



## **Fitness to Study Policy and Procedure**

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### **1. Purpose and Scope**

1.1 The Fitness to Study policy is intended to address concerns that a student's health is disrupting their own studies, the studies of others or is placing unreasonable demands on staff or other students. The term *fitness to study* as used in this policy encompasses all aspects of student life at Apex College and not just the student's ability to engage with their studies. Apex College seeks to maintain an environment which is safe and conducive to teaching, learning and study and the well-being of staff and students at all times.

1.2 This fitness to study policy is designed to allow an agreed way for the student to continue their studies with appropriate support or to take a break from their studies without academic consequences until the student is deemed fit to return to study.

1.3 Apex College has a responsibility to ensure a safe and comfortable environment for staff and students. In the rare circumstances in which a student is not in a position to identify their own deterioration in health or well-being the policy will allow the College to intervene for the wellbeing of the student and the wider College community. The Fitness to Study policy may be used in cases where a health condition has not been diagnosed or when Apex College has not been notified of a diagnosis.

1.4 Apex College is committed to supporting and promoting the welfare of its students and is committed to the provision of a safe environment conducive to work, study and the enjoyment of a positive experience for all members of its learning community. The College will take all safeguarding concerns, including suspicions and allegations of exploitation, radicalisation, harm or abuse, seriously and will conduct a risk assessment as soon as possible. If a concern is found to be valid, the College will promptly make a referral to the relevant statutory authority, where appropriate.

1.5 This fitness to study policy and procedure is applicable to all students throughout their period of enrolment and study with Apex College, including students who may be seeking a return to study and whose enrolment has previously been interrupted or suspended under this policy and its associated procedures.



## **2. Definition of Fitness to Study**

2.1 Apex College defines fitness for study as the ability to participate appropriately as a student and as a member of the College community in its widest sense. The College expects its students to be able to live and work with others, and to conduct themselves in ways which do not have an adverse impact on other members of the College and its local community.

## **3. Aims of the Fitness to Study Policy**

3.1 The aims of Apex College's fitness to study policy are to ensure that students:

- Benefit from their programme of study and pursue it throughout their period of enrolment to ensure that they have a learning experience to enable them to successfully obtain the award for which they are registered.
- Do not in any way prevent, hinder or disrupt the learning experience and assessment of other students, staff in their discharge of their duties or academic pursuits, or visitors to the College from carrying out their required business

## **4. Use of the Fitness to Study Policy**

4.1 This Policy should be used in circumstances where a student's fitness to study gives cause for concern and other procedures (for example, meetings with the Student Services Officer) are not considered appropriate at that time or have already been exhausted. Examples of such situations include (but are not limited to) those in which:

- there is evidence of significant non-engagement by the student with his/her studies, which have not been satisfactorily addressed through other interventions and processes
- a student's support needs are beyond the type or level of support which the College can reasonably be expected to provide (including, but not limited to, the student's health, wellbeing and financial needs)
- a student's behaviour is adversely affecting the activities of the College or, where appropriate, a placement provider
- a student is perceived to pose a risk to his or her own or others' (students and/or staff) health, safety or wellbeing;
- a student's behaviour is adversely affecting the teaching, learning and/or interaction of simply being with other students.

4.2 In taking action in relation to this fitness to study policy and procedure, Apex College will bear in mind the sensitive and confidential nature of fitness to study matters and its obligations under the Data Protection Act 1998 and Equality Act 2010. Also, in taking action the College will adhere to the principles stated in its



Equality and Diversity Policy<sup>1</sup>.

## **5. Fitness for Study and other Policies**

5.1 Other Apex College's policies and documents that have a bearing on this fitness to study policy include:

- Equality and Diversity Policy
- Anti-Harassment and Anti-Bullying Policy and Procedure
- The Student Charter
- Student disciplinary procedure
- Students *at risk* policy and procedure

These are all available for students and staff on the VLE and in the Quality Manual.

## **6. Key Responsibilities**

6.1 Apex College has responsibilities in relation to the health, safety and wellbeing of all members of its learning community, including students, staff and visitors.

