



**Fairfield School of Business**

# Fitness to Study Policy

Version 2.1

Approved by Board of Governors

Last Amendment: October 2020

The following establishes a procedural framework for determining a student's fitness to undertake study where concerns have been raised about their ability to do so.

Under this Fitness to Study Policy, issues which may otherwise be considered as a disciplinary matter may be investigated through a Fitness to Study process if they are considered to be the result of an underlying physical and/or mental health difficulty and/or other issues that impact their ability to study.

Fitness to study is separate from fitness to practise in a work placement setting; the School's fitness to practice policy can be read here:

<https://fsb.ac.uk/wp-content/uploads/2020/12/Fitness-to-Practice-Work-Placements-and-DBS-Policy.pdf>



## Document Information

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\*The document owner is responsible for maintaining and updating the content of this document and ensuring that it reflects current practice at the School.

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## 1. Policy

- 1.1. Fairfield School of Business (the School) 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 School's working and learning environment.
- 1.2. The School recognises that medical, psychological, behavioural or emotional problems or other circumstances may affect a student's fitness to study.
- 1.3. 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.
- 1.4. This Policy enables investigation of a number of areas to be undertaken via a single process:
  - i. Admissions (in paragraph 5);
  - ii. Emergencies (in paragraph 4);
  - iii. Continuing Fitness (in paragraph 6); and
  - iv. Return to Studies (in paragraph 7).

## 2. Definitions and Interpretations

- 2.1. "Fitness to study" means:
  - 2.1.1. A student's fitness to:
    - i. Start a particular course of academic study; or
    - ii. Continue with their current course of academic study; or
    - iii. Return to their current course of academic study (or another course of academic study);  
and
  - 2.1.2. A student's ability to meet:
    - i. The reasonable academic requirements to the course of academic study; and
    - ii. The reasonable social and behavioural requirements of a student of the School without having an unacceptably detrimental effect on the health, safety, welfare and/or education experience of the student, other students, or members of staff.
- 2.2. "Academic Study" includes (but is not limited to), all placements and voluntary and / or compulsory trips.



- 2.3. “Suspension” means a decision that an individual student shall be excluded from the School’s premises and/or use of its facilities, or part of them as a precaution.
- 2.4. “Intermission” means an authorised absence from the School and a temporary discontinuance of the student’s studies.
- 2.5. A reference in these regulations to a particular office-holder includes that officer-holder’s deputy or nominee.
- 2.6. 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.
- 2.7. Student means any person who has applied, is studying, or is considering applying to study on a course at the School or a person to whom an offer (whether conditional or unconditional) of a place to study at the School has been made, whether or not that offer has been accepted.
- 2.8. 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 School, member of staff or officer of the Students’ Union or member of staff of the School or a member of the student’s family.

### 3. General Provisions

- 3.1. The School will take into account relevant legislation such as the *Data Protection Act (2018)*, the *Mental Health Act (2007)*, the *Mental Capacity Act (2005)*, the *Human Rights Act (1998)* and the *Equality Act (2010)* when making decisions under these regulations.

### 4. Emergencies

- 4.1. Immediate Risk:
- 4.1.1. 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.



## 4.2. Suspension

- 4.2.1. Where concerns about a student's fitness to study have been raised, a Principal or another commissioned staff member may suspend a student for a period of time if they consider that:
- i. It would be in the best in interest of the student; or
  - ii. It would be in the best in interest of another person; or
  - iii. Allowing the student to remain on the premises would breach the School's duty of care to the student or others; or
  - iv. A student refuses to cooperate with proceedings under these regulations.
- 4.2.2. Suspension means that the student shall be excluded from all School premises. The student may seek support from their Personal Academic Tutor, specific sections of Student Support, the Students' Union or a caseworker, but must make an appointment. A student who has not made an appointment will not be admitted to the School's premises.
- 4.2.3. Suspension is precautionary and does not mean that any conclusions have been drawn or that a decision has been reached.
- 4.2.4. A student who has been suspended under this regulation may:
- Ask the Principal to review the suspension. Any such request must be in writing and made not more frequently than once a month.
  - Ask the Principal for temporary permission to attend the School for examinations or for submission of coursework or to seek assistance. Such request must be in writing.

## 4.3. Notifications

- 4.3.1. **Third Parties** –The School 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.
- 4.3.2. **The Student** – The School will notify the student of the duration of the suspension, methods of review, guidance on the return to study process.



