- 5.1. Concerns about a student's fitness to study will be dealt with under the following Procedure which has three levels of action:
- **Level 1 (Informal):** Initial and/or emerging concerns
 - **Level 2:** Continuing and/or serious concerns
 - **Level 3:** Persistent and/or critical concerns
- 5.2. The Procedure may be entered at any level, without any requirement for an earlier level to have been commenced or exhausted, although it is hoped that most situations can be remedied by action taken at the informal level.
- 5.3. At which level the Procedure is implemented will depend on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his/her behaviour, and the response of the student to any steps taken by the College to manage the situation.
- 5.4. The processes under all levels of the Procedures will be undertaken in a transparent manner, and the student will normally be informed of the identity and capacity of any persons with whom the College consults (including third parties such as health professionals).

6 Level 1 (Informal) – Initial and/or Emerging Concerns

- 6.1. Initial or emerging concerns about a student's fitness to study will normally be dealt with informally. Staff taking action under Level 1 are advised to seek guidance from the team in Student Services prior to invoking his Policy and Procedure.

- 6.2. A member of College staff who knows the student (for example, an academic personal tutor, programme or module leader, will notify the student that there is a concern about his/her fitness to study, the nature of that concern, and that the matter is to be managed under this Procedure.
- 6.3. The student will be provided with a copy of this Procedure. The member of staff will arrange a meeting with the student. The student will be notified at least 24 hours in advance of the meeting. He or she will be informed who will be present at the meeting and will be reminded that he or she can bring somebody with them for support.
- 6.4. The aim of the meeting will be to discuss the concern, any support needs the student may have, and will seek to identify the student's perception of the concern. The student will be given the opportunity to respond to the concern. A member of the Student Services will often be present at the meeting. The staff member may also invite other relevant staff to attend. He or she may also consult with other relevant staff members in order to deal with the matter and to provide appropriate support to the student.
- 6.5. The staff member will determine whether the student's fitness to study is impaired, or may become impaired, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:
- support arrangements and/or reasonable adjustments to be put in place for the student;
 - an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her conduct and/or support he or she should seek);
 - the matter to be referred to another Level of this Procedure.
- 6.6. Where an action plan is drawn up under Level 1, the student will be informed that if he or she fails to comply with any identified actions, the case may be referred to be dealt with at Level 2 or 3 of this Procedure.
- 6.7. The student will be provided with a copy of the action plan. A date will be arranged at which the action plan will be reviewed and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to Level 2 or 3 of this Procedure.
- 6.8. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.
- 6.9. The student will normally be notified within five working days of the meeting of the staff member's decision, with reasons, and any actions to be taken.

7 Level 2 – Continuing and/or Serious Concerns

- 7.1. Continuing and/or serious concerns about a student's fitness to study will normally be dealt with under Level 2.
- 7.2. The student will be contacted by the Student Services Team who will inform him/her that there is a concern about his/her fitness to study, the nature of the concern, and that the matter is to be managed under Level 2. The student will be provided with a copy of this Procedure.
- 7.3. The student will be invited to attend a meeting with a senior member of the Student Services Team to discuss the concern, any support needs the student may have, and to seek to identify the student's perception of the concern.
- 7.4. The student will be given a full opportunity to respond to the concern and will be entitled to be accompanied at the meeting. The student will be given at least 24 hours written notice of the meeting. The Student Services Team member will consult with and/or seek information from other relevant persons (for example, members of academic or support staff, health professionals) in order to investigate the matter and to identify support for the student. Records of any previous meetings under this Procedure and any action plan will be made available.
- 7.5. The Student Services Team member will provide a report and evidence to the Head of Student Services, who will determine whether the student's fitness to study is impaired or may become impaired and any actions to be taken. He or she may decide to meet the student to explore the matters raised. Actions may include (but are not limited to) one or more of the following outcomes:
 - support arrangements and/or reasonable adjustments to be put in place for the student;
 - an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her future conduct or support he or she will seek);
 - the matter be referred to another Level;
 - it be recommended to the student that s/he take a period of voluntary interruption.
- 7.6. Where an action plan is drawn up under Level 2, the student will be informed that where he or she fails to comply with any requirements his or her case may be referred to be dealt with at Level 3. The student will be provided with a copy of the action plan.
- 7.7. A date will be arranged at which the action plan will be reviewed by the Head of Student Services and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to Level 3 of this Procedure. The student will be invited to the

review meeting and the outcomes of the review meeting notified to the student in writing.

