

Higher Education Fitness to Study Policy

1. Introduction

- 1.1 Fitness to study relates to a student's capacity to fully engage and participate in their studies and not to adversely impact on other students capacity to do the same.
- 1.2 The purpose of this policy is to outline the steps we would take when a concern is raised in relation to a student's health, well being or behaviour that is impacting on their, or their fellow students', ability to study, which may in turn bring into question their fitness to continue studying.

2. Scope

- 2.1 Within the terms of this policy a 'student' shall be defined as any person registered for one or more HE credit bearing modules offered by or on behalf of us, whether or not those modules form part of a programme leading to an award.
- 2.2 Examples of situations that would result in the steps outlined within this policy being instigated include (but are not limited to):
 - a student has not engaged in their studies to a satisfactory level and previous informal attempts to address the lack of engagement have not been successful;
 - the support needs of the student are outside those covered as standard within the Special Consideration policy or Reasonable Adjustment policy;
 - a student's behaviour is unacceptable or is adversely effecting other students' ability to study but it is not appropriate to deal with the issue through the Student Disciplinary policy;
 - there is a perceived risk to a student's or staff member's health, safety or wellbeing;
 - we become aware of a student's personal issue that we, or they, feel would be best addressed through the procedures within this policy.
- 2.3 This policy is intended to consider concerns that have occurred that may be beyond the student's control or due to an underlying physical or mental health issue. Concerns that are considered through this policy are intended to bring about a resolution that, as best as possible, addresses the interests of all affected parties. The health, well-being and safety of all concerned will remain the priority for any resolution provided. Any resulting outcome from the fitness to study procedure is not intended as a punishment.

- 2.4 Incidents of concern that are unacceptable and are within the control of the student that require action to be taken or sanctions applied would usually be considered through the Student Disciplinary policy.

3. General principles

- 3.1 We aim to provide a positive and harmonious environment which encourages and supports students to fulfil their learning experience.
- 3.2 In line with the Student Charter, students are expected to behave with respect and courtesy to other students, staff and any other person connected to us at all times.
- 3.3 Students are encouraged to divulge any physical or mental health issues to us to enable us to provide support as required.
- 3.4 In appropriate circumstances, any member of staff may take reasonable emergency action and refuse to allow a student to participate in certain activities in order to prevent immediate harm to themselves or to others.
- 3.5 Throughout their studies students are encouraged to seek support from health professionals in order to mitigate any concerns arising from physical or mental health issues.
- 3.6 When considering issues through the fitness to study procedures all matters are dealt with on a case by case basis dependent on the individual circumstances.
- 3.7 Throughout the fitness to study process students will be kept informed in writing of the progress of their case, any outcomes agreed upon and the associated timescales involved.
- 3.8 All persons adjudicating at any stage of the procedure set out in this policy will be independent to the student and the case in question and will act impartially.
- 3.9 All persons involved at any stage of the procedure will respect the confidentiality of information arising from it and only disclose information as is necessary, for example for the proper investigation and conduct of the case, if proceedings bring to light potentially criminal activity or there is extreme concern for the safety or well-being of any party involved.
- 3.10 We endeavour to work with the student to identify the best course of action for all parties when addressing a concern. It is always preferable to resolve any issues at an early stage through informal resolution wherever possible.

4. Informal stage procedure

- 4.1 A concern relating to a student's fitness to study may be raised by the student directly, another student or a staff member. Once a concern has been raised the student will be asked to attend a meeting with the relevant Student Support team to discuss the matter. This meeting may be conducted by alternative means if the student is unable to attend in person.
- 4.2 The student is entitled to be accompanied by a supporter at the meeting. At least one staff member who has received mental health support training should also be present where appropriate.

4.3 The purpose of the meeting is to:

- discuss the concern identified and any underlying causes;
- explain the impact on effected parties and/or implications of the concern;
- provide an opportunity for the student to respond to the concern;
- determine whether there are additional support measures that could be put in place (such as additional reasonable adjustments);
- attempt to agree a course of action that satisfactorily addresses the concerns for all parties.

4.4 Outcomes from the meeting may include, but are not limited to:

- advice provided to the student on how they can modify their behaviour in the future;
- additional student support is put in place;
- in agreement with the student an action plan, including timescales, is created that will address concerns relating to the student's behaviour or engagement with their studies;
- escalating the matter to the formal stage for further consideration if the matter can not be resolved or the case is considered too significant to be resolved informally.

4.5 The student will be provided with the outcome in writing following the meeting.

4.6 If the informal stage is unable to satisfactorily resolve the concerns for both parties or there are ongoing concerns relating to a student's behaviour or engagement the case will be escalated for consideration at the formal stage.

