



## Fitness to Study Policy and Procedure

### 1 Introduction

LIS 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.

This Policy sets out how the School can respond to instances where a concern is raised regarding a student's fitness to study and the type of action that LIS may take to manage the matter and support the student.

All fitness to study cases will be handled by the Student Experience team. The Head of Student Support should be contacted for guidance in order to consider the student's immediate support needs and the appropriateness of intervening under this Policy.

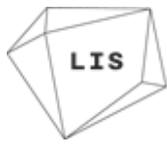
### 2 Purpose and Scope

2.1 LIS recognises that there may be instances where a student's physical or mental health give rise to concerns about the student's fitness to study, for example the student's capacity to engage with their studies and/or to function more widely as a member of the LIS community. Such instances may arise where, for example, LIS is concerned that:

- a student poses a risk to their 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 LIS or an internship provider
- a student's support needs fall outside the scope of the support and other services which LIS can reasonably be expected to provide as a higher education institution.

2.2 LIS recognises that concerns about students may be raised by a variety of individuals, by LIS staff, other students, and third parties (such as health professionals or placement providers).

2.3 The Policy and related procedures seek to promote early intervention, active collaboration between staff, students and third parties, and consistency of approach. Matters are dealt with sensitively and non-judgementally and in a co-ordinated manner



across LIS. Whilst LIS seeks to work with students in a spirit of co-operation, cases may arise in which it may, under this Policy, determine that a student is not fit to study at that time and that their registration should be suspended or terminated.

- 2.4 This Policy applies to all students throughout their period of enrolment with the School, whatever their registration status, and includes students:
- on campus
  - engaged in LIS related activities away from campus (such as internships, field trips)
  - in LIS-approved halls or private sector accommodation.

It also applies to former students seeking a return to study whose registration has previously been interrupted, suspended or terminated under the Fitness to Study Policy.

### 3 Levels of Action

- 3.1 The School has 2 levels for managing concerns about a student's fitness to study: **Level 1 - Initial and/or emerging concerns:** Are led by the Head of Student Support to manage relatively minor concerns as effectively as possible.
- 3.2 **Level 2 - Serious/persistent/critical concerns:**  
A Panel chaired by the Director of Student Experience, or nominee, meets to decide a student's fitness to study and how they can be supported in their studies.
- 3.3 A student's unreasonable failure to engage with an investigation may in itself become a fitness to study matter.
- 3.4 Detailed procedures are set out below.



## **4 Operating Principles**

- 4.1 All matters dealt with under the procedures are dealt with according to the individual circumstances. Whilst LIS anticipates that such instances 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). Where the process written below is varied, it will be articulated in writing by the Registrar.
- 4.2 Should a student be unwilling or unable to participate in proceedings or to attend a meeting, LIS may nonetheless follow the procedure where it is reasonable to do so. In such circumstances, LIS may deal with issues based on written reports and/or statements in the absence of the student and/or their representative.

## **5 Support for Students**

When dealing with students under this Policy and the related procedures, LIS staff consider what support and guidance may be offered to students.

## **6 Critical Concerns**

Where there are critical concerns about the risks posed by a student's health or where a temporary suspension is being considered, the Head of Student Support typically gets 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 is normally sought. LIS 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.

## **7 Precautionary Measures**

LIS may use precautionary measures as a temporary means of mitigating risk for relating to a student about whom a fitness to study concern has been raised.

## **8 Reviews and Appeals**

- 8.1 Students may raise a written appeal against any suspension or exclusion imposed or, a decision to suspend or exclude following a Return to Study meeting. The grounds for appeal and the process to be followed are set out below. Appeals should be made to registrar@lis.ac.uk

## **9 Return to Study**

A request to return to study must be made by a student in writing to the Student

Experience team (studentsupport@lis.ac.uk) and will be considered by the Head of Student Support who will determine whether to permit the student to return to study.

### **Procedure to be followed**

10 The processes under both levels of the Procedures are undertaken in a transparent manner, and the student is normally informed of the identity and capacity of any persons with whom LIS consults (including third parties such as health professionals).

11 In complex cases a professionals meeting may be called in order to ascertain the nature of the concern and gather information.