- 7.8. The student will be notified in writing normally within five working days of the decision made by the Head of Student Services, with reasons, and any actions to be taken.

8 Level 3 - Persistent and/or Critical Concerns

- 8.1. Persistent and/or critical concerns about a student's fitness to study will be dealt with under Level 3.
- 8.2. The particular process to be followed in dealing with a matter under Level 3 will be at the discretion of the Head of Student Services and will depend upon the circumstances of the matter (for example, the seriousness of the concern, the risk posed, and whether the student is able to engage with the process).
- 8.3. Normally, a case conference will be called by the Head of Student Services to discuss the nature of the concerns and consider possible outcomes. The case conference will comprise the Head of Student Services or another senior member of Student Services (who will act as chair) and, as is appropriate in the circumstances and at the discretion of the Chair, two senior members of staff who will act as Panel members. A minute taker from the Student Services Team will also be present. Other individuals may be called upon to provide information either in person or in writing. Relevant external professionals may also be invited to attend. Provision will be made for the production of written reports where appropriate.
- 8.4. Normally the student will be invited to attend the case conference, and the case conference will seek to identify the student's perception of the concern. The student will be entitled to be accompanied to the case conference, normally by no more than one person. The student will be informed of the case conference in writing at least 24 hours in advance, the purpose of the case conference, the nature of the concern, who will be present, and that the matter is to be managed under Level 3. The student will be provided with a copy of this Procedure.
- 8.5. Records of previous meetings under this Procedure and any action plan will be available at the meeting. The student will be requested to notify the College in advance whether or not he or she will be attending and the identity and role of any person(s) who will be accompanying and/or representing them at the meeting. The process followed will allow the student a full opportunity to respond to the concern.
- 8.6. The case conference will determine whether the student's fitness to study is impaired, or may become impaired, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:
 - support arrangements and/or reasonable adjustments to be put in place for the student;

- an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her future conduct or support he or she needs to seek);
- the matter referred to an earlier level of this Procedure;
- the student be withdrawn from placement, overseas study or other College related activity;
- the student be permitted to continue on a part-time basis or to study by means of formal or informal distance learning with appropriate support;
- it be recommended to the student that s/he take a period of voluntary interruption;
- It be recommended to the CEO that the student be excluded from College premises for a stated period of time, with arrangements put in place to support his or study as is reasonable, with or without conditions, for any subsequent return on to the premises;
- it be recommended to the CEO that the student be suspended from their programme of study for a stated period of time, with or without conditions, for any subsequent return to study;
- it be recommended to the CEO that the student be expelled from the College.

8.7. Where an action plan is drawn up under Level 3, the student will be informed that where he or she fails to comply with any requirements his or her case may be referred to be dealt with again at Level 3. A copy of the action plan will be provided to the student.

8.8. A date will be arranged at which the action plan will be reviewed by the panel and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should continue to be dealt with at Level 3. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

8.9. The student will be notified in writing of the decision and outcome of the case conference with reasons, normally within three working days.

8.10. The minutes of the proceedings and the determination of the case conference will be available to all in attendance and will be kept securely by the Student Services Team.

9 Exclusion, Suspension and Expulsion

9.1. If the case conference recommends that a student should be subject to an exclusion from the premises, a suspension from their programme or expulsion from the College, the matter will be referred to the CEO for a decision to be made.

- 9.2. If the CEO decides to exclude or suspend a student, the student will be informed of this together with reasons and any conditions associated with eligibility to return. If it is appropriate, details of the suspension will be shared with the Academic Dean who will work with the Head of Student Services and the relevant academic Programme Director to devise and implement a plan to support the student's study.
- 9.3. In all cases the most appropriate and supportive manner for the outcome to be communicated to the student will be considered in advance of notification to the student.
- 9.4. Wherever possible, the written notification detailing the decision will be given to the student in person, for example by a member of staff from the Student Services, who will explain the contents. The letter will also be sent by registered mail to the current postal address given by the student and to the student's email accounts known to the College.