4.7 If a concern is identified that is considered serious or there are immediate concerns regarding a risk to people's health and safety the case may be referred directly to the formal stage.

5. Formal stage procedure

5.1 At the formal stage a Fitness to Study Panel will be convened to hear the case and decide upon a course of action to resolve the concern. The purpose of the Panel is to discuss the concerns identified, assess the student's fitness to study and decide upon an appropriate course of action to resolve the concern.

5.2 A member of staff who has had no prior involvement in the case will be appointed as the 'Case Officer'. The 'Case Officer' role is to arrange a date for the Fitness to Study Hearing, gather evidence from all parties and provide it to the Fitness to Study Panel, they will remain independent throughout and will have no say in the outcome.

5.3 The 'Case Officer' will arrange the Hearing as soon as is practical. The student will be given a minimum of ten working days written notice (save in urgent cases when the timetable needs to be expedited) of the date, time and location of the hearing. When arranging the Hearing enough time will be allowed for the 'Case Officer' to collate the evidence from all parties. At least five working days before the Hearing, the student will be provided with a copy of all the written evidence that will be presented at the Hearing.

- 5.4 The Fitness to Study Panel will consist of at least three individuals. All members of the Panel will be independent to the student and their programme of study. A member of our Senior Executive team will act as Chair of the Fitness to Study Hearing. Where possible a member of our HR team will be asked to be a member of the Panel. If it is deemed appropriate an external professional may be invited to join the Panel.
- 5.5 A member of staff will be appointed to act as Secretary for the hearing. The Secretary of the Fitness to Study Panel will ensure that none of the Panel members have had any previous involvement with the matter or are directly involved with the student. The Secretary will keep a written record of the proceedings. The Secretary is not a member of the Fitness to Study Panel and will not contribute to any decision reached.
- 5.6 We advise that the student be accompanied by one other person to act as a supporter. The supporter may assist with presenting information on behalf of the student. The name and position of the supporter must be provided to the Secretary at least three working days before the hearing.
- 5.7 The student is expected to attend the Fitness to Study Hearing, although dependent on the geographic location of the student, attendance may be via video conference, telephone or Skype etc. If the student does not attend, the Fitness to Study Panel may consider the case and decide a course of action in the absence of the student. If the student is unable to attend the hearing they may submit a written statement to the Panel in advance.
- 5.8 The Fitness to Study Panel may dismiss the case at any stage during the hearing if it believes there is no case to answer.
- 5.9 Following the Hearing all parties will withdraw, except for the Fitness to Study Panel and Secretary who will then consider its decision. The Fitness to Study Panel will rely only on information presented to it, either in writing or orally.
- 5.10 The Fitness to Study Panel's decision shall be reported to the student in writing within five working days.
- 5.11 One or more of the following courses of action may be determined by the Fitness to Study Panel. The list is not exhaustive and alternative outcomes may be implemented:
- i. additional student support is put in place;
 - ii. withdraw the student from certain activities;
 - iii. produce an action plan detailing any activities to be undertaken by the student to address the concerns identified and the timeframe in which this activity must be undertaken and/or completed;
 - iv. allow the student to transfer onto a different programme or to continue their studies on an alternative arrangement;
 - v. allow the student to voluntarily take a leave of absence from their studies for an agreed period of time;
 - vi. impose a formal suspension of study for a period of time;

vii. terminate the student's studies.

5.12 When determining a course of action consideration will be given to any unintended consequences that may arise in relation to timetabling of studies or programme availability.

6. Return to study

6.1 When a student has taken a temporary leave of absence from their studies, either voluntarily or as a result of a decision by the Fitness to Study Panel, the procedure for returning should be made clear to the student at the start of their study break.

6.2 If a student wishes to return earlier than a previously agreed timescale they must put their request in writing and outline any changes in circumstances that justify an earlier return to study.

6.3 A Return to Study meeting is held when a student is due to return. The student will meet with the relevant Student Support team to discuss whether the student is fit to resume their studies.

6.4 The Return to Study meeting will consider whether any specific support is required to facilitate the students return. Where necessary an action plan will be drawn up to identify any specific activities that need to be undertaken upon the students return or any conditions imposed for the student's return.

6.5 The student may be asked to provide evidence that they are fit to return to their studies.

6.6 The ultimate decision as to whether a student will be permitted to return to their studies sits with the Associate Dean, Degree Programmes.