## 5. Admissions

- 5.1. Any person who has concerns about a student's fitness to study may refer the matter for investigation. The procedure under this paragraph may be invoked at any time before the Student has enrolled.
- 5.2. 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;
- 5.3. No application shall be refused and no student shall be prevented from enrolling on the grounds of a student's fitness to study, save in accordance with this policy.
- 5.4. Circumstances that trigger the use of this procedure may include (but are not limited to):
- i. 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;
  - ii. A student has told a member of staff that they have a problem and/or provided information which raises questions about their fitness to study.
  - iii. Receipt of relevant information or documentation, for example, a needs assessment report or medical report.
- 5.5. To initiate an investigation, a written report should be made directly to the Student Support, who is responsible for initiating the process in the first instance.
- 5.6. Where issues of fitness to study have been raised, a Personal Academic Tutor shall approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised.
- 5.7. The student should be made aware of:
- i. The reasons fitness to study concerns have been raised; and
  - ii. If appropriate, the risks perceived by the School.
- 5.8. The student will be asked to provide, or the School may request, further evidence (that may include medical evidence) and may be asked to meet with representatives of Student Support.



- 5.9. The Principal will, in conjunction with a Personal Academic Tutor, consider the concerns and all relevant issues in light of the evidence received.
- 5.10. The Principal may decide to:
- i. Take no further action;
  - ii. Apply an exceptional change to an academic programme and/or support arrangements;
  - iii. Require the student to transfer to a different course;
  - iv. Withdraw the student's offer of a place; and/or
  - v. Take any other such actions that are necessary in the view of the Principal.
- 5.11. A student may ask the Principal to review their decision in light of new evidence the student wishes to have considered. The Principal may reject a request for a review if no new evidence is provided with the request.
- 5.12. The Principal's decision is final.

## 6. Continuing Fitness

### 6.1. Concerns

- 6.1.1. 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.
- 6.1.2. 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 Support):
- i. 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.
  - ii. 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.
  - iii. The student has provided information as part of an application for mitigating circumstances or intermission which raises questions about their fitness to study.



- iv. The student's manner indicates that there may be a condition which is having an adverse impact on their health and wellbeing (for example, if they have severe moods swings, shown signs of severe depression, or become withdrawn).
- v. 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.
- vi. 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.
- vii. To initiate an investigation, a written report should be made directly to the Personal Academic Tutor, who is responsible for initiating the process in the first instance and for deciding if the issue should be addressed through the 'Informal Interview' or the 'Personal Tutor Panel'. Where; in an emergency; this report is made orally, it should be followed as soon as possible by a written report.

## 6.2. Informal Interview

- 6.2.1. Where issues of fitness to study have been raised, the student should be invited to a meeting with a Personal Academic Tutor and Representative from Student Support. The role of the Student Support representative is to help facilitate discussion, give guidance on the support available, provide relevant information and to facilitate later assessment (if deemed necessary).
- 6.2.2. The student should be made aware of:
  - i. The nature of the behaviour that has caused fitness to study concerns to be raised; and
  - ii. If appropriate, the risks perceived by the School.
- 6.2.3. At the meeting the Personal Academic Tutor, should:
  - i. Make the student aware in a supportive and understanding manner of the nature of the concerns that have been raised;
  - ii. Hear and consider the student's views; and
  - iii. Explore with the student any explanations for the behaviour that has caused fitness to study concerns to be raised;
- 6.2.4. At, or shortly after the meeting the representative from Student Support, guided by the Personal Academic Tutor, should make written Recommendations and invite the student to agree to the Recommendations.
- 6.2.5. The Recommendations may include:



- Taking no further action;
- Altering the student's mode of attendance (full time or part time), if this is possible;
- An exceptional change to a programme of study (subject to the consent of the Principal) and / or special support arrangements;
- postponing part of the student course (for example, a placement);
- Transferring to a different course; and/or
- To intermit the student's studies for a fixed period or indefinitely.
- A request for additional information to be provided for consideration.

6.2.6. 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.

6.2.7. The student may agree to or reject the Recommendations;

6.2.8. If the student accepts the Recommendations, the Personal Academic Tutor shall:

- i. Notify the Principal of the agreed Recommendations; and
- ii. Make the necessary arrangement to put the Recommendations into effect;
- iii. Ensure the student is aware of the academic consequences (including any time limits, such as the maximum period of registration, if applicable).

