

# London Metropolitan University

## Fitness to Study Regulations

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## **A. Policy**

- A.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.
- A.2 The University recognises that medical, psychological, behavioural or emotional problems may affect a student's fitness to study.
- A.3 The aim of this document is to give effect to these principles and obligations, and to provide a procedural framework through which possible infringements can be addressed.
- A.4 This policy enables investigation of a number of areas to be undertaken via a single process:
  - A.4.1 Admissions (in Part E);
  - A.4.2 Emergencies (in part D);
  - A.4.3 Continuing Fitness (in part F); and
  - A.4.4 Return to Studies (in part G).

## **B. Definitions and Interpretations**

- B.1 "Fitness to study" means:
  - B.1.1 A student's fitness to:
    - B.1.1.1 Start a particular course of Academic Study; or
    - B.1.1.2 Continue with their current course of Academic Study; or
    - B.1.1.3 Return to their current course of Academic Study (or another course of Academic Study); and
  - B.1.2 A student's ability to meet:
    - B.1.2.1 The reasonable academic requirements to the course of Academic Study; and
    - B.1.2.2 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.
- B.2 "Academic Study" includes (but is not limited to), all placements and voluntary and / or compulsory trips.
- B.3 "Suspension" means a decision that an individual student shall be excluded from the University's premises and/or use of its facilities, or part of them as a precaution.
- B.4 "Intermission" means an authorised absence from the University and a temporary discontinuance of the student's studies.

- B.5 A reference in these regulations to a particular office-holder includes that officer-holder's deputy or nominee.
- B.6 Any period expressed as a period of days shall mean clear working days and shall exclude the days by which the period is calculated. For example, a document to be sent at least 2 days before a meeting shall exclude the day on which the item was sent and the day of the meeting when counting the 2 days.
- B.7 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.
- B.8 Faculty Nominee means a person nominated by the Dean of Faculty to deal with matters under regulation F.2
- B.9 A Friend means a friend, guardian or representative of the student (but not a qualified solicitor or barrister), provided such person is a student of the University, member of staff or officer of the Students' Union or member of staff of the University or a member of the student's family.
- B.10 Senior Staff means the Vice-Chancellor, Deputy Vice-Chancellor, Deputy Chief Executive and the University Secretary.

### **C. General Provisions**

- C.1 Fitness to study is separate from fitness to practise.
- C.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 these regulations.
- C.3 In the interest of fairness in a particular matter, the University Secretary may
- C.3.1 substitute any person of suitable seniority/experience in the University for any person otherwise entitled or required to act under these regulations; and/or
  - C.3.2 alter the procedures prescribed by these regulations;
- provided that the substitution or alteration is not to the detriment of the student.

### **D. Emergencies**

- D.1 Immediate Risk
- D.1.1 Nothing in this policy and in these regulations 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.

## D.2 Suspension

- D.2.1 Where concerns about a student's fitness to study have been raised, a member of Senior Staff may suspend a student for a period of time if
- D.2.1.1 they consider:
  - D.2.1.2 It would be in the best in interest of the student; or
  - D.2.1.3 It would be in the best in interest of another person; or
  - D.2.1.4 Allowing the student to remain on the premises would breach the University's duty of care to the student or others; or
  - D.2.1.5 A student refuses to cooperate with proceedings under these regulations.
- D.2.2 Suspension means that the student shall be excluded from all University premises. The student may seek support from their Personal Academic Advisor, 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.
- D.2.3 Suspension is precautionary and does not mean that any conclusions have been drawn or that a decision has been reached.
- D.2.4 A student who has been suspended under this regulation D.2 may:
- D.2.4.1 Ask the University Secretary to review the suspension. Any such request must be in writing and made not more frequently than once a month.
  - D.2.4.2 Ask the University Secretary for temporary permission to attend the University for examinations or for submission of coursework or to seek assistance. Such request must be in writing.

## D.3 Notifications

- D.3.1 Third Parties - The University may consider notifying the student's next of kin and statutory services of concerns raised under these regulations, 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.
- D.3.2 The Student – The University will notify the student of: the duration of the suspension, methods of review, guidance on the return to study process.

## E. Admissions

- E.1 Any person who has concerns about an Applicant's fitness to study may refer the matter for investigation. The procedure may be invoked at any time before the Applicant has enrolled.

