



Fitness to Study Policy

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Approved by the Board of Governors

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Introduction

Fairfield School of Business (FSB) believes that all our students should be able to study and perform to the best of their ability, in a safe and secure environment.

The School is an adult learning environment in which we treat students as mature and responsible individuals, and we anticipate our students to have the ability to be independent learners alongside people of all ages and from a variety of backgrounds.

FSB is committed to supporting students to ensure they can succeed in their academic and career aspirations for themselves and their families. At FSB, these aspirations reflect our Values and are clearly articulated in our Mission Statement.

We know that for some students the pressure of studying in Higher Education (HE) can be challenging, and we also understand that many of our students must juggle other commitments and the stresses this might bring to their lives and consequently, impact negatively on health and wellbeing.

It should be noted that this Fitness to Study policy does not necessarily relate to the policy that covers Fitness to Practise, which are a requirement for courses where students are undertaking a qualification which leads to professional registration or working in regulated activity.

Purpose and Scope

To maintain and enhance the quality of the student lifecycle and the School community, we expect students' behaviour to be in keeping with the standards of the profession they may want to enter and/or reflect the proper standards of behaviour expected by wider society. As such, this policy should be read in conjunction with Fairfield School of Business (FSB) Support for Students with a Disability and Reasonable Adjustment Policy, which provides a coherent framework for responding to students with a disability and/or other health need (including mental health) and reflects the premise of the Equality Act 2010 for access and participation to Learning and Teaching in HE.

Fitness to Study refers to the impact of an individual student's health and wellbeing on their ability to participate fully and appropriately in the learning and teaching opportunities and School community

The policy refers to specific situations when the conduct and behaviour of a student conduct is unacceptable or inappropriate and this begins to significantly impact on their engagement with the course. This includes attendance, submission of assessments and/or overall academic performance that could be caused by known or suspected underlying health and or wellbeing issues, including poor mental health.

The purpose of this policy is to:

- ensure the School provides consistent, appropriate, non-judgemental, and sensitive response to the management of situations relating to any cause for concern about any student's fitness to study,
- specify the appropriate level of response to concerns about a student's fitness to study, where it is not appropriate to apply existing policies (Student Code of Conduct or Fitness to Practise),
- define lines of responsibility for staff for the various levels of response that may be required and to ensure that decisions are taken by people without actual or perceived conflicts of interest.

Application of this Policy

This policy should be instigated when either and/or a students' health problems (which may include physical, emotional / psychological, or behavioural problems), means that they are unable to effectively to manage their own health or wellbeing and safety or that of others, which is disrupting their studies and/or the studies of their peers, and resulting in unreasonable demands and/or expectations being placed on staff or other students.

The Principal or a designated nominee will take the decision to initiate this policy in the following situations (the list is not exhaustive):

- Where a third party (lecturer/supervisor, member of staff, friend, colleague, etc.) has raised a concern about a student which indicates that there is a reason to question their fitness to study,
- Where a student has told a member of staff that they have a problem or have provided documentation which indicates that there is a reason to question their fitness to study including at the admission process;
- Where a student's underlying health issues are thought to be adversely impacting on the health, safety and/or wellbeing of others;
- Where a student presents with behaviour, which would normally be dealt with under the student code of conduct disciplinary procedures, but is either known, or there are grounds to suspect it, to be the result of an underlying physical or mental health problem.

This policy should not be considered in situations that are acute and/or dangerous and that indicate that a student's behaviour would have an immediate and dangerous impact on the safety of the student or others. In such situations the Safeguarding and/or Prevent policy and process should be considered.

The policy applies to all students who are 'active' with FSB and enrolled with any of FSB partner HE providers regardless of their mode of study or attendance, except where the provisions of the Fitness to Practise Regulations apply. In addition, and in some instances this policy can be used in conjunction with the Support for Students with a Disability and Reasonable Adjustment Policy or another policy and process deemed appropriate by the principal or their nominee.

Process

The Fitness to Study process comprises two parts:

- Part1: Support Stage
- Part 2: Fitness to Study Panel.