6.2 The Principal is responsible for the overall management and implementation of this fitness to study policy and the accompanying procedures. All members of staff are responsible for acting within the framework of this policy and the accompanying procedures where there are concerns as outlined in section 4 above, or where a student self-refers to a member of staff because of a significant concern.

6.3 Students are responsible for informing Apex College about any changes to their ability to study or otherwise to engage safely and appropriately with others as a member of the College's community of learners. Apex College recognises that there may be times when a student is unable to do this. Inability or refusal to do so may result in a student's study being suspended, in accordance with this policy, until such time as the student is able or prepared to re-engage appropriately with Apex College as a student.

## **7. Confidentiality and Data Protection**

7.1 Apex College is governed by the Data Protection Act 1998 and will treat all personal information (including sensitive personal information relating to students' mental, physical health or personal circumstances) as confidential within the terms of the legislation.

7.2 Personal information about a student obtained under this policy and procedure will only be shared within Apex College amongst those members of staff who need to

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<sup>1</sup> Apex College's Equality and Diversity Policy is available on its website <https://apexcollege.co.uk/prospective-students/policies-support/> and the VLE for students.



know that information in order to offer the student appropriate support, to enable the operation of this policy and procedure, or where it may affect work placement providers.

7.3 Apex College may ask a student for his or her agreement to share personal information obtained under this policy and procedure with relevant professionals outside of the College in order to offer the student appropriate support. The College will not normally share any personal information about a student without their agreement, but may do so in exceptional cases, where permitted by law.

7.4 International students should be aware that Apex College is required to report any interruptions to study or withdrawal to UK Visas and Immigration.

## **8. Procedures: Level 1 Initial Concerns and Level 2 Continuing or and/or Serious Concerns**

### **8.1 Overview**

8.1.1 The procedures set out below comprises two distinct levels (Level 1 and Level 2). It also includes provisions for temporary suspension in situations that require immediate action (see Section 8.3) and a process for appeal against decisions.

8.1.2 Level 1 will typically be used in response to initial (non-critical) concerns about a student's fitness to study, with the intention of seeking a successful resolution of the matter at that level through low-key, informal interaction with the student. However, depending on the nature and/or severity of the concerns and the student's own response to the situation, the procedure may be initiated directly at Level 2 without any requirement for Level 1 to have been commenced or exhausted.

8.1.3 The Level 2 procedure will be undertaken in a transparent manner. The student will be advised of the identity of the member of staff member dealing with the case and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom the College consults about the case. Prior to implementing the Level 2 procedure, College staff are expected to consult with the Student Services Officer to ensure that the student's immediate support needs are adequately considered. It is for the Principal to confirm that the Level 2 procedure is appropriate. The student should be encouraged to engage with the support services offered by the College and (where appropriate) external support, help and guidance.

8.1.4 When commencing action under the Level 2 procedure, the member of staff assigned to the case should ensure that the student is provided with a copy of the fitness to study policy and procedure to help ensure that the student fully understands matters related to his studies at Apex College.

### **8.2 Level 1: Initial Concerns**

8.2.1 When concerns are raised about a student's fitness to study, the Vice Principal will act as the case officer. The Vice Principal may consult with other College



students, members of staff, external professionals and other persons, as appropriate, to gather relevant information about the matter and confirm that the fitness to study policy and procedure is the most appropriate means of dealing with the matter.

8.2.2 The Vice Principal will contact the student to advise him or her of the concern about his or her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 1 under the provisions of Apex College's fitness to study policy and procedure. The Vice Principal will arrange a meeting with the student, giving at least three working days' notice, in order to:

- explain the concern
- discuss its perceived impact/implications and the student's perception of the matter
- allow the student opportunity to respond to the concern
- identify any related support needs the student may have

This is designed to allow the Vice Principal to reach an informed decision on the matter.

8.2.3 The Vice Principal may, where deemed appropriate, consult relevant staff from the College (for example, Student Services Officer, HND Programme Leader, teachers) to consider whether their attendance at the meeting with the student is appropriate, and must notify the student of attendance by other members of staff in advance of the meeting.