- E.2 Fitness to study is separate from:
  - E.2.1 the academic requirements of the proposed course of study; or
  - E.2.2 the professional requirements of the proposed course of study;
- E.3 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 these regulations.
- E.4 Circumstances that trigger the use of this procedure may include (but are not limited to):
  - E.4.1 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;
  - E.4.2 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.
  - E.4.3 Receipt of relevant information or documentation, for example, an needs assessment report or medical report.
- E.5 To initiate an investigation, a written report should be made directly to the University Secretary. He/she is responsible for initiating the process in the first instance.
- E.6 Where issues of fitness to study have been raised, the University Secretary approach the Applicant and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised.
- E.7 The Applicant should be made aware of:
  - E.7.1 The reasons fitness to study concerns have been raised; and
  - E.7.2 If appropriate, the risks perceived by the University.
- E.8 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.
- E.9 The University Secretary will, in conjunction with a representative from Student Services, consider the concerns and all relevant issues in light of the evidence received.
- E.10 The University Secretary may decide to:
  - E.10.1 Take no further action;
  - E.10.2 Apply an exceptional change to an academic programme and/or support arrangements;
  - E.10.3 Require the Applicant to transfer to a different course;
  - E.10.4 Withdraw the Applicant's offer of a place; and/or
  - E.10.5 Take any other such actions that are necessary in the view of the University Secretary.
- E.11 An Applicant may ask the University Secretary to review their decision in light of new evidence the Applicant wishes to have considered. The University Secretary may reject a request for a review if no new evidence is provided with the request.
- E.12 The University Secretary's decision is final.

## **F. Continuing Fitness**

### **F.1 Concerns**

- F.1.1 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.
- F.1.2 Circumstances that trigger the use of this procedure may include (but are not limited to the following. Where this is not clear, staff are advised to seek guidance from the appropriate section of Student Services):
  - F.1.2.1 A third party (for example, a relative, guardian, friend, colleague, placement provider, member of the public, medical professional) reports concerns about the student which raises questions about their fitness to study.
  - F.1.2.2 The student has told a member of staff that they have a problem and/or provided information which raises questions about their fitness to study.
  - F.1.2.3 The student has provided information as part of an application for mitigating circumstances or intermission which raises questions about their fitness to study.
  - F.1.2.4 The student's manner indicates that there may be a condition which is having an adverse impact on their health (for example, if they have severe moods swings, shown signs of severe depression, or become withdrawn).
  - F.1.2.5 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.
  - F.1.2.6 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.
- F.1.3 To initiate an investigation, a written report should be made directly to the University Secretary. He/she is responsible for initiating the process in the first instance and for deciding if the issue should be addressed through the 'Exploratory Interview' or the 'Fitness To Study Panel'. Where; in an emergency; this report is made orally, it should be followed as soon as possible by a written report.

### **F.2 Exploratory Interview**

- F.2.1 Where issues of fitness to study have been raised, the Faculty Nominee should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised.
- F.2.2 The student should be made aware of:
  - F.2.2.1 The nature of the behaviour that has caused fitness to study concerns to be raised; and

- F.2.2.2 If appropriate, the risks perceived by the University.
- F.2.3 The student should be invited to a meeting with the Faculty Nominee and a representative from Student Services. The meeting is led by the Faculty Nominee with Student Services acting in a supportive / advisory role. The role of the Student Services representative is to help facilitate discussion, give guidance on the support available, provide relevant information and to facilitate later assessment (if deemed necessary).
- F.2.4 At the meeting the Faculty Nominee, with the representative from Student Services, should:
  - F.2.4.1 Make the student aware of the nature of the concerns that have been raised;
  - F.2.4.2 Hear and consider the student's views; and
  - F.2.4.3 Explore with the student any explanations for the behaviour that has caused fitness to study concerns to be raised;
- F.2.5 At or shortly after the meeting the Faculty Nominee, guided by the representative from Student Services, should make written Recommendations and invite the student to agree to the Recommendations.
- F.2.6 The Recommendations may include:
  - F.2.6.1 No further action;
  - F.2.6.2 Altering the student's mode of attendance (full time or part time)
  - F.2.6.3 An exceptional change to a programme of study (subject to the consent of the Academic Registrar) and / or special support arrangements;
  - F.2.6.4 postponing part of the student course (for example, a placement);
  - F.2.6.5 Transferring to a different course; and/or
  - F.2.6.6 To intermit the student's studies for a fixed period or indefinitely.
  - F.2.6.7 A request for additional information to be provided for consideration.
- F.2.7 The Recommendations must (unless no further action is recommended) include a review meeting to discuss the steps taken by the student and whether the concerns regarding fitness to study have been addressed. The period for the review meeting should be determined as part of the Recommendations.
- F.2.8 The student may agree to or reject the Recommendations;
- F.2.9 If the student accepts the Recommendations, the Faculty Nominee shall:
  - F.2.9.1 Notify the University Secretary of the agreed Recommendations; and
  - F.2.9.2 Make the necessary arrangement to put the Recommendations into effect;