10 Appeals

- 10.1. Students may raise a written appeal to the Head of Complaints and Appeals against the outcome of Levels 2 and 3 of this Procedure within ten working days of the date of the notification on one or more of the following grounds:
- the College has failed to follow its own Procedure adequately;
 - the decision is unreasonable and/or a disproportionate sanction has been imposed;
 - the student has material new information/evidence which was not reasonably available before.
- 10.2. The Students' Union is able to support students through the appeal process. The Head of Student Services will consider the appeal submission and determine whether there are valid grounds to appeal.
- 10.3. Where valid grounds have been determined, the student will be invited to submit additional evidence within a specified timeframe.
- 10.4. The CEO will consider the evidence provided and will determine an appeal against exclusion, suspension or expulsion. The CEO will make one of the following decisions:
- Dismiss the appeal; or
 - Uphold the appeal, and:
 - refer the matter back to an earlier level of this Procedure for reconsideration, e.g. if the correct process had not been followed; or
 - refer the matter back to an earlier level of this Procedure for fresh reconsideration, e.g. if material new information or evidence was made available; or
 - impose an alternative sanction.

10.5. The Academic Dean will consider any appeal that is not an appeal against exclusion, suspension or expulsion, where valid grounds have been determined. He or she will consider the evidence provided and will determine the outcome of the appeal. He or she will make one of the following decisions:

- Dismiss the appeal; or
- Uphold the appeal, and:
 - refer the matter back to an earlier level of this Procedure for reconsideration, e.g. if the correct process had not been followed; or
 - refer the matter back to an earlier level of this Procedure for fresh reconsideration, e.g. if material new information or evidence was made available; or
 - impose an alternative sanction.

10.6. The outcome of the appeal will be notified to the student in writing together with reasons within seven working days of determination of the appeal. This decision is final and will conclude this Procedure. A “Completion of Procedures” letter will be issued to the student.

10.7. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website (www.oiahe.org.uk).

11 Return to Study

11.1. A request to return to study must be made by a student in writing to the Student Services Team.

11.2. The process by which the outcome of a return to study request will be determined may vary according to the circumstances of the matter and the interests of fairness, and will be at the discretion of the Head of Student Services.

11.3. Each student’s case will vary depending upon the context and specific circumstances. In each case, however, a return to study by a student will be dependent upon the student satisfying the Head of Student Services that he or she is fit to study and that s/he has complied with any conditions placed upon his/her return.

11.4. Normally the student will be invited to meet with the Head of Student Services to consider the request to return to study. He or she may require the student to produce satisfactory medical and/or other evidence of his/her fitness to study from recognised professionals who have sufficient knowledge of the student, the demands of higher education, and the student’s intended programme of study in order to give an informed opinion.

11.5. The Head of Student Services will determine whether to permit the student to return to study. In reaching his or her decision, he or she may consult with relevant College staff and/or external professionals. He or she may impose conditions upon any return

to study (for example, relating to the student's conduct, any support the student should seek and/or his or her academic progress)

- 11.6. The Head of Student Services will consider any support and/or reasonable adjustments which should be put in place for the student in connection with his/her return to study and will be responsible for ensuring that any support and reasonable adjustments identified are provided/made.
- 11.8. The decision of the Head of Student Services will be notified to the student in writing, with reasons, within a reasonable time of the student's written request to return to study. If the request is turned down, the letter will include information on the process of re-application for a return to study. The decision of the Head of Student Services is final. The College will work collaboratively with the student in respect of any support arrangements put in place for a return to study.
- 11.9. Before or on his or her return, the student will be invited to attend a Return to Study Meeting with appropriate members of academic staff (e.g. the programme leader) and Student Services. At the Return to Study Meeting, an action plan will be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified by the Head of Student Services in respect of the student's return. The action plan will include a timetable for any review meetings which have been deemed necessary to assist the student's successful return to study. If conditions are attached, failure to comply will lead to further Fitness to Study procedures under Level 3. The student will be sent a summary of the Return to Study Meeting and a copy of the action plan, normally within five working days of the meeting.

12 Policy Review

This policy will be reviewed on an annual basis, or if there is a change in legal or other business or academic related requirement.

<i>Review date</i>	<i>Description</i>	<i>Reviewer</i>
October 2024	Fitness to Study Policy	Academic Director

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