8.2.4 The Vice Principal should remind the student that he or she is entitled to be accompanied by a friend at the meeting, and ask the student to confirm in advance whether or not he or she will be attending and the identity and role of any person who will be accompanying him or her at the meeting. For avoidance of doubt, the Vice Principal is at liberty to continue with the Level 1 procedure in the event that the student is unable or unwilling to participate.

8.2.5 After taking account of the advice and input received from others, including any comments and/or representations made by the student, the Vice Principal will determine whether the student's fitness to study is impaired and what actions, if any, need to be taken. Such actions may include one or more of the following:

- (i) Implementation of appropriate support arrangements and/or reasonable adjustments for the student
- (ii) An action plan to be drawn up, with the agreement of the student, where possible, setting out the ways in which the matter will be managed including any obligations on the part of the student, for example, in respect of his or her conduct, engagement with studies, or support that he or she should seek
- (iii) Escalation of the issue to Level 2 of the fitness to study policy and procedure.



8.2.6 The student will be notified in writing, normally within five working days of the meeting, of the decision of the Vice Principal, with reasons, and any actions to be taken. Notes of the meeting with the student will be recorded and retained on the student's record.

8.2.7 The student has the right to appeal against the decision of the Vice Principal. The Appeal process is set out in Section 9 below.

### **8.3 Level 2: Continuing and/or Serious Concerns**

8.3.1 Level 2 of the fitness to study procedure is to be used where action already taken at Level 1 has not resulted in a satisfactory outcome or the concern is sufficiently serious or persistent as to require the Level 2 continuing and/or serious concerns procedure to be initiated directly at Level 2,

8.3.2 The Vice Principal or nominee will be responsible for the Level 2 fitness to study procedure detailed below. The Vice Principal or nominee may consult with other College staff, external professionals and other persons, as appropriate, to gather relevant information about the matter at any point in this procedure. This consultation may, at the Vice Principal or nominee's discretion, be undertaken by way of a case review meeting (see 8.4 below).

8.3.3 The Vice Principal or nominee will contact the student to advise him or her of the concern about his or her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 2 under the provisions of the fitness to study policy and procedure. The Vice Principal or nominee will arrange a meeting with the student, giving at least three working days notice. The meeting with the student will:

- explain the College's concern to the student and the need to consider whether or not the student is currently fit to study at Apex College
- discuss the perceived impact and potential implications of the student's behavior and seek student's own perception of his or her behaviour
- allow the student the opportunity to respond to concerns raised about his or her behaviour and its impact on other students and the College more widely
- identify any related support needs the student may have and/or the student him or herself suggests
- allow the Vice Principal or nominee to reach an informed decision on the matter.

8.3.4 The Vice Principal or nominee may, where deemed appropriate and helpful to the meeting with the student, invite other College staff and/or external professionals to attend the meeting. The student must be notified of any attendees at the in advance of the meeting.

8.3.5 The student should be informed that he or she is entitled to be accompanied at the meeting and asked to confirm in advance whether or not he or she will be attending and the identity and role of any accompanying person.



8.3.6 For avoidance of doubt, the Vice Principal or nominee is at liberty to continue with the Level 2 procedure in the event that the student is unable or unwilling to attend the meeting.

8.3.7 After taking account of the advice, information and discussions including any comments and representations made by the student, the Vice Principal or nominee will determine whether the student's fitness to study is impaired and what actions, if any, need to be taken. In deciding on the actions to be taken the Vice Principal or nominee will have due regard for the implications they may have for the student's statutory financial support. Such actions may include, but are not limited to, one or more of the following:

- (a) Implementation of appropriate support arrangements and/or reasonable adjustments for the student to enable him or her to continue with studies at the College
- (b) A time-limited action plan to be drawn up with the agreement of the student, if possible, setting out the ways in which the matter will be managed and any commitments on the part of the student whilst continuing to study at the College
- (c) A recommendation to the student that he or she take a period of voluntary absence from study and/or from the relevant area of activity as appropriate (for example, work placement)
- (d) Permitting the student to continue their studies on a part-time basis or to study by not attending classes at the College, if this is practicable
- (e) Imposing on the student a formal suspension of study for a stated period of time and/or exclusion from specified College facilities or activities, with or without conditions for any subsequent return to study. (See section 8.5);
- (f) Termination of the student's studies at the Apex College with de-registration from Pearson or the awarding university, as appropriate. (See section 9).

