



**London
South Bank
University**

EST 1892

Fitness to Study Procedure 2019-2020

This procedure is available in accessible format on request from the Head of Wellbeing (0207 815 6454 / studentwellbeing@lsbu.ac.uk)

Fitness to Study Procedure

In an emergency

In an emergency situation where it is believed that a student's health or wellbeing presents an immediate risk to themselves or others, call the appropriate Emergency Services: 999 (and inform the University on ext. 6666) or the University's emergency number: 0207 815 6666 (who will call 999).

You should also inform the Head of Wellbeing (ext. 6489) or the Executive Director of Student Services (ext. 6403), outlining the details of the incident, the action taken and any follow-up action needed to support the student themselves, other students, or staff who have been impacted.

If appropriate, the Fitness to Study Procedure can be used after the emergency situation has been responded to.

1. Introduction

- 1.1 London South Bank University (LSBU) recognises the positive impact good physical and mental wellbeing has on our lives. We seek to create a supportive environment that promotes independence, allows students to achieve the success of which they are capable, and considers the safety and wellbeing of everyone who works and studies here.
- 1.2 This procedure sets out the formal steps which will be taken by the University when there is concern that your behaviour or health is seriously disrupting your welfare or academic progress or that of other members of the University community or has the potential to do so.
- 1.3 The term 'fitness to study' relates to your ability to safely, independently and successfully participate in academic study and life generally as a student at the University.
- 1.4 Any action taken under this procedure will be limited to that which is necessary and proportionate to protect your interests and those of other members of the University community. The Fitness to Study procedure is intended to be supportive, not punitive. It is also intended to be open, transparent, consistent and implemented sensitively.
- 1.5 The procedure sets out three levels of intervention which may be appropriate depending on the perceived level of risk to your health and wellbeing or that of other members of the University community. It is possible for a matter to begin at any level, progress through some or all of the levels, return to lower-level intervention or be resolved at any level. This procedure does not affect your right to request at any time an interruption of studies at your own volition in accordance with the Interruption and Withdrawal Procedure.

2. Support for students

- 2.1 You are encouraged to seek advice and support regarding this procedure from London South Bank Students' Union (LSBSU) located in the Student Centre.

Student's Union Advice Team – t: 020 7815 6060 | e: advice@lsbsu.org

- 2.2 You are expected to take up any appropriate support available to you from the University – this includes support from the Disability and Dyslexia Support team (DDS) and the Mental Health and Wellbeing team (MHWB). Both teams are based in the Student Life Centre – staff and students can contact the teams for advice or to access support. Taking advantage of such support may avoid the need to invoke this procedure.

Mental Health & Wellbeing – t: 0207 815 6454 / e: studentwellbeing@lsbu.ac.uk

Disability & Dyslexia Support – t: 0207 815 6454 / e: disability@lsbu.ac.uk

3. Scope (to whom does this procedure apply?)

This procedure applies if you are a University student who:

- a) is registered/enrolled on a full-time or part-time programme; or
- b) has interrupted your studies;
- c) has not yet enrolled but where concerns arise during pre-enrolment. This procedure may be used to assess and mitigate any risk. In such situations a referral may be made by University staff (including the Admissions, Registry, course and/or support teams) under this procedure.

4. Responsibilities and who can initiate this procedure?

- 4.1 The Provost has the overall responsibility for this procedure but has delegated day-to-day responsibility for overseeing its implementation to the Head of Wellbeing.
- 4.2 The Dean of the relevant School may nominate a senior member of the academic or management staff, for example the Director of Education and Student Experience, to be responsible for operating this procedure for their School.
- 4.3 Any member of staff may initiate this procedure. You may also initiate this procedure if you have concerns about your fitness to study.
- 4.4 The Head of Wellbeing and the University Solicitor will review this procedure from time to time (and at least every two years) to ensure that its provisions continue to meet our legal obligations and reflect best practice.

5. Fitness to study in relation to other policies

- 5.1 The University also has a Student Disciplinary Procedure and a Halls of Residence Disciplinary Procedure for Student Residents. There may be occasions where you come under both the Fitness to Study and a disciplinary procedure at the same time. In cases such as this, the outcome of the disciplinary procedure, and any sanctions imposed, will have considered your health and wellbeing. Depending on the individual circumstances of each incident, the University reserves the right either to suspend one procedure until the outcome of the other is complete, or decide not to pursue one procedure in favour of the other.
- 5.2 If you demonstrate unacceptable conduct during any stage of this procedure, then it may be considered to be a disciplinary matter and action may be taken under the Student Disciplinary Procedure.

- 5.3 This procedure runs in parallel with other relevant policies for those programmes that are professionally accredited, e.g. in the School of Health and Social Care, where a Fitness to Practise Procedure is in place. This and similar relevant processes are normally managed by the School within which the programme is located. Where concerns regarding your fitness to practise arise during the course of this procedure, this procedure may be suspended pending the outcome of relevant fitness to practise proceedings.
- 5.4 Any related health and safety issues will be considered under the University's Health and Safety Policy.
- 5.5 Any related safeguarding issues will be considered under the University's Safeguarding Policy.

6. Confidentiality, data protection and record keeping

- 6.1 All information provided regarding your fitness to study will be treated as confidential. Consequently, only staff directly involved in the procedure will be given access to such confidential information.
- 6.2 An exception applies where you are subject to a disciplinary or fitness to practise process as a result of concerns or conduct in the application of this procedure. Relevant confidential information will be made available to those other staff for the purposes of conducting the relevant procedure.
- 6.3 Records of meetings and discussions held under this procedure will be stored securely and in accordance with current data-protection law.
- 6.4 The University will collect data on fitness to study outcomes at each stage of this procedure and any complaint submitted by you to any regulators (including the OIA), and use the data:
 - a) internally for reporting, evaluation, learning and training; and
 - b) externally for discussion with regulators in the higher education sector.
- 6.5 The data used by the University for the purposes set out in paragraphs 6.4 a) and b) will be anonymised. Your personal data and sensitive/special categories of personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the University's members of staff and regulators only for the purpose of dealing with your matter under this procedure, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA/GDPR.

7. When to use this procedure

Your fitness to study may be brought into question as a result of a wide range of circumstances. These include, but are not restricted to, the following:

- a) Where your health, wellbeing and/or behaviour means you are unable to successfully, independently, and safely participate in academic study and general University life, including socialising and extracurricular activities on campus, placements, field trips, and living in halls of residence.

- b) Where your health, wellbeing and/or behaviour is considered a significant risk, or emerging significant risk, to you, other students, staff or members of the University community, whether or not it is having a significant negative impact on your academic work or progression.
- c) Where your health, wellbeing and/or behaviour is giving rise to serious cause for concern;
- d) Where you are unable to manage your own health and safety, even with the introduction of reasonable adjustments, and this is considered a significant risk to you or others.
- e) Where your health, wellbeing, and/or behaviour significantly disrupts the study of other students.
- f) Where your health, wellbeing, and/or behaviour places unreasonable demands on staff or other students.

8. General principles

8.1 Prompt action

Concerns about health or wellbeing should be acted on quickly, where reasonably possible, so that you have early access to support before the problem becomes more complex.

8.2 Reasonable adjustments

The University will make reasonable adjustments to this procedure where it is reasonable to do so to prevent you from suffering substantial disadvantage as a result of your disability.

8.3 Companion

8.3.1 If you are invited to attend a meeting under this procedure, you may be accompanied by a fellow student or a Students' Union representative. You are not permitted to be represented by a legally qualified solicitor or barrister. You must provide the name and contact details of your chosen companion to the University in good time before the meeting.

8.3.2 The companion's role at the meeting will be to support you; you may consult your companion for advice and support during the meeting, but they may not answer questions on your behalf (unless this is agreed in advance by the Chair as a reasonable adjustment for your disability).

8.4 Access to documents

You will usually be given copies of all documents considered by decision-makers under this procedure.

8.5 Nominees

Staff assigned responsibilities under this procedure include any nominees appointed by the relevant member of staff and/or appointed by the University.

8.6 Alternative arrangements for meetings under this procedure

If it is not possible or practicable to convene the meetings required under this procedure, discussions may take place by correspondence or by video conference.

8.7 Proceeding in your absence

8.7.1 Meetings at Level 2 and 3 of this procedure, in whole or in part, may proceed in your absence where there is evidence that you cannot effectively engage in the process or this is reasonably considered by the University to be in your best interests. You will be given a reasonable opportunity to submit representations to be considered at the meeting or at the relevant part of it.

8.7.2 Where you are invited to a meeting under this procedure and do not attend, the meeting may proceed in your absence if the Chair is satisfied that you received proper notice of the date and time of the meeting and are absent without reasonable explanation. The Chair shall decide in his/her absolute discretion what constitutes “reasonable explanation”.

8.7.3 Where a meeting proceeds in whole or in part in your absence, notes of the meeting, together with copies of any relevant documents and the reasons for any decision will be provided to you.

8.7.4 Where you have not engaged with the process, are not able to engage and/or have not provided medical or other evidence as requested, the relevant meeting may proceed on the basis of the information available at the time.

8.8 **Adjournment**

The Chair has the power to adjourn any meeting, for example to obtain additional evidence, including additional medical evidence.

9. **Immediate suspension in circumstances of immediate risk to you and/or others**

9.1 The University Registrar may suspend you from the University with immediate effect where he/she has a reasonable belief that you are an immediate danger to yourself or other persons with whom you will come into contact in respect of University-related activities, including any placement activities. In order to make this decision the University Registrar will consult where necessary with appropriate members of staff from Student Services and/or the relevant School.

9.2 If you are suspended with immediate effect, the Executive Director of Student Services will convene a meeting of the Fitness to Study Panel to consider the matter and make a decision in accordance with Level 3 of this procedure (section 12 below). The Panel meeting will be convened as soon as is practicable and will be conducted in accordance with the procedure outlined below.

9.3 The immediate suspension will be subject to regular review by the University Registrar, and you will have the right to make representations in writing. The immediate suspension will normally remain in place until the Panel has made a decision.

10. **Level 1 (Informal) – emerging/low-level concerns**

This low-level of intervention should be considered when a concern is raised about minor problems relating to your health, wellbeing or conduct (which may be health-related). Concerns at this level will be dealt with by either a personal tutor, course/module leader or member of support staff such as a disability or mental health adviser (“the Lead Person”). The Lead Person will contact you to make you aware of the concerns in order to afford you an opportunity to respond. Any meