Fitness to Study Policy 2024-25

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# Policy

* 1. London Metropolitan University is committed to maintaining and preserving the physical and psychological wellbeing of all students, and to meeting its legal duty to make reasonable adjustments to enable all students to access the University’s working and learning environment.
	2. The University recognises that medical, psychological, behavioural or emotional problems or a student’s circumstances may affect a student’s fitness to study.
	3. The aim of this document is to give effect to these principles and obligations, and to provide a procedural framework through which possible concerns can be addressed.
	4. This policy enables investigation of a number of areas to be undertaken via a single process:
		1. Emergencies (section 4)
		2. Admissions (section 5)
		3. Continuing Fitness (section 6)
		4. Return to Studies (section 7)

# Definitions and interpretations

* 1. “Fitness to study” means a student’s fitness to:
		1. Start a particular course of Academic Study; or
		2. Continue with their current course of Academic Study; or
		3. Return to their current course of Academic Study (or another course of Academic Study);
		4. A student’s ability to meet the reasonable academic requirements of the course of Academic Study; and
		5. A student’s ability to meet the reasonable social and behavioural requirements of a student of the University without having an unacceptably detrimental effect on the health, safety, welfare and/or education experience of the student, other students, or members of staff.
	2. “Academic Study” includes all teaching and learning elements including (but is not limited to), all placements and voluntary and / or compulsory trips.
	3. “Suspension” means a pause on the academic record and access to University premises and / or use of facilities whilst the Fitness to Study process is underway.
	4. “Exploratory meeting” is a collaborative and supportive initial meeting held between staff and student to discuss health and wellbeing concerns. “Intermission” means an authorised absence from the University and a temporary discontinuance of the student’s studies.
	5. Any period expressed as a period of days shall mean clear working days and shall exclude the days by which the period is calculated. Applicant means any person who has applied or is considering applying to study on a course at the University or a person to whom an offer (whether conditional or unconditional) of a place to study at the University has been made, whether or not that offer has been accepted.

# General Provisions

* 1. Fitness to study is separate from fitness to practise.
	2. The University will take into account relevant legislation such as the Data Protection Act, the Mental Health Act, the Mental Capacity Act, the Human Rights Act and the Equality Act when making decisions under this policy.

# Emergencies

## Immediate Risk

* + 1. Nothing in this policy should distract from any acute or dangerous situations where it is believed that a student’s behaviour presents an immediate risk to themselves or others. In such circumstances the emergency services should be called by dialling 999. Security staff must also be notified so that emergency services can be directed to the right location by dialling 6666 if on campus.

## Suspension

* + 1. Where concerns about a student’s fitness to study have been raised, a member of the Senior Leadership Team may approve the suspension of a student for a period of time if they agree that:
			1. It would be in the best interest of the student; or
			2. It would be in the best interest of another person; or
			3. Allowing the student to remain on the premises would breach the University’s duty of care to the student or others; or
			4. A student refuses to cooperate with proceedings under this policy.
		2. Suspension means that the student shall be excluded from all University premises. The student may seek support from their Head of Student Experience and Academic Outcomes, specific sections of Student Services, the Students’ Union or caseworker, but must make an appointment. A student who has not made an appointment will not be admitted to the University’s premises.
		3. Suspension is precautionary and does not mean that any conclusions have been drawn or that a decision has been reached.
		4. A student who has been suspended may:
			1. Ask the University Secretary to review the suspension. Any such request must be in writing and made not more frequently than once a month.
			2. Ask the University Secretary for temporary permission to attend the University for examinations or for submission of coursework. Any such request must be in writing.

## Notifications

* + 1. Third Parties - The University may consider notifying the student’s next of kin and statutory services of concerns raised under this policy, but will consider the Data Protection Act, the Equality Act, the Mental Health Act, the Mental Capacity Act, the Human Rights Act and general rights and expectations of confidentiality before doing so.
		2. The Student – The University will notify the student of: the duration of the suspension, methods of review, guidance on the return to study process.