8.3.8 The Vice Principal or nominee may choose to communicate his or her decision orally in person to the student, particularly where circumstances indicate a need for prompt notification. Whether or not such verbal notification is given, the student will be notified in writing. Notification in writing will normally be given within five working days of the Vice Principal or nominee making the decision. The written communication to the student must provide reasons for the decision and details of any actions to be taken together with a clear statement any period of suspension.

8.3.9 Notes will be taken of the meeting with the student and these notes and the decision of the Vice Principal or nominee, including reasons for decisions taken, will be recorded and retained by the College as part of the student's formal records.

8.3.10 The student has the right to appeal against the decision of the Assistant



Principal or nominee. The Appeal process is set out in Section 9 below.

#### 8.4 Case review meeting

8.4.1 The Vice Principal or nominee may decide to hold a case review meeting with College members of staff and/or external representatives. The Vice Principal or nominee decides who to invite to a case review meeting. A case review meeting must be held before the Vice Principal or nominee meets with the student, as described in the Level 2 procedure above. The purpose of a case review meeting is to provide and initial assessment of the continuing or serious concerns raised by the behaviour of the student and provide an initial assessment of the risk posed to other students and members of staff of the College.

8.4.2 The case review meeting is an information gathering arena and not one for making any decisions or actions to be taken concerning the student. Only after the meeting with the student should the Assistant Principal or nominee make any decisions as provided in 8.3.7 above. The student should be informed at the meeting that a case review meeting had taken place.

#### 8.5 Suspension from studies

8.5.1 In the event that the Vice Principal or nominee decides that the student should be subject to a formal suspension from study and/or exclusion from certain College facilities and/or activities for a specific period of time, the proposed suspension must be referred to the Principal for approval.

8.5.2 When the student is informed of the suspension decision, he or she will also be provided with details of any conditions associated with eligibility to return to study or for readmission to the facilities/activities from which the student is being excluded.

8.5.3 The Vice Principal or nominee will liaise with the Student Services officer and HND Programme Leader to ensure that a plan to support the student's return to study is devised and implemented.

8.5.4 The student has the right to appeal against a Level 2 outcome decision. The Appeal process is set out in Section 9 below.

#### 8.6 Termination

8.6.1 In the event that the Vice Principal or nominee decides that the student's studies should be terminated, the proposed termination must be referred to the student's HND Programme Leader and to the Principal, for consideration and approval.

8.6.2 In the event that the decision to terminate the student's studies is approved the student will be informed of the decision in writing together with reasons and any resulting consequences, for example, entitlement to partial qualification for studies successfully completed.





8.6.3 The student has the right to appeal against such a Level 2 outcome decision. The process is set out in Section 9 below.

## 8.7 Return to Study

8.7.1 A written request to return to study must be made by the student to the Student Services Officer.

8.7.2 The process by which the outcome of a return to study request will be determined may vary according to the circumstances of the matter and the interests of fairness. The decision will be at the discretion of the Student Services Officer in consultation with the Principal. Each student's case will vary depending upon the context and specific circumstances. In each case, however, a return to study by a student will be dependent upon the student satisfying the Student Services Officer, in consultation with the Principal, that he or she is fit to study and that he or she has complied with any conditions placed upon his or her return.

8.7.3 Normally the student will be invited to meet with the Student Services Officer to consider the request to return to study. The Student Services Officer may require the student to produce satisfactory medical and/or other evidence of his or her 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 demands of the student's intended programme of study in order to give an informed opinion.

