

Fitness to Study Policy and Procedures

Version number	3
Author (role Title)	Director of Registry and Student Services
Date created	August 2019
Approved by	v.1 approved by Director of Quality. v.2 - September 2018 – routine updating of job/committee titles. v.3 – August 2019 – routine review – updating of titles etc.
Date of next review	Subject to annual review and updating each July

Contents

1. Introduction and scope	2
2. Other CE procedures	3
3. Temporary Suspension	3
4. Procedures	4
5. Informal (Level 1) – Initial and/or Emerging Concerns	4
6. Level 2 – Continuing and/or Serious Concerns	5
7. Level 3 – Persistent and/or Critical Concerns	5
8. Appeals	7
9. Return to study	7
10. Monitoring of Fitness to Study	8

1. Introduction and Scope

- 1.1 Christie's Education (CE) is committed to providing a supportive environment for its students, takes a positive attitude to the management of students' physical and mental health, and recognises that the wellbeing of students is critical to their learning, academic achievement and wider student experience.
- 1.2 CE 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 CE community. Such instances may arise where, for example, CE is concerned that:
 - a a student poses a risk to his/her own health, safety and/or wellbeing and/or that of others;
 - b a student's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other students;
 - c a student's behaviour is (or is at risk of) adversely affecting the day-to-day activities of CE or a placement provider;
 - d a student's support needs fall outside the scope of the support and other services which CE can reasonably be expected to provide.
- 1.3 This procedure sets out how CE may respond to instances where a concern is raised regarding a student's fitness to study and the type of action that it may take to manage the matter and support the student.
- 1.4 CE recognises that concerns may be raised by a variety of individuals, for example CE 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. Whilst CE 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 studies should be suspended or terminated.
- 1.5 This procedure applies to all students throughout their period of enrolment with CE, whatever their registration status, and includes students:
 - on site;
 - engaged in CE related activities away from the site (such as placements, field trips and study abroad);
 - in CE or private sector accommodation.
- 1.6 The procedure also applies to former students seeking a return to study whose registration has previously been interrupted, suspended or terminated under this Fitness to Study Procedure.
- 1.7 In implementing this procedure, CE 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.
- 1.8 CE staff dealing with students at all levels of this procedure will consider what support may be offered to students both from within CE and externally (for example, directing or referring students to local GPs or mental health services). Students will be encouraged to seek support and advice through such channels.
- 1.9 CE staff dealing with fitness to study cases must contact the Director of Registry and Student Services for guidance in order to consider the student's immediate support needs and the appropriateness of intervening under this policy and procedure.

- 1.10 Students who are considered under this procedure are entitled at any level to be accompanied and/or represented by a member of staff, friend, relative, student (including a Student Representative), health professional or disability support worker.
- 1.11 All matters dealt with under this procedure will be considered according to the student's individual circumstances. Whilst CE anticipates that such cases will be exceptional, it reserves the right 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).
- 1.12 Should a student be unwilling or unable to participate at any level of this procedure or to attend a meeting, CE may nonetheless continue where it is reasonable to do so. For example, CE may deal with issues on the basis of written reports and/or statements in the absence of the student and/or his/her representative.
- 1.13 Where reference is made in this procedure to any specific named CE role, such references are to be read as including role-holders' nominees.
- 1.14 Where there are critical concerns about the risks posed by a student's health or where a temporary suspension under subsection 3 below is being considered, CE will normally contact 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. CE reserves the right to make this contact if it believes that 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.

2. Other CE Procedures

- 2.1 This procedure has been developed by CE to manage situations where, in light of concerns regarding a student's health or wellbeing, CE considers it inappropriate to implement other processes such as its Student Disciplinary Procedures.
- 2.2 There may, however, be situations where it is appropriate to implement alternative CE procedures, and CE is not prevented from doing so notwithstanding concerns regarding the student's health or wellbeing. The Director of Registry and Student Services will make the decision as to when cases should be transferred from the Fitness to Study Policy into other CE procedures and vice versa.

3. Temporary Suspension

- 3.1 Where the International Managing Director reasonably believes that a student about whom a fitness to study concern has been raised poses a serious risk to:
- the student's health, safety and/or wellbeing and/or that of others;
 - CE property, and/or;
 - the reputation of CE;
- and immediate action is required, he or she may agree to:
- a. suspend the student's registration for a specified period of time, and/or;
 - b. exclude the student from CE premises for a specified period of time pending steps being taken under this procedure.
- 3.2 Any suspension made in accordance with 3.1 is a temporary and neutral act made on the basis of risk and is not a determination under this procedure regarding the student's fitness to study.
- 3.3 Where a student is suspended in accordance with 3.1, the International Managing Director will require a review by the Director of Registry and Student Services at regular intervals to determine whether it is reasonable for the suspension to continue or whether it should be revoked or extended.

