LONDON SCHOOL
OF SCIENCE & TECHNOLOGY

Fitness to Study Policy

Version 8.0

Approved by the Board of Governors

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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 the result of an underlying physical and/or mental health difficulty and/or other issues that impact their ability to study.

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1. INTRODUCTION

1.1. London School of Science and Technology (LSST) is an adult learning environment in which students are treated as mature individuals and expected to have the capability to study and live independently alongside people of all ages and from a variety of backgrounds.

1.2. While at LSST, students should be able to study and perform to the best of their ability, in a safe and comfortable environment.

1.3. LSST is committed to supporting students to ensure they can succeed and match their own and the School's expectations for their academic and personal progress. To maintain and enhance the quality of life in the LSST community, students need to conform to certain standards of behaviour, and the School has a Student Wellbeing Support and Disability Policy, Student Code of Conduct and Student Disciplinary Regulations in place which will be applied in the case of students whose behaviour falls outside these standards.

1.4. However, some students find studying in the School environment more challenging than their peers. In making this commitment, therefore, LSST recognises the potentially negative effect of health and wellbeing issues on students' learning. LSST is passionate and committed to diversity and inclusion, so where possible and where appropriate, we will provide reasonable adjustments for students who may need additional assistance due to their protected characteristic under the Equality Act 2010 to provide equal access to learning opportunities.

1.5. The School recognises that a positive approach to the management of health issues is critical to student learning, academic achievement and to the wider student experience. These Fitness to Study Regulations can therefore be an alternative to the Student Disciplinary Regulations where a need for enhanced support is identified.

2. PURPOSE AND SCOPE

2.1. Fitness to Study refers to the impact of an individual student's health and wellbeing on their capability to participate fully and appropriately in the learning environment at LSST. It refers to situations in which a student exhibits unacceptable behaviour, conduct, or develops an unsatisfactory record of attendance, submission of work or academic performance, that is the result of known or suspected underlying health and or wellbeing issues. The purpose of these Regulations are:

- To ensure the provision of a 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.

- To specify the appropriate level of response to concerns about a student's fitness to study, where it is not appropriate to apply existing School policies (e.g., Student Disciplinary Regulations, Dealing with Unacceptable Behaviour Guidance or Fitness to Practise).

- To specify 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.

3. WHEN TO USE THESE REGULATIONS

3.1. These Regulations should be applied if students' health problems (which may include physical, emotional / psychological, or behavioural problems), or an inability to manage their own health or wellbeing and safety or that of others, are disrupting their own studies or the studies of others or result in what are perceived to be unreasonable demands being placed on staff or other students.

3.2. The decision to initiate these Regulations will be taken by the Head of Student Lifecycle (or designated staff member) upon being made aware of one or more of the following circumstances (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.

- Where a student's underlying health difficulties are thought to be adversely affecting the health, safety, and/or wellbeing of others.

- Where a student exhibits behaviour, which would normally be dealt with under 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.

3.3. These Regulations should in no way detract from any acute or dangerous situations where it is believed that a student's behaviour presents an immediate risk to themselves or others. The 'Safeguarding Policy' or 'Student Mental Health Policy' should be used in these circumstances.

3.4. These Regulations describe the procedure that will be followed in situations outlined in 3.2 above to consider the needs of the student, the support that is being provided and the implications for other students and members of staff before any disciplinary action is taken, unless to delay disciplinary action would represent a serious and immediate risk to the student or to others.

3.5. These Regulations apply to all higher education enrolled students at LSST, regardless of their mode of study or attendance, and in some instances these Regulations will be used in conjunction with the Student Mental Health Policy or may be referred to another procedure, policy or process as deemed appropriate by the Head of Student Lifecycle (or designated staff member).

4. PROCEDURE

4.1. The Fitness to Study Regulation comprises two levels:

- Level 1: Support Stage
- Level 2: Fitness to Study Panel

4.2. The procedure may be entered at Level 2 without any requirement for the earlier support level to have been commenced. The level at which the procedure 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 School to manage the situation.