6.7 If a request to return is declined the student will be notified in writing of the reasons for the decision.

7. Appeals

7.1 Whilst we endeavour to resolve fitness to study concerns in agreement with the student, students do have the right to appeal against any decision made or a course of action imposed. The appeal must be submitted to us in writing within 15 working days of the notification to the student of the decision.

7.2 The student may only appeal on the grounds that:

- i. there is new evidence which the student could not have reasonably made available to the Fitness to Study Panel;
- iii. the original hearing was not conducted in accordance with the procedure set out in this policy.

- 7.3 The student must set out in writing the grounds on which the appeal is based and must include, if applicable, any new evidence which could not have been made available to the original Fitness to Study Panel and upon which the student intends to rely on.
- 7.4 The Secretary will appoint a Fitness to Study Appeal Panel to hear the appeal. A member of our Senior Executive Team who has not previously been involved in the case will Chair the Fitness to Study Appeal Panel and it will be made up of at least two other senior members of staff and representation from Academic Board. All members will be independent to the student and their case. In some cases, an external person may be a member. Members of the Fitness to Study Appeal Panel will be different to members of the original Fitness to Study Panel.
- 7.5 The student may attend the appeal hearing if they wish and will be given at least five working days written notice of the date and time of the appeal hearing. If the student does not choose to attend, the Fitness to Study Appeal Panel will consider and determine the appeal in the absence of the student. If the student wishes to attend, if required, it can be via video conference, telephone or Skype etc.
- 7.6 The procedure and principles to be followed at the appeal hearing will be similar to that of the Fitness to Study Panel.
- 7.7 The Fitness to Study Appeal Panel may endorse or overturn the finding against the student by the Fitness to Study Panel.
- 7.8 The student will be informed of the decision of the Fitness to Study Appeal Panel in writing within five working days, including the reasons for the decision. This communication will include a Completion of Procedures letter.
- 7.9 If the student is not satisfied with the decision of the Fitness to Study Appeal Panel, the student may have the right to escalate their case externally to the Office of the Independent Adjudicator (OIA). For further information, please see appendix A.

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Appendix A: External referral

You may be eligible to escalate your complaint or appeal to an external body if you believe that our internal processes have not been followed properly. At LIBF we offer a wide range of programmes and qualifications, so the steps which you will need to follow will depend on the programme of study that you are undertaking. The below is a list of the different routes that are available, but please check with us if you are unsure what you need to do and we will confirm which route is appropriate for you.

Learners studying a Higher Education qualification

If you are unhappy with the outcome of a decision we have made, you may be able to ask the Office of the Independent Adjudicator (OIA) to review your case. The OIA runs an independent scheme to review the internal processes of its member providers, and we are a member of this scheme. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>. You will have a maximum of 12 months to escalate your case to the OIA.

You normally need to have completed our internal procedures, confirmed in our [Code of Practice Chapter 10: Complaints and Appeals](#), before you escalate your case to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your case is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your case is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one [here](#).

Those applying to study Higher Education qualifications with us may follow our internal processes, however, they will not have access to escalate their case, externally, to the OIA as they are not registered students

Learners studying a Higher Education programme of learning

Those who are on a programme of learning with us but are **not** undertaking a Higher Education qualification may follow our internal processes, however, they will not have access to escalate their case, externally, to the OIA. This includes Executive or Continuing Professional Development programmes.

Apprentices

If you remain dissatisfied with the outcome of your complaint or appeal following our internal Complaints and Appeal process, you may request that you are supplied with a Completion of Procedures letter, which you can use to support escalation of your case to the OIA (please see above), or to the [ESFA Complaints Team](#). If you are unsure on who to escalate your case to, please speak to the Head of Apprenticeships. You will have a maximum of 12 months from the date of your completion of procedures letter to escalate your case to either the OIA or EFSA.

Professional Education and Financial Capability learners

If all our internal complaints and / or review procedures are exhausted, we will issue you with a close of procedure letter stating that our complaints / review process has been exhausted. The case may then be eligible for consideration by the regulators ([Ofqual](#), [Qualifications Wales](#) or [CCEA](#)) within the terms of their complaints policy (in some instances, the external body may choose to look at a case before our final decision, for example if the matter appears to be urgent or in the public interest). We will comply with the process established by the regulators and will give due regard to the outcome of any process in relation to a qualification which we deliver. Please check with the relevant external body regarding the time period you have to raise your case with them.

Learners studying a Professional Education programme of learning

Those who are on a programme of learning with us but are **not** undertaking a Professional Education qualification may follow our internal processes, however, they will not have access to escalate their case, externally, to Ofqual. This includes Executive or Continuing Professional Development programmes.