The process can begin immediately at part 2 without any need for the earlier support level to have been commenced.

The level at which the process is implemented will depend on factors such as:

- the nature of the concern;
- the seriousness of any risk posed;
- the student's perception of their behaviour;
- the response of the student to any steps taken by the University to manage the situation.

If the student requires reasonable adjustments due to a disability, they should let the relevant staff members know in advance so that reasonable adjustments can be made in advance so that appropriate adjustments can be made.

Written reports and/or records of meetings and action plans will be stored on the Student management System (SMS) and will be shared with the student.

Part 1: Support Stage

Support within the campus

The campus dean with the assistance of student support services should ensure that all relevant support processes at FSB have been considered, documented, and made available to the student (access to Disabled Students Allowances (DSAS), reasonable adjustment and academic support) before raising a concern to the Principal or designated nominee.

FSB always aims to resolve most situations, transparently and in partnership with the student and any external services, particularly when a student's behaviour, health or wellbeing causes concern but does not present an immediate crisis, this will normally be managed informally, through the student's campus and who knows the students and who

the student is comfortable working with a member of staff (for example, Personal Academic Tutor, member of the student support team, or other individual supporting the student's health and wellbeing).

The Dean of campus is responsible for informing the student in a supportive and understanding manner where a concern about the student's fitness to study cannot be resolved, persists and/or escalates.

Intervention by the Principal (or nominee)

Campus staff and local support services should take steps to resolve the issue without intervention from the Principal (or nominee). Should the member(s) of staff supporting the student within the campus conclude that the existing support has not resolved the situation, they should raise their concern with their senior management in the campus including the campus Dean. In such circumstances, staff should consult with the Principal (or nominee) who will advise regarding next steps.

The Principal (or nominee) in conjunction with the Dean or nominee from the campus will take steps to resolve the situation in one of the following ways (the list is not exhaustive):

- providing advice for the academic staff member(s) supporting the student on any further supportive measures which could be put in place,
- referring the issue to another appropriate policy, regulation, or academic procedure,
- recommendation that the student undertakes a lighter workload in consultation with the Course lead and Campus nominee,
- the student may agree to take a voluntary break in studies whilst appropriate means of addressing the situation are being considered, in which case the regulations regarding a deferral of studies will be explained to the student,
- where the student is on placement, to propose to the student suspending the placement or if available switch programmes to a 'without placement' equivalent,
- arrange a meeting with the student to further review Students Academic Performance Review (SAPR) and a regular review meeting of the action plan in agreement with the student and which may include any of the points outlined above,
- in more serious or persistent cases, referring the issue to a Fitness to Study Panel.

The time scale for monitor and review of the situations should be agreed with the Principal, (or nominee) supporting staff members and the student.

In circumstances where all support interventions fail to resolve the issue, the Principal (or nominee) Director of Student will determine the appropriate course of action which may include ongoing efforts to resolve the issue within the Support Stage.

FSB aims to resolve concerns and issues without the need for a Fitness to Study Panel, however, should the Principal (or nominee) determine that it will not be possible to resolve the issue at the Support Stage then it may be referred to a Fitness to Study Panel.

Supportive Action Plan Meetings

Should the Principal (or nominee) decide that the appropriate steps are to arrange a meeting with the student to develop a supportive action plan, arrangements for the meeting will be confirmed in an email to the student.

These meetings between the Principal (or nominee) may be attended by the academic staff member(s) supporting the student should the Principal (or nominee) deem it appropriate. The student may be accompanied by another FSB student, a Students' Union representative or any other supportive presence deemed appropriate by the Principal (or nominee). A note-taker will also attend the meeting.

In these meetings, the student will be made aware of the precise nature and seriousness of the behaviour, health or wellbeing issue that has caused the concerns to be raised. The student will be encouraged to share their perspective of the cause for concern. Through discussion, the Principal (or nominee) will attempt to reach a resolution.

This process is aimed to resolve the issues and concerns, via a combination of the student responding positively, co-operating fully with the process, making use of the support available and the college implementing any reasonable adjustments that are possible.