4.3. If, due to a disability, the student requires reasonable adjustments during any part of the procedure, they should let the relevant staff member know of these in advance so that appropriate adjustments can be made.

4.4. If the student's behaviour has caused disruption in School premises, it may be necessary for the Head of Student Lifecycle (or designated staff member) to consult with the School Registrar to decide on whether temporary exclusion without prejudice from the premises is required. If so, this should be managed through a separate process. In reaching these decisions, due care and consideration will be exercised to avoid as far as possible the student being placed in a more vulnerable situation, or a situation that increases the vulnerability of others.

4.5. Written reports and/or records of meetings and action plans will be stored securely by the Student Wellbeing team in Student Services and will be shared with the student.

5. SUPPORT STAGE

5.1. Support Within the Campus

5.1.1. The Campus should ensure that all relevant support mechanisms at LSST have been considered, documented, and made available to the student before raising a concern with the Head of Student Lifecycle (or designated staff member). These might include:

- Use of Student Academic Performance Review (SAPR) to monitor attendance and engagement and provide pro-active pastoral support and appropriate intervention where necessary.

- Meetings with Personal Tutors/Supervisors, Course Leaders, Engagement and Retention teams to support academic requirements.

- Referral to Student Support e.g., Wellbeing (including Counselling, Disability and Mental Health) or External Agencies.

5.1.2. Staff are also advised to refer to the Safeguarding and/or Student Wellbeing Support and Disability Policy should they deal with a student who presents as being at risk or vulnerable.

5.1.3. It is hoped that most situations can be resolved within the students' Campus. When a student's behaviour, health or wellbeing causes concern but does not present an immediate crisis, this will normally be dealt with informally, through the student's Campus. A member of Campus staff who knows the student (for example, Personal Tutor, Course Leader, Supervisor or Dean) will be responsible for informing the student in a supportive and understanding manner that there is a concern about their fitness to study.

5.2. Intervention with Head of Student Lifecycle (or designated staff member)

5.2.1. Academic staff within the student's Campus should take steps to resolve the issue without intervention from the Head of Student Lifecycle (or designated staff member). Should the member(s) of staff supporting the student within their academic Campus determine that the existing support has not resolved the situation, they should raise their concern with their senior management in the Campus. If there is still no resolution, then consult with the Head of Student Lifecycle (or designated staff member) who will determine an appropriate course of action.

5.2.2. The Head of Student Lifecycle (or designated staff member) in conjunction with the Dean or designated staff member from the Campus will takes steps to resolve the situation by undertaking one of the following actions (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 procedure.

- 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.

- Arranging a meeting with the student to develop a Supportive Action Plan in agreement with the student (at which it may be agreed to take any of the steps above, or any other appropriate actions).

- In more serious or persistent cases, referring the issue to a Fitness to Study Panel.

5.2.3. Plans to monitor and review the issue along a set period should be agreed between the Head of Student Lifecycle (or designated staff member), the academic staff member(s) supporting the student and the student.

5.2.4. Should any of these interventions fail to resolve the issue, the Head of Student Lifecycle (or designated staff member) will determine the appropriate course of action which may include continuing to attempt to resolve the issue within the Support Stage.

It is expected that most concerns will be resolved without the need for a Fitness to Study Panel. However, should the Head of Student Lifecycle (or designated staff member) 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.

5.3. Supportive Action Plan Meetings

5.3.1. Where the Head of Student Lifecycle (or designated staff member) decides that the appropriate action is 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. Such meetings between the Head of Student Lifecycle (or designated staff member) may be attended by the academic staff member(s) supporting the student should the Head of Student Lifecycle (or designated staff member) deem it appropriate. The student may be accompanied by another LSST student, a Students' Union representative or any other supportive presence deemed appropriate by the Head of Student Lifecycle (or designated staff member). A note-taker may attend if required by the Head of Student Lifecycle (or designated staff member).

5.3.2. In such 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 explain their views on the cause for concern. Through discussion, the Head of Student Lifecycle (or designated staff member) will attempt to resolve the matter.

5.3.3. It is hoped and intended that in most cases, issues can be resolved at this level through a combination of the student responding positively, co-operating fully with the process, making use of the support available and the School implementing any reasonable adjustments that are possible.