### **12 Other LIS policies**

12.1 This Procedure has been developed by LIS to manage situations where, in light of concerns regarding a student's health or wellbeing, LIS considers it inappropriate to implement other processes such as its Student Code of Conduct and Disciplinary Procedure. However, concerns about a student's health or wellbeing do not preclude them from being required to adhere to LIS's standards of conduct and from action being undertaken under the Student Code of Conduct and Disciplinary Procedure.

12.2 There may be situations where it is appropriate to implement alternative University procedures, such as the Student Code of Conduct and Disciplinary Procedure, and LIS is not prevented from doing so notwithstanding concerns about their and/or wellbeing. The Registrar will make the decision as to when cases should be transferred from the Fitness to Study Policy into alternative LIS procedures and vice versa.

### **13 Precautionary Measures**

13.1 Any precautionary measures taken are neutral in that they are not a determination regarding any of the allegations being investigated. LIS has a responsibility to take reasonable steps to protect the academic position of a student in these circumstances regardless of the allegations.

13.2 Measures might include:

- temporary suspension of a student from their programme of study or a learning activity, including an internship
- temporary exclusion from LIS premises either particular areas/campuses,
- temporary removal of access to LIS facilities and/or resources
- temporary non-contact agreements.

13.3 A risk assessment is undertaken by the Head of Student Support in consultation with others. This is invoked when concerns have been raised in which the student may be deemed to be posing a serious risk to:

- their own health, safety and/or wellbeing and/or that of others
- the property of LIS and/or others, and/or
- the reputation of LIS or an external partner

and immediate action in the form of precautionary measures is reasonably required to remove or reduce the risk, the Head of Student Support makes a



recommendation to a panel consisting of the Director of Student Experience and Head of Quality, and the Director of Teaching and Learning or nominee.

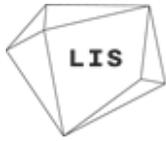
- 13.4 The Panel considers the recommendation and may impose an action for a specified period pending steps being taken under this Policy and Procedure.
- 13.5 The student is notified in writing of the decision, with reasons, normally within 3 working days of the date of the decision.
- 13.6 The Head of Student Support considers whether specific arrangements can reasonably be put in place for the student in order to minimise the impact on their studies, and liaises with the student's tutor or other nominated person to make these arrangements as appropriate.
- 13.7 Where a precautionary measure is taken in accordance with this section, the student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:
- LIS has failed to follow the procedure set out in this Policy and Procedure
  - the decision was unreasonable and/or disproportionate
  - material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out below.

- 13.8 Where a student is suspended and/or excluded under this section the Head of Student Support and the Panel will review at regular intervals whether it is reasonable for the suspension/exclusion to continue or whether it should be revoked or extended for a further specified period.
- 14 Level 1 – Initial and/or Emerging Concerns**
- 14.1 Initial or emerging concerns about a student's fitness to study will normally be dealt with by the Head of Student Support or their nominee.



- 14.2 The Head of Student Support notifies the student that there is a concern about their fitness to study the nature of that concern, and that the matter is to be managed under this Procedure. The student is provided with a copy of this Procedure. The member of staff arranges a meeting with the student. The student is to be notified at least 24 hours in advance of the meeting. They are to be informed who will be present at the meeting and are told that they can bring somebody with them for support
- 14.3 The aim of the meeting is to discuss the concern, any support needs the student may have, and seeks to identify the student's perception of the concern. The student is given the opportunity to respond to the concern. The staff member may also invite other relevant staff to attend. They may also consult with other relevant staff members in order to deal with the matter and to provide appropriate support to the student.
- 14.4 The staff member determines whether the student's fitness to study is compromised, or may become compromised, 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 their conduct and/or the support they should seek);
  - the matter to be referred to the second level of this Procedure.
- 14.5 Where an action plan is drawn up, the student is to be informed that if they fail to comply with any identified actions, the case may be referred to be dealt with at Level 2 of this Procedure. The student is provided with a copy of the action plan. A date is 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 of this Procedure. The student is invited to the review meeting and the outcomes of the review meeting notified to the student in writing.
- 14.6 The student is normally notified in writing within five working days of the meeting of the decision, with reasons, and any actions to be taken.