- 3.4 The International Managing Director will also 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 CE to sit an examination or submit an assessment).
- 3.5 Where the International Managing Director suspends a student in accordance with this sub-section, the student will be notified in writing to all known addresses, normally within 2 working days of the decision.
- 3.6 The student may appeal against the decision that they be temporarily suspended within 10 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.

The appeal process is outlined in sub-section 8 of this document.

4. Procedures

- 4.1 Concerns about a student's fitness to study will be dealt with under three levels of action:
- a. Informal (Level 1): Initial and/or emerging concerns
 - b. Level 2: Continuing and/or serious concerns
 - c. Level 3: Persistent and/or critical concerns
- 4.2 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. The level of implementation 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 CE to manage the situation.
- 4.3 The processes under all levels will be undertaken in a transparent manner, and the student will normally be informed of the identity and capacity of any persons with whom CE consults (including third parties such as health professionals).

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

- 5.1 Initial or emerging concerns about a student's fitness to study will normally be dealt with informally. Staff taking action under Level 1 are required to notify and seek guidance from the Director of Registry and Student Services prior to invoking the procedure.
- 5.2 A member of CE staff who knows the student will notify them 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, a copy of which will be provided to the student. The member of staff will arrange a meeting with the student. 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 (see 1.10).
- 5.3 The aim of the meeting will be to discuss the concern, including the student's perception of the concern, and any support needs the student may have. The staff member may invite other relevant staff to attend (for example, from Student Services) and may consult with other relevant staff members to provide appropriate support to the student.
- 5.4 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:

- a. support arrangements and/or reasonable adjustments to be put in place;
- b. 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 conduct and/or support that should be sought);
- c. referred the matter to another level of this procedure.

5.5 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 Level 2 or 3 of this procedure. At an agreed date, the action plan will be reviewed to assess progress and next steps including whether the matter should be referred to Level 2 or 3. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing within five working days of the meeting.

6. Level 2 – Continuing and/or Serious Concerns

- 6.1 Continuing and/or serious concerns about a student's fitness to study will normally be dealt with under Level 2.
- 6.2 The student will be contacted by the Director of Registry and Student Services 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.
- 6.3 The student will be invited to attend a meeting with a 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. The student will be given a full opportunity to respond to the concern and will be entitled to be accompanied at the meeting (see 1.10). The student will be given at least 24 hours written notice of the meeting. The Student Services staff member will consult with other relevant persons (for example, CE staff and health professionals) 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.
- 6.4 The Student Services staff member will provide a report to the Director of Registry and Student Services, who will determine whether the student's fitness to study is impaired or may become impaired and any actions to be taken. Actions may include (but are not limited to) one or more of the following outcomes:
- a. support arrangements and/or reasonable adjustments to be put in place for the student;
 - b. 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);
 - c. the matter be referred to another Level;
 - d. the student be recommended to take a period of voluntary interruption of their studies.
- 6.5 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 the case may be referred to Level 3. The student will be provided with a copy of the action plan. At an agreed date, the action plan will be reviewed by the Director of Registry and Student Services to assess progress and next steps including whether the matter should be referred to Level 3. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing within five working days of the meeting.

7. Level 3 – Persistent and/or Critical Concerns

- 7.1 Persistent and/or critical concerns about a student's fitness to study will be dealt with under Level 3.

- 72 The particular process to be followed in dealing with a matter under Level 3 will be at the discretion of the Director of Registry and 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).
- 73 Case conference
- 7.31 A Fitness to Study Case Conference Panel (FSCCP) will be convened and chaired by the Director of Registry and Student Services to discuss the nature of the concerns and consider possible outcomes.
- 7.32 The membership and terms of reference of the FSCCP are outlined in the Governance Handbook. Other individuals may be called upon to provide evidence either in person or in writing. Relevant external professionals (for example, psychiatrists, GPs, mental health workers, probation officers) may also be invited to attend. Provision will be made for the production of written reports (for example, medical reports) where appropriate.
- 7.33 Normally the student will be invited to attend the FSCCP meeting, which will seek to identify the student's perception of the concern. The student will be entitled to be accompanied to the meeting. The student will be informed of the meeting in writing at least 24 hours in advance; notification will include the purpose of the meeting, 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. Records of previous meetings under this procedure and any action plan will be available at the meeting. The student will be requested to notify CE in advance whether he or she will be attending and the identity and role of any person(s) who will be accompanying them at the meeting. The process will allow the student a full opportunity to respond to the concern.
- 7.34 The FSCCP meeting 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:
- a. support arrangements and/or reasonable adjustments to be put in place;
 - b. 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);
 - c. withdrawal from placement, overseas study or other CE related activity;
 - d. granting of permission to continue on a part-time basis or to study by means of distance learning with appropriate support;
 - e. recommendation that the student take a period of voluntary interruption;
 - f. recommendation that the student be excluded from CE premises for a stated period of time, with or without conditions, for any subsequent return on to the premises;
 - g. recommendation 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;
 - h. recommendation that the student's studies should be terminated.
- 7.35 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 for further consideration at Level 3. A copy of the action plan will be provided to the student. At an agreed date, the action plan will be reviewed by the Director of Registry and Student Services to assess progress and next steps including whether the matter should be reconsidered 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 within five working days of the meeting.
- 7.36 The minutes of the FSCCP meeting and decisions of the FSCCP will be available to all in attendance and will be kept securely by the Director of Registry and Student Services.