# Admissions

* 1. Any person who has concerns about an Applicant’s fitness to study may refer the matter for investigation. The procedure under Admissions (section 5) may be invoked at any time before the Applicant has enrolled.
	2. Fitness to study is separate from:
* the academic requirements of the proposed course of study; or
* the professional requirements of the proposed course of study;
	1. No application shall be refused, and no Applicant shall be prevented from enrolling on the grounds of an Applicant’s fitness to study, save in accordance with this policy.
	2. Circumstances that trigger the use of this procedure may include (but are not limited to):
		1. A third party (for example, a relative, friend, colleague, placement provider, member of the public, medical professional) reports concerns about the student which raises questions about their fitness to study;
		2. An Applicant has told a member of staff that they have a problem and/or provided information which raises questions about their fitness to study.
		3. Receipt of relevant information or documentation, for example, a needs assessment report or medical report.
	3. To initiate an investigation, a written report should be made directly to the Head of Student Services to advise on the most appropriate next steps, Where issues of fitness to study have been raised, the Head of Student Services shall approach the Applicant and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised.
	4. The Applicant should be made aware of:
		1. The reasons fitness to study concerns have been raised; and
		2. If appropriate, the risks perceived by the University.
	5. The Applicant will be asked to provide, or the University may request, further evidence (that may include medical evidence) and may be asked to meet with representatives of Student Services.
	6. The Head of Student Services will, in conjunction with the Head of Student Experience and Academic Outcomes, consider the concerns and all relevant issues in light of the evidence received.
	7. The Head of Student Services may decide to:
		1. Convene a meeting with key stakeholders to consider the concerns and issues raised.
		2. Take no further action;
		3. Require the Applicant to transfer to a different course;
		4. Withdraw the Applicant’s offer of a place; and/or
		5. Direct the applicant to the support mechanisms within the university and externally within the community.
	8. An Applicant may ask the Head of Student Services to review their decision in light of new evidence the Applicant wishes to have considered. The Head of Student Services may reject a request for a review if no new evidence is provided with the request.
	9. The Head of Student Service’s decision is final.

# Fitness to Study considerations

## Concerns

* + 1. Any person who has concerns about a student’s fitness to study may refer the matter for investigation. The procedure may be invoked at any time during the student’s programme of study. Circumstances that trigger the use of this procedure may include but are not limited to the following.
			1. Where this is not clear, staff are advised to seek guidance from the appropriate section of Student Services:
			2. When it is known that a student is unwell and / or it is known that they are not taking action to seek help.
			3. When it is known that a student is unwell and they are receiving treatment, but their treatment does not appear to be conducive to study or is otherwise not allaying concerns.
			4. A third party (for example, a relative, guardian, friend, colleague, placement provider, member of the public, medical professional, accommodation provider) reports concerns about the student which raises questions about their health and wellbeing.
			5. The student has provided information as part of an application for mitigating circumstances or intermission which raises questions about their fitness to study.
			6. The student’s manner and / or behaviour indicates that the rigour of study is having an adverse impact on their health. The student exhibits behaviour, which would otherwise be dealt with as misconduct, but which may be the result of an underlying physical or mental health condition.
			7. The student’s academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health condition.
			8. When a student’s health related behaviours are negatively impacting upon the wellbeing and health of others (students and staff)

# Process

* 1. To raise a concern, a written report should be made directly to the Head of Student Services. Where there is urgency and this report is made orally, it should be followed as soon as possible by a written report.
	2. The Head of Student Services will be responsible for deciding if the issue should be addressed through the Fitness to Study Policy or other University policies (for example Safeguarding or Conduct).
	3. The Head of Student Services will undertake a case review, consulting with key stakeholders (for example, Head of Student Experience, Course Leader, Personal Academic Tutor, Student Services, International Advice, Student Conduct). Following the case review:
		1. The Head of Student Services may determine that no further action is required at the present time.
		2. If it is deemed that the concerns raised trigger the use of the policy, the Head of Student Services will write to the student inviting them to attend an exploratory meeting as part of the Fitness to Study process.
* Where concerns of fitness to study have been raised and constitute the triggering of the Fitness to Study policy, the Head of Student Services (or Student Services write to the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised.
	1. The student should be made aware of:
		1. The nature of the behaviour that has caused fitness to study concerns to be raised; and
		2. If appropriate, the risks perceived by the University. ‘