6.2.9. If the student rejects or does not accept the Recommendations, the Personal Academic Tutor shall:

- i. Ask the student to provide any reasons for rejecting the Recommendations in writing.
- ii. Refer the matter to the Principal to be considered by the Personal Tutor Panel.

6.2.10. 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.

6.2.11. 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 Personal Academic Tutor shall refer the matter to the Principal to be considered by the Personal Tutor Panel.



### 6.3. Personal Tutor Panel

- 6.3.1. 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 6.2 (Informal Interview), the matter shall be referred to the Personal Tutor Panel.
- 6.3.2. The Personal Tutor Panel shall consist of The Lead Personal Academic Tutor (Chair of Panel) and at least two other academic and support staff appointed by the Chair of Panel drawn from the following:
- Personal Academic Tutors;
  - VLE Manager;
  - Head of Student Lifecycle;
  - Student Support Coordinator;
  - Head of Academic Support Centre.
- 6.3.3. The Chair of Panel shall appoint a person to minute the Panel and; may if necessary invite such specialist advisors as they consider would be helpful to attend meetings of the Panel.
- 6.3.4. 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 working 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.
- 6.3.5. 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 working days before the meeting.
- 6.3.6. 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).
- 6.3.7. 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.
- 6.3.8. 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.
- 6.3.9. The Panel may decide to;
- Take no further action;
  - Alter the student's mode of attendance (full time or part time);
  - Apply special academic and /or support arrangements;



- Postpone part of the student's course (for example, a placement);
- Require the student to transfer to a different course;
- Intermit the student's studies for a fixed period or indefinitely;
- Terminate the student's registration at the School; and/or
- Take any other such actions that are necessary in the view of the Panel.

#### 6.4. Review

- 6.4.1. The Panel may at its discretion reconsider its decision in light of any representations the student makes regarding its decision.
- 6.4.2. A student may ask for a decision to intermit his/her studies or to terminate his/her registration to be reviewed by the Principal.
- 6.4.3. 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 Principal.
- 6.4.4. The Principal may dismiss a request for a review that:
- is received late and there is no reasonable explanation why it could not be brought in time, or
  - does not clearly state the grounds on which the request is being made; or
  - does not disclose any reasonable grounds for reviewing the decision; or
  - is entirely without merit.
- 6.4.5. Unless the request for a review is dismissed pursuant to regulation 6.4, the Principal 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.
- 6.4.6. After reviewing the decision of the Panel the Principal may:
- affirm, set aside or vary any decision reached;
  - refer the matter, or any part of it or any decision to the Panel for further consideration.
- 6.4.7. Subject to 6.4.8, the Principal's decision is final.
- 6.4.8. Where the request for review relates to a student on a course awarded by London Metropolitan University, the Principal will instead refer request for review to the Secretary of London Metropolitan University.



- 6.4.9. For requests for review where 6.4.8 above applies, where in the Principal's opinion an appeal would otherwise have been refused on the basis of the grounds in 6.4.4 above or would otherwise not be eligible for consideration under the awarding body's regulations; the referral by the Principal shall be accompanied by the Principal's written statement to that effect, with itemised reasons.

## 7. Return to Studies

- 7.1. After an intermission of studies or other period of absence from the School for reasons of ill health, 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.
- 7.2. The School will only permit a student to return to study if it is satisfied that the student is fit to study, and that the student has made any payment required by paragraph 6 of the Withdrawals, Deferrals, and Resumption of Study Policy.
- 7.3. The decision to permit a student to return to study will be made by the Principal having taken advice from Student Support, and having regard to the Withdrawals, Deferrals, and Resumption of Study Policy.
- 7.4. The student should provide or the Principal may request, confirmation of their ability to resume their studies, which may include medical evidence.
- 7.5. Student Support may be asked to review evidence or to draft questions which form the basis for a request for evidence.
- 7.6. The Principal may permit a student to return to study only under certain conditions. The conditions may include (but are not limited to) provisions relating to:
- Mode of attendance (full time or part time);
  - Compliance with a continuing treatment regimen (for example, medication);
  - Regular review meetings (for part or all of the students remaining time at the School);
  - Academic Probation;
- 7.7. 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.



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