7.4 Exclusion, Suspension and Termination of Studies

- 7.4.1 If the FSCCP recommends that a student should be subject to an exclusion from the premises, a suspension from their programme, or the termination of their studies, the matter will be referred to the International Managing Director for a decision.
- 7.4.2 If the International Managing Director decides to exclude, suspend or terminate 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 relevant Programme Director who will work with the Director of Registry and Student Services to devise and implement a plan to support the student's study.
- 7.4.3 Wherever possible, the written notification detailing the decision should be given to the student in person, by the Director of Registry and 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 registered email account.

8. Appeals

- 8.1 Students may appeal against the outcome of Levels 2 and 3 of this procedure within 10 working days of the date of the notification, on one or more of the following grounds:
- CE has failed to follow its own procedure;
 - 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.
- 8.2 The appeal must be made in writing to the Academic Director or another member of the Senior Management Team (SMT) with no prior involvement in the case, who will consider the appeal submission and determine whether there are valid grounds to appeal. Where valid grounds have been determined, the student will be invited to submit additional evidence within a specified timeframe.
- 8.3 The Academic Director or SMT member will consider the evidence provided and will make one of the following decisions:
- a. Dismiss the appeal; or
 - b. Uphold the appeal, and:
 - refer the matter back to an earlier level of this procedure for reconsideration; or
 - determine an alternative sanction.
- 8.4 The outcome of the appeal will be notified to the student in writing together with reasons within seven working days of the appeal. This decision is final and will conclude this procedure. A 'Completion of Procedures' letter will be issued to the student.

9. Return to Study

- 9.1 A request to return to study must be made by a student in writing to the Director of Registry and Student Services.
- 9.2 The process for determining the outcome of a return to study request may vary according to the specific circumstances of the student's case, and will be at the discretion of the Director of Registry and Student Services. In each case, however, a return to study will be dependent upon the student demonstrating that he or she is fit to study and that/s/he has complied with any conditions placed upon his/her return.

- 9.3 Normally the student will be invited to meet with the Director of Registry and Student Services to consider the request to return to study. The student may be required to produce satisfactory medical and/or other evidence of 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.
- 9.4 The Director of Registry and Student Services, where necessary following consultation with relevant CE staff and/ or external professionals, will determine whether the student may return to study. Conditions may be imposed upon any return to study (for example, relating to the student's conduct, any support the student should seek, or academic progress). The Director of Registry and 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 they are provided.
- 9.5 The decision of the Director of Registry and Student Services will be notified to the student in writing, with reasons, within 15 days 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 Director of Registry and Student Services is final.
- 9.6 CE will work collaboratively with the student in respect of any support arrangements put in place for a return to study. Prior to return, the student will be invited to attend a Return to Study Meeting with the Programme Director and other appropriate members of academic and support staff. At the meeting, an action plan, detailing any conditions imposed and any support identified, as well as a timetable for any review meetings, will be drawn up to support the student's successful transition back 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, within 5 working days of the meeting.

10. Monitoring of Fitness to Study

- 10.1 The Director of Registry and Student Services will present a report annually to the Senior Management Team containing an anonymised analysis of fitness to study cases. It will include:
- the number and nature of cases considered and the outcomes;
 - an analysis of cases by minority group, gender and disability based on information supplied at registration;
 - recommendations for revisions to CE policy or procedures, including with respect to learning, teaching and assessment arrangements.
- 10.2 Progress in responding to recommendations resulting from fitness to study cases will be monitored by the Senior Management Team.
- 10.3 The annual report on fitness to study will form part of the annual monitoring procedures of Christie's Education and may be shared with The Open University.