8.7.4 The Student Services Officer, in consultation with the Principal, will determine whether or not to permit the student to return to study. In reaching a decision, the Student Services Officer may consult with relevant members of staff and/or external professionals, as appropriate. The Student Services Officer may impose conditions upon any return to study (for example, relating to the student's conduct, any support the student should seek and/or his or her academic progress). The Student Services Officer in consultation with the HND Programme Director will consider any support and/or reasonable adjustments which should be put in place for the student in connection with his or her return to study and will be responsible for ensuring that any support and reasonable adjustments identified are provided or made.

8.7.5 The decision of the Student Services Officer will be notified to the student in writing, with reasons, within a maximum of ten working days of the student's written request to return to study. If the request is turned down, the letter will include reasons for the decision and information on the process of making a further request for a return to study.

8.7.6 The decision of the Student Services Officer following consultation with the Principal is final.

8.7.7 Apex College will work collaboratively with the student in respect of any support arrangements to be put in place for a return to study. Before or on his or her return, the student will be invited to attend a return to study meeting with appropriate their HND Programme Director. At the return to study meeting, an action plan will 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 Student Services Officer 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.

8.7.8 If conditions are attached to the student's return to study, 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.

## 8.8 Students on Work Placement

8.8.1 Where concerns are raised about a student's fitness to study while they are on work placement Apex College will discuss the possibility of alternative arrangements with the placement provider. If alternative arrangements are not possible the placement may be withdrawn, deferred or a switch to a placement free equivalent programme may be considered.

## 9. Appeals

9.1 Students may raise a written appeal to the Principal against the outcome of Level 2 of the procedure within ten working days of the date of the notification by letter from the Vice Principal or nominee. An appeal against fitness to study decisions will only be considered on one or more of the following grounds:

- (i) Apex College has failed to follow its own procedure adequately and according to the stated procedure in the fitness to study policy
- (ii) The decision is unreasonable and/or a disproportionate sanction has been imposed
- (iii) The student has material new information/evidence which was not reasonably available before the meeting with the student was held. The Principal will consider the student's appeal submission and determine whether or not there are valid grounds to the appeal.

9.2 Where valid grounds have been determined, the student will be invited by the Principal to submit additional evidence within a specified timeframe. The Principal will consider the additional evidence provided by the students and determine an appeal against suspension or termination. The Principal will make one of the following decisions:

- (i) Dismiss the appeal and uphold decisions and actions taken by the Vice Principal as stated in the letter to the student.
- (ii) Uphold the appeal, and either:



(a) Refer the matter back to Level 1 or Level 2 of this procedure for reconsideration where, for example, the correct process had not been followed

(b) Refer the matter back to Level 1 or Level 2 of this procedure for fresh reconsideration, for example, if material new information or evidence has been made available by the student.

**10. Overseas students**

10.1 Any suspension of studies for students with a UKVI Tier 4 Visa needs to take consideration of the impact the suspension will have on their right to remain in the UK. Apex College is obliged to report any significant changes in students’ circumstances relating to study periods for Tier 4 Visa holders to the UK Visa and Immigration (UKVI) including periods of temporary suspension. It is also advisable for students to inform the UKVI if a temporary suspension of studies is granted.

10.2 Depending on the reason and length of the suspension, permission to stay in the UK will no longer be valid if a student is not actively studying and students may be advised to leave the UK. When ready to resume studies, students will have to make a new application for a Tier 4 visa. The student should be strongly advised to contact the Student Services Officer for advice and guidance. If a decision is made to suspend a student from studies holding a Tier 4 Visa then this should be reported to the Principal.

**11. Student Finance and Suspension or Termination**

11.1 It is the student’s responsibility to inform the Student Loans Company ([www.slc.co.uk](http://www.slc.co.uk)), sponsor, tutor or any other relevant person/group of any suspension or withdrawal from studies at Apex College.

11.2 Apex College will inform the Student Loans Company of a student’s suspension or withdrawal from their programme of studies.

11.3 If the student is suspended or withdrawn from their studies they shall be referred to the Student Services Officer. Students who are required to or choose to suspend their studies need to be advised on the implications, including their liability to pay the tuition fees and the impact on their funding from the Student Loans Company.

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