## Exploratory meeting

* + 1. The meeting is chaired by the Head of Student Services in attendance with the Head of Student Experience and Academic Outcomes and a member of the Disabilities and Dyslexia Service who will act in a supportive and advisory capacity.
		2. With regards to roles and responsibilities:
			1. The role of the Head of Student Services is to help facilitate discussion
			2. The role of the Disabilities and Dyslexia Service representative is to provide guidance on the support available to the student and, provide relevant information pertaining to the discussion.
			3. The role of the Head of Student Experience and Academic Outcomes is to offer a perspective on the teaching and learning elements relevant to the student’s programme of study.
		3. If the student is invited to attend a meeting, it is permissible for the student to be accompanied at the meeting by a single supporter of their choice who may or may not be a member of the University. The student will be asked to provide the name and capacity of any supporter attending at least 24 hours before the Exploratory Meeting to the Head of Student Services. Unless agreed in advance as a reasonable adjustment, the supporter will not be permitted to act as an advocate for the student in the meeting, and cannot normally attend if the student is not present in person.
		4. It is not permitted for a single supporter to be enrolled at the University as a fellow student. At the meeting the Head of Student Services (or nominee), with the Head of Student Experience and Academic Outcomes, should:
			1. Make the student aware of the nature of the concerns that have been raised;
			2. Hear and consider the student’s views and experiences, encouraging them to reflect on recent circumstances and events; and
			3. Explore with the student any reasons that has caused fitness to study concerns to be raised;
		5. At or shortly after the meeting the Head of Student Services, guided by the Head of Student Experience and Academic Outcomes and the Disabilities and Dyslexia Service representative, should write to the student with outcome recommendations. The Recommendations may include:
			1. Continue with studies; No further action.
			2. Continue with studies; Registry based intervention (For example altering the student’s mode of attendance, transferring to a different course, postponing part of the student’s course, An exceptional change to a programme of study (subject to the consent of the Dean of Students)
			3. Continue with studies; with a pastoral based intervention.
			4. Agreeing to providing consent to share with appropriate third parties (GP, Care Coordinator, Next of Kin, trusted friend or family member).
			5. To intermit the student’s studies for a fixed period or indefinitely.
			6. A request for additional information to be provided for consideration ahead of issuing an outcome.
		6. If the recommendations set have not been effective, the Head of Student Services may schedule a review meeting to discuss outstanding concerns.
		7. The student may agree to or reject the Recommendations;
		8. If the student accepts the Recommendations: The Head of Student Services will notify relevant stakeholders.
		9. The Head of Student Experience and Academic Outcomes will liaise with the School Office and Registry to identify an academic pathway forward ensuring that the student is aware of the academic consequences (including any time limits, such as the maximum period of registration, if applicable)
		10. The Disabilities and Dyslexia Service representative will work with the student to coordinate appropriate pastoral support.).
		11. If a student does not accept the Recommendations, the student will be asked to submit their reasons for rejecting in writing addressed to the Head of Student Services. The Head of Student Services shall refer the matter to the University Secretary to be considered by the Fitness to Study Panel.
		12. A student permitted to return to study under recommendations must comply with the recommendations set. Failure to comply with the recommendations may give rise to concerns about the student’s fitness to study or be considered a disciplinary matter and may cause the student to be suspended under this policy or under the Conduct policies and processes.

## Fitness to Study Panel

* + 1. If the student does not agree to the Recommendations, or the matter is too serious to be dealt with under the Exploratory Interview process (section 6.2), the matter shall be referred to the Fitness to Study Panel.
		2. The Fitness to Study Panel shall be appointed by the Deputy Dean of Students who will act as Chair of the Panel. The panel shall consist of at least two members of staff, including at least one representative from Student Services, and the PVC Student Experience and Institutional Equity.
		3. The Deputy Dean of Students shall appoint a clerk to Panel and may if necessary, invite such specialist advisors as they consider would be helpful to attend meetings of the Panel.
		4. The student shall be invited to attend a meeting of the Panel to discuss the concerns and all relevant issues. The student will, wherever possible, be given at least 5 days’ notice of the meeting. The student shall be entitled to be accompanied by a single supporter and may also opt to submit their information in writing.
		5. The student will be provided with copies of any documents to be considered at the meeting and will be asked to provide copies of any documents they wish the Panel to consider at least 2 days before the meeting.
		6. The Panel and its meetings shall be conducted in accordance with the directions of the Chair of Panel (whether given at a meeting of the Panel or beforehand).
		7. The Panel may call witnesses, institute enquiries, and/or request further medical evidence to assist its deliberations and may adjourn its meetings to another time or place.
		8. The Panel shall endeavour to reach consensus, but in the event that no consensus is reached the Chair of Panel shall make the decision of the Panel having considered the views and advice of the other Panel members.
		9. The Panel may decide to make the following recommendations;
			1. Continue with studies; no further action;
			2. Continue with studies; Registry based intervention (For example ~~A~~ltering the student’s mode of attendance, transferring to a different course, postponing part of the student’s course, An exceptional change to a programme of study (subject to the consent of the Dean of Students)
			3. Continue with studies; with a pastoral based intervention.
			4. Agreeing to providing consent to share with appropriate third parties (GP, Care Coordinator, Next of Kin, trusted friend or family member)
			5. To intermit the student’s studies for a fixed period or indefinitely.
			6. Terminate the Student’s registration at the University.
			7. A request for additional information to be provided for consideration ahead of issuing an outcome.
			8. Take any other such actions that are necessary in the view of the Panel.