Notes of the meeting will be emailed to the student within 5 working days of the meeting taking place. These notes will include details of any plans or agreements, including deadlines for actions to be completed and details of any planned monitoring and review.

Communication when resolving the issue at the Support Stage

When the issue is resolved during the Support Stage, the student should be informed that the issue has been resolved by the academic staff member(s) supporting the student, or the Principal (or nominee) should their intervention have been required. This communication should be made in writing in a timely manner, for example within 5 working days of a review meeting, to minimise the risk of further distress to the student.

Part 2: Fitness to Study Panel

Referral to Fitness to Study Panel

This stage should be followed if the Support Stage has not resolved the matter, or if the Principal (or nominee) deems the initial concerns to be too serious and urgent to be dealt with at the Support Stage.

In these circumstances the Principal (or nominee), in consultation with other senior colleagues and Legal Counsel where it would normally be a disciplinary matter, will refer the case to a Fitness to Study Panel.

If it is deemed necessary by the Principal (or nominee) and the Legal Counsel to suspend the student without prejudice, to protect students and/or staff until the date of the hearing, then this suspension shall commence in accordance with the Student Code of Conduct and the student notified in writing.

The Panel should normally be organised within 25 working days of the concerned staff member requesting it but should be arranged as quickly as is practical to minimise the risk of causing further distress to the student. The student will be notified in writing by the Principal (or nominee) of the panel hearing at least 10 working days in advance of the hearing.

The communication must include:

- the time, date, and place of the meeting;
- the purpose of the meeting and the nature of the concerns;
- details of who will be present at the meeting;
- explanation of the student's right to representation at the meeting from another FSB student or from a students' union representative;
- reference to this policy for the student's information;
- a request for information from the student with guidance, including an explanation of the student's rights concerning sharing of confidential information such as medical information;
- explanation of the student's right to invite witnesses to provide written or verbal statements;
- explanation of the students' right to receive copies of any information being considered by the panel at least 5 working days in advance of the hearing;

- if the student has been suspended without prejudice until the date of the Panel hearing, this communication will provide an explanation of the reasons why and implications.

The student will be asked to submit documents for the Panel to consider. The student will be sent copies of any documents seen by the Panel when discussing the case (except where these documents are of a confidential nature or permission/consent has not been granted by another individual) at least 5 working days in advance of the hearing date.

The student will be informed in advance and will be advised of their right to bring a friend or representative from the Student' Union. The student should inform the Chair of the Panel in advance if a representative will be attending with them.

Students may not be represented by an external organisation (except for the Students' Union and the accompanying person may not be a practicing solicitor or barrister).

Written statements by the student must be submitted to the Chair of the Panel 3 working days prior to the meeting to allow the participants to have sufficient time to review the documentation. Should the student wish to invite any witnesses to attend the meeting and provide a verbal statement they must inform the Chair of the Panel 3 working days prior to the meeting.

Should a student notify the Chair of the Panel in advance of the hearing that they are unable to attend the meeting on the scheduled date for a satisfactory reason, normally only one further attempt to reschedule the hearing shall be made.

If a student does not attend the hearing and/or does not submit their written statement (if required) without a satisfactory reason, the Chair of the Panel will consider whether the hearing should proceed in the absence of the student by examining the seriousness of the allegations and whether a decision could lead to enforced deferral or withdrawal, in accordance with this policy and process.

Members of the Fitness to Study Panel will usually be:

- Principal or their nominee acting as Chair;
- A senior academic from a campus different to the campus in which the student studies.
- The Panel may request further medical evidence and may call for witnesses, if needed.
- A minute-taker appointed by the Chair shall attend the meeting to record the minutes.
- Academic/support staff who raised the concerns will be invited to present their case before the panel.