5.3.4. 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.

5.4. Communication when Resolving the Issue at the Support Stage

5.4.1. 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 by the Head of Student Lifecycle (or designated staff member) 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.

6. LEVEL 2: FITNESS TO STUDY PANEL

6.1. Referral to Fitness to Study Panel

6.1.1. This stage should be followed if the Support Stage has not resolved the matter, or if the Head of Student Lifecycle (or designated staff member) deems the initial concerns to be too serious and urgent to be dealt with at the Support Stage.

6.1.2. In these circumstances the Head of Student Lifecycle (or designated staff member), in consultation with the School Registrar where it would normally be a disciplinary matter, will refer the case to a Fitness to Study Panel.

6.1.3. If it is deemed necessary by the Head of Student Lifecycle (or designated staff member) and the School Secretary 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 Disciplinary Regulations and the student shall be notified in writing.

6.1.4. 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 Head of Student Lifecycle (or designated staff member) of the panel hearing at least 10 working days in advance of the hearing. This communication shall 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 LSST student or from a students' union representative.
- Reference to these Regulations 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.

6.1.5. 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.

6.1.6. 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).

6.1.7. 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.

6.1.8. 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.

6.1.9. 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 taking into account the seriousness of the allegations and whether a decision could lead to enforced deferral or withdrawal, in accordance with these Regulations.

6.1.10. Members of the Fitness to Study Panel will usually be:

- Head of Student Lifecycle or their designated staff member acting as Chair.
- A senior academic from a Campus *different* to the Campus in which the student studies.

6.1.11. The Panel may request further medical evidence and may call for witnesses, if needed.

6.1.12. A minute-taker appointed by the Chair shall attend the meeting to record the minutes.

6.1.13. Academic/Professional studies staff who raised the concerns will be invited to present their case before the panel.

7. PANEL OUTCOMES

7.1. 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:

- 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).
- 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.
- A student who is deferred from studies is prohibited from entering School 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 period stated (see Return to Studies). The student will be notified of this in writing, with any conditions specified.

- Withdrawal from studies: The student may be withdrawn from the course if the Panel decides that there is no reasonable prospect of the student re-engaging 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 the School policies and regulations.

- Any other action deemed appropriate by the Panel.

7.2. 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.

7.3. 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 Campus Dean or designated staff member, who will explain the contents.

8. RETURN TO STUDY (IF APPLICABLE)

8.1. 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:

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

- 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.

- The Campus Dean in consultation with the Head of Student Lifecycle (or designated staff member) will consider the provided evidence and decide whether the student is fit to return to study.

- 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.

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

8.2. The Campus Dean or nominee 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.

8.3. 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.

8.4. 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.

8.5. Should 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.

9. APPEAL PROCESS

9.1. 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:

- 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.

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

9.2. 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.

9.3. An Appeal against the decision of the Fitness to Study Panel must be made in writing in accordance with section 14.3 of the Appeal Regulations and submitted within 10 working days of the receipt of the decision of the Fitness to Study Panel.

10. REFERRAL FOR DISCIPLINARY ACTION

10.1. Cases considered under these Regulations may be referred for action under the Disciplinary Regulations where:

- The student at any time represents a serious and immediate risk to him/herself, to others or to LSST's reputation.

- 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.

APPENDIX A: Fitness to Study Process Flowchart

Start

Concern Raised

- By staff, student, peer, or placement provider

- Due to health, wellbeing, or behaviour concerns

⬇

Initial Review by Campus

- Use SAPR, tutor meetings, referrals to Student Support Services

- Attempt informal resolution

⬇

Escalation to Head of Student Lifecycle (or designated staff member)

- If unresolved or concern is serious

- May lead to temporary exclusion (if necessary)

⬇

Level 1: Support Stage

- Meeting with student

- Develop Supportive Action Plan

- Monitor and review progress

➡ **Resolved?**

- ☑ Yes → Close case and notify student

- ✖ No → Proceed to Level 2

⬇

Level 2: Fitness to Study Panel

- Formal hearing

- Student notified and invited to submit evidence

- Panel reviews case

⬇

Panel Decision

- Contract of Good Behaviour

- Deferral of studies

- Withdrawal from studies

- Other appropriate actions

⬇

Return to Study (if applicable)