## Review

* + 1. The Panel may at its discretion reconsider its decision in light of any representations the student makes regarding its decision.
		2. A student may ask for a decision to intermit their studies or to terminate their registration to be reviewed by the Vice-Chancellor.
		3. The request for a review must be made in writing within 10 working days of the date the student was notified of the decision. It must be supported by evidence and sent to the University Secretary.
		4. The University Secretary may dismiss a request for a review that:
			1. is received late and there is no reasonable explanation why it could not be brought in time, or
			2. does not clearly state the grounds on which the request is being made; or
			3. does not disclose any reasonable grounds for reviewing the decision; or
			4. is entirely without merit.
		5. Unless the request for a review is dismissed pursuant to point 6.4.4, the Vice- Chancellor shall consider the request for a review on the basis of the written papers, unless it would assist their consideration or otherwise be in the interest of fairness, in which case a hearing shall be convened.
		6. After reviewing the decision of the Panel, the Vice-Chancellor may:
			1. affirm, set aside or vary any decision reached;
			2. refer the matter, or any part of it or any decision to the Panel for further consideration.
		7. The Vice-Chancellor’s decision is final.

# Return to studies

* 1. After an intermission of studies or other period of absence from the University for reasons of ill health, behaviour, recuperation or treatment (whether such an intermission or period of absence came about under this policy or not), a student may wish to return to study. The University will only permit a student to return to study if it is in the best interest of the student to do so and will not place at risk the health and wellbeing of the student. ;
	2. The decision to permit a student to return to study will be made by the Head of Student Services following a return to studies meeting.
	3. At the return to studies meeting, the Head of Student Services will be accompanied by the Head of Student Experience and Academic Outcomes, and a representative from the Disabilities and Dyslexia Service. The student will be required to confirm that returning to study will not place at risk their health and wellbeing. In support of this, the student may be asked to provide written documentation from a suitably qualified health care professional / practitioner. Teams within Student Services may be asked to review medical documentation or to draft questions which form the basis for a request for further information.
	4. The Head of Student Services may permit a student to return to study only under certain recommendations. The recommendations may include (but are not limited to) provisions relating to:
		1. Resume studies with a Registry based intervention (For example altering the student’s mode of attendance, transferring to a different course, postponing part of the student’s course, an exceptional change to a programme of study (subject to the consent of the Dean of Students)
		2. Resume studies with a pastoral support-based intervention
		3. Resume studies with agreement to providing consent to share with appropriate third parties (GP, Care Coordinator, Next of Kin, trusted friend or family member)
		4. To extend the period of intermission for a fixed period or indefinitely.
		5. A request for additional information to be provided for consideration ahead of issuing an outcome
	5. At or shortly after the meeting the Head of Student Services, guided by the Head of Student Experience and Academic Outcomes and the Disabilities and Dyslexia Service representative, should write to the student with outcome recommendations.
	6. The student may agree to or reject the recommendations.
	7. If the student accepts the recommendations;
		1. The Head of Student Services will notify relevant stakeholders.
		2. The Head of Student Experience and Academic Outcomes will liaise with the School Office and Registry to identify an academic pathway forward ensuring that the student is aware of the academic consequences (including any time limits, such as the maximum period of registration, if applicable)
		3. The Disabilities and Dyslexia Service representative will work with the student to coordinate appropriate pastoral support.
	8. If a student does not accept the recommendations, the student will be asked to submit their reasons for rejecting in writing addressed to the Head of Student Services. The Head of Student Services shall refer the matter to the University Secretary to be considered by the Fitness to Study Panel.
	9. A student permitted to return to study under recommendations must comply with the recommendations set. Failure to comply with the recommendations may give rise to concerns about the student’s fitness to study or be considered a disciplinary matter and may cause the student to be suspended under this policy or under the Conduct polices and processes.