Panel Outcomes

The Panel will determine whether the student's fitness to study is impaired, or may become impaired, and any actions to be taken. The decision of the Panel may include (but are not limited to) one or more of the following outcomes:

- a. Require the student to provide a written undertaking that the Student Code of Conduct and Academic Regulations will be observed for the remainder of the student's studies (Contract of Good Behaviour/Conduct);
- b. Deferral of studies: This would be for a fixed period of up to 12 months. In some cases, this could allow the student the opportunity to access appropriate support and/or medical assessment for a health condition.
- c. A student who is deferred from studies is prohibited from entering University premises and from participating in School activities. This would only be used where there are risks to the student or other students/staff and while a student is accessing appropriate treatment. The case will be reviewed by the Panel after the time stated (see Return to Studies). The student will be notified of this in writing, with any conditions specified.
- d. Withdrawal from studies: The student may be withdrawn from the course if the Panel decides that there is no reasonable prospect of the student reengaging with their studies (including cases where the student will not be able to complete the studies within their course registration period). This would only be in the most serious cases and would comply with School policies and processes.
- e. Any other action deemed appropriate by the Panel.

The student will be told the Panel's decision verbally and will receive a written outcome with reasons given within 5 working days of the verbal decision being delivered.

In all cases the most appropriate and supportive manner for the outcome to be communicated to the student will be considered in advance of notification to the student. Wherever possible, the written notification detailing the decision will be given to the student in person, by the Head of School or nominee, who will explain the contents.

Return to Study (where applicable)

Where an outcome of either the Support Stage or the Fitness to Study Panel resulted in deferral of studies and the student wishes to return to study, the following should apply:

- a. The student must notify the Dean and Head of Registry in writing about their wish to return to study at least 25 working days before the start of teaching.

- b. The student must produce satisfactory medical and/or other evidence of their fitness to study (e.g., a case relevant medical report/doctor's letter) from a recognised professional who has sufficient knowledge of the student and understanding of Higher Education.
- c. The Dean of campus in consultation with the Principal (or nominee) will consider the provided evidence and decide whether the student is fit to return to study.
- d. Should the student be permitted to return to study (subject to available curriculum), a Return to Study Plan with a named academic, regular review meeting and any other required support will be determined before the start of teaching. The student's failure to comply with a Return to Study Plan will result in their case being referred to the Fitness to Study Panel.

If the student is not be permitted to return to study, a further deferral, course withdrawal or other appropriate actions will be considered and determined.

The Dean of Campus via Registry will inform the student in writing of the decision and the reasons for their decision within 25 working days from the receipt of the student's request to return to study and full supporting evidence.

In instances where it has not been possible to decide within required timelines for a legitimate reason, the student will be informed of the reasons for the delay and the expected date of the case outcome.

In more complex cases, where a request to return to study requires the decision of a Fitness to Study Panel hearing, the Panel will be convened in accordance with the Fitness to Study Panel regulations above and the student will be notified of the outcome within 5 working days of the Fitness to Study Panel considering the request. In instances where it has not been possible to decide within required timelines for a legitimate reason, the student will be informed of the reasons for the delay and the expected date of the case outcome.

8Should the student be withdrawn from the course on fitness to study grounds and wishes to re-apply for any course at the School, a Fitness to Study Panel will be required in all cases.

Appeal process

The student has a right of appeal against the decision of the Fitness to Study Panel. Appeals against the decisions of the Panel will only be considered on the following grounds:

- a. Procedural error: where the fitness to study process was not conducted in accordance with these Regulations. Procedural error shall include but is not limited to alleged administrative or clerical error, and conflict of interest in the operation of the procedure;

- b. Exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason or were not carefully considered.

The appeals against professional judgement of Fitness to Study Panel shall not be deemed legitimate grounds for appeal. Any appeal founded exclusively on this ground shall be rejected automatically.

An Appeal against the decision of the Fitness to Study Panel must be made in writing and submitted within 10 working days of the receipt of the decision of the FTS Panel.

Referral for disciplinary action

Cases considered under these Regulations may be referred for action under the Student Code of Conduct where:

- The student at any time represents a serious and immediate risk to him/herself, to others or to the reputation of the School;
- The student's conduct continues to have an adverse effect on the learning or working environment, or the health or wellbeing of other students or members of staff;
- The student fails to provide adequate documentary evidence about his/her health or wellbeing issues.



Version Tracking:

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