- Student submits request and evidence

- Reviewed by Campus Dean and Head of Student Lifecycle

- Return to Study Plan created

⬇

Appeal Process

- Student may appeal on procedural or exceptional grounds

- Must be submitted within 10 working days

⬇

End

APPENDIX B: Glossary of Terms

- **Fitness to Study**
  A student's ability to participate safely, effectively and appropriately in the learning environment, taking account of their health, wellbeing, behaviour, attendance and academic engagement.

- **Fitness to Study Procedure**
  The formal process used by LSST to assess and respond to concerns that a student's health, wellbeing or behaviour may be affecting their ability to study or the wellbeing of others.

- **Support Stage (Level 1)**
  The initial stage of the Fitness to Study procedure where concerns are addressed through supportive interventions, meetings, referrals and action planning.

- **Fitness to Study Panel (Level 2)**
  A formal panel convened to consider serious or unresolved concerns regarding a student's fitness to study and determine any necessary outcomes or actions.

- **Supportive Action Plan**
  A structured plan developed collaboratively with the student to identify support needs, agreed actions, responsibilities, review arrangements and timescales.

- **Student Academic Performance Review (SAPR)**
  A process used to monitor attendance, engagement and academic progress and to facilitate early support and intervention where concerns arise.

- **Reasonable Adjustments**
  Changes or support measures provided to remove barriers to learning for students with disabilities or other protected characteristics in accordance with the Equality Act 2010.

- **Deferral of Studies**
  A temporary interruption of studies, normally for up to 12 months, allowing a student time to access treatment, support or appropriate interventions before returning to study.

- **Withdrawal from Studies**
  Termination of a student's registration where it is determined that there is no reasonable prospect of successful re-engagement with their programme of study.

- **Suspension Without Prejudice**
  A precautionary measure which temporarily restricts a student's access to LSST premises or activities pending further consideration of a case. It does not imply fault or disciplinary action.

- **Contract of Good Behaviour/Conduct**
  A written undertaking by a student agreeing to comply with the Student Code of Conduct and Academic Regulations for the remainder of their studies.

- **Return to Study**
  The process through which a student seeks to resume their studies following a period of deferral, supported by appropriate evidence of fitness to return.

- **Return to Study Plan**
  A structured support plan developed to facilitate a student's successful return to academic study following a period of absence or deferral.

- **Head of Student Lifecycle**
  The senior member of staff responsible for overseeing the Fitness to Study process and associated decision-making, or their designated nominee.

- **Designated Staff Member (Nominee)**
  A staff member formally authorised to act on behalf of a senior LSST officer within the Fitness to Study process.

- **Campus Dean**
  The senior academic leader responsible for supporting decisions relating to student welfare, deferral and return to study within their campus.

- **Student Wellbeing Team**
  The LSST team responsible for providing wellbeing-related support and maintaining records relating to Fitness to Study cases.

- **Student Services**
  The range of support services available to students, including wellbeing, counselling, disability, pastoral and academic support.

- **Third-Party Concern**
  A concern raised by a lecturer, staff member, fellow student, friend, colleague or another individual regarding a student's health, wellbeing or ability to engage effectively with their studies.

- **Appeal**
  A formal request for review of a Fitness to Study Panel decision on the grounds of procedural error or previously unavailable exceptional circumstances.

- **Protected Characteristic**
  A characteristic protected under the Equality Act 2010, including disability, age, race, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership.

- **Safeguarding Policy**
  The LSST policy used when there are immediate concerns regarding the safety or welfare of a student or others and urgent intervention is required.

- **Student Mental Health Policy**
  The policy that guides LSST's response to students experiencing mental health difficulties and may operate alongside the Fitness to Study Policy.

- **Confidential Information**
  Personal, medical or sensitive information that is managed in accordance with applicable data protection legislation and LSST policies.

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