- F.2.9.3 ensure the student is aware of the academic consequences (including any time limits, such as the maximum period of registration, if applicable).
  - F.2.10 If the student rejects or does not accept the Recommendations, the Faculty Nominee shall:
    - F.2.10.1 Ask the student to provide any reasons for rejecting the Recommendations in writing.
    - F.2.10.2 Refer the matter to the University Secretary to be considered by the Fitness to Study Panel. The referral must include details of nature of the concerns that have been raised, the Recommendations, the fact the Recommendations have been rejected and any reasons given by the student for rejecting the Recommendations;
  - F.2.11 If a student accepts the Recommendations, but despite the measure put in place there are still concerns about a student's fitness to study, the Faculty Nominee shall refer the matter to the University Secretary to be considered by the Fitness to Study Panel.
- F.3 Fitness to Study Panel
- F.3.1 If the Recommendations have not been successful, or the student does not agree to the Recommendations, or the matter is too serious to be dealt with under regulation F.2 (Exploratory Interview), the matter shall be referred to the Fitness to Study Panel.
  - F.3.2 The Fitness to Study Panel shall consist of:
    - F.3.2.1 The University Secretary, who shall be Chair of Panel;
    - F.3.2.2 A representative from Student Services;
    - F.3.2.3 A representative from Academic Registry
    - F.3.2.4 The Faculty Nominee;
    - F.3.2.5 The Course Leader;
    - F.3.2.6 The student's Personal Academic Adviser; and
    - F.3.2.7 Such other members as the Chair of Panel appoints from time to time
  - F.3.3 The Chair of Panel 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.
  - F.3.4 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 Friend and may also opt to submit his/her information in writing.
  - F.3.5 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.



- F.3.6 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).
- F.3.7 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.
- F.3.8 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.
- F.3.9 The Panel may decide to;
  - F.3.9.1 Take no further action;
  - F.3.9.2 Alter the student's mode of attendance (full time or part time)
  - F.3.9.3 Apply special academic and /or support arrangements;
  - F.3.9.4 postpone part of the student's course (for example, a placement);
  - F.3.9.5 Require the Student to transfer to a different course;
  - F.3.9.6 Intermit the Student's studies for a fixed period or indefinitely;
  - F.3.9.7 Terminate the Student's registration at the University; and/or
  - F.3.9.8 Take any other such actions that are necessary in the view of the Panel.

#### F.4 Review

- F.4.1 The Panel may at its discretion reconsider its decision in light of any representations the student makes regarding its decision.
- F.4.2 A student may ask for a decision to intermit his/her studies or to terminate his/her registration to be reviewed by the Vice-Chancellor.
- F.4.3 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's Office;
- F.4.4 The University Secretary may dismiss a request for a review that:
  - F.4.4.1 is received late and there is no reasonable explanation why it could not be brought in time, or
  - F.4.4.2 does not clearly state the grounds on which the request is being made; or
  - F.4.4.3 does not disclose any reasonable grounds for reviewing the decision; or
  - F.4.4.4 is entirely without merit.
- F.4.5 Unless the request for a review is dismissed pursuant to regulation F.4.4, the Vice-Chancellor shall consider the request for a review on the basis of the written papers, unless it would assist his/her consideration or otherwise be in the interest of fairness, in which case a hearing shall be convened.

- F.4.6 After reviewing the decision of the Panel the Vice-Chancellor may:
  - F.4.6.1 affirm, set aside or vary any decision reached;
  - F.4.6.2 refer the matter, or any part of it or any decision to the Panel for further consideration.
- F.4.7 The Vice-Chancellor's decision is final.

## **G. Return to Studies**

- G.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 (whether to their current course or to another course of study);
- G.2 The University will only permit a student to return to study if it is satisfied that the student is fit to study;
- G.3 The decision to permit a student to return to study will be made by the University Secretary having taken advice from Student Services;
- G.4 The student should provide or the University Secretary may request, confirmation of their ability to resume their studies, which may include medical evidence;
- G.5 Student Services may be asked to review evidence or to draft questions which form the basis for a request for evidence
- G.6 The University Secretary may permit a student to return to study only under certain conditions. The conditions may include (but are not limited to) provisions relating to:
  - G.6.1 Mode of attendance (full time or part time);
  - G.6.2 Compliance with a continuing treatment regimen (for example, medication);
  - G.6.3 Regular review meetings (for part or all of the students remaining time at the University);
  - G.6.4 Academic Probation;
- G.7 A student permitted to return to study under conditions must comply with the conditions. Failure to comply with the conditions 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 these regulations or under the Disciplinary Regulations.