- 14.7 Review: Students may request a review of a decision made under Level 1 of these Procedures. A written request may be sent to the Registrar within ten working days of the date of the notification on one or of the following grounds:
- the Procedure has not been followed adequately;
  - the decision is unreasonable and/or a disproportionate sanction has been imposed;
  - there is material new information/evidence which was not reasonably available before.

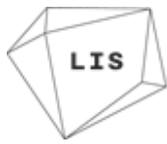
The Registrar will arrange for a review of the case to be undertaken and the findings referred to him/her. A decision will be made either to uphold the original decision, to refer the matter back for further consideration, or to impose an alternative sanction.

## 15 **Level 2 - Serious/persistent/critical concerns**

- 15.1 Serious/persistent/critical concerns about a student's fitness to study are dealt with under Level 2.
- 15.2 The particular process to be followed in dealing with a matter under Level 2 is at the discretion of the Head of Student Support and depends 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).
- 15.3 Typically, an initial case conference is called by the Head of Student Support to discuss the nature of the concerns and consider possible outcomes. The case conference comprises the Head of Student Support, Head of Quality and Director of Student Experience (who acts as Chair). Additional senior members can be added at the Chair's discretion.
- 15.4 Other individuals may be called upon to provide information (for example, staff who have been involved with the student) 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 is made for the production of written reports (for example, medical reports) where appropriate.



- 15.5 Normally the student is invited to attend the case conference, and the case conference seeks to identify the student's perception of the concern. The student is entitled to be accompanied to the case conference, normally by no more than one person, and preferably a close family member. The student is 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 2. The student is provided with a copy of this Procedure. Records of previous meetings under this Procedure and any action plan are available at the meeting. The student is requested to confirm their attendance to LIS in advance and the identity and role of any person(s) who is to accompany them at the meeting. The process followed allows the student a full opportunity to respond to the concern.
- 15.6 Following the case conference, the Panel - consisting of the Head of Student Support, the Director of Student Experience, the Head of Quality and the Director of Teaching and Learning - determines whether the student's fitness to study is compromised, or may become compromised, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:
- it is recommended that registration is suspended or terminated;
  - 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 is to be managed and any requirements to be placed on the student (for example, in respect of their future conduct or support they need to seek);
  - the matter referred to an earlier level of this Procedure;
  - the student be withdrawn from placement, overseas study or other University 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 they take a period of voluntary interruption;
  - it be recommended that the student be excluded from LIS premises for a stated period of time, with arrangements put in place to support their study as is reasonable, with or without conditions, for any subsequent return on to the premises;
  - it be recommended 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 that the student be expelled from LIS.
- 15.7 Where an action plan is drawn up under Level 2, the student is informed that where they fail to comply with any requirements their case may be referred to be dealt with again at Level 2. A copy of the action plan is provided to the student. A date is arranged at which the action plan is to be reviewed by the Panel and a decision taken on whether any requirements have been complied with and, if not, whether the matter should continue to be dealt with at Level 2 and, if so, whether the action plan should continue and whether it should be amended. The student is invited to the review meeting and the outcomes of the review meeting notified to the student in writing.
- 15.8 The student will be notified in writing of the decision and outcome of the case conference with reasons, normally within five working days.



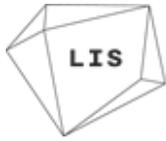
- 15.9 The Chair notifies the Registrar, and others as necessary and appropriate of the outcome or parts of the outcome once the student has been informed formally.
- 15.10 The Registrar notifies external organisations of the investigation and/or outcome where it has an obligation to do so, such as Student Finance England.
- 15.11 The minutes of the proceedings and the determination of the case conference are available to all in attendance and are kept securely by the Student Experience Department.

## **16 Exclusion, Suspension and Expulsion**

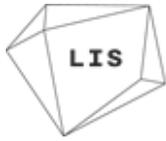
- 16.1 If the case conference recommends that a student should be subject to an exclusion from the premises, a suspension from their programme or expulsion from LIS, the matter is referred to the Chief Executive for a final decision to be made.
- 16.2 If the Chief Executive decides to exclude or suspend a student, the student is informed of this together with reasons and any conditions associated with eligibility to return.
- 16.3 In all cases the most appropriate and supportive manner for the outcome to be communicated to the student is considered in advance of notification to the student. Wherever possible, the written notification detailing the decision is given to the student in person, for example by the Head of Student Support, who explains the contents. The letter is also sent to the student by email and/or post.

## **17 Appeals**

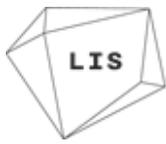
- 17.1 Students may raise a written appeal to registrar against the outcome of Level 2 of this Procedure within ten working days of the date of the notification on one or more of the following grounds:
- LIS has failed to follow its own Procedure adequately;
  - The decision is unreasonable and/or a disproportionate sanction has been imposed;
  - The student has material new information/evidence which was not reasonably available before.
- 17.2 An independent member of LIS staff considers the appeal submission and determines whether there are valid grounds to appeal.
- 17.3 Where valid grounds are determined, the appeal will progress to the Registrar, or nominee, for consideration. Should the Registrar have been involved in the procedures at an earlier stage, the appeal will be considered by a non-Executive member of the Board of Directors.



- 17.4 The Registrar considers the evidence provided and determines the outcome of an appeal. The Registrar (or nominee) makes one of the following decisions:
- Dismiss the appeal; or
  - Uphold the appeal and:
    - o refer the matter back to an earlier level of the Procedure for reconsideration, e.g. if the correct process has not been followed, or if material new information or evidence has been made available; or
    - o impose an alternative sanction or action.
- 17.5 The outcome of the appeal is notified to the student in writing together with reasons within seven working days of determination of the appeal. This decision is final and concludes this Procedure. A “Completion of Procedures” letter is issued to the student.
- 18 Return to Study**
- 18.1 A request to return to study, following either voluntary or imposed suspension of studies or a decision of exclusion, must be made by a student in writing to the Student Experience team.
- 18.2 The process by which the outcome of a return to study request is determined may vary according to the circumstances of the matter and the interests of fairness, and is at the discretion of the Head of Student Support. Each student’s case varies depending upon the context and specific circumstances. In each case, however, a return to study by a student is dependent upon the student satisfying the Head of Student Support, or nominee, that they are fit to study and that they have complied with any conditions placed upon their return.
- 18.3 Normally the student is invited to meet with the Head of Student Support or nominee to consider the request to return to study. They may require the student to produce satisfactory medical and/or other evidence of their fitness to study (for example, a psychiatrist’s report or GP’s letter) 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. The student may be asked to provide such evidence before a decision is made whether to arrange a meeting.
- 18.4 The Head of Student Support determines whether to permit the student to return to study. In reaching their decision, they may consult with relevant LIS staff and/or external professionals. They may decide that the matter should remain under this Policy and may impose conditions upon any return to study (for example, relating to the student’s conduct, any support the student should seek and/or their academic progress). The Head of Student Support considers any support and/or reasonable adjustments which should be put in place for the student in connection with their return to study and is responsible for ensuring that any support and reasonable adjustments identified are provided/ made.



- 18.5 The decision of the Head of Student Support is 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 includes information on the process of re-application for a return to study.
- 18.6 The student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:
- LIS has failed to follow the procedure set out in this Policy and Procedure
  - the decision was unreasonable and/or disproportionate
  - material new information/evidence is available which was not reasonably available before.
- 18.7 LIS works collaboratively with the student in respect of any support arrangements put in place for a return to study. Before or on their return, the student is invited to attend a meeting with an appropriate member of academic staff and the Student Experience Department. At the meeting, an action plan may 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 Support 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 2. 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.



### Version Control

<b>Name of policy/procedure:</b>	<b>Fitness to Study Policy and Procedure</b>
<b>Document owner:</b>	<b>Alisha Kilich (Head of Student Support)</b>
<b>Date Originally Created:</b>	<b>07/10/2021</b>
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<b>Related documents:</b> (eg associated forms, underpinning processes, related policies or overarching policies)	

<b>Version Control</b>			
<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Brief summary of changes</b>
1	Alisha Kilich (Head of Student Support)	Nov 21	Original document (approved RWG Chair's action 15/11/2021)
2	Registry	Nov 22	Changes to personnel e.g. removal of Director of Strategy and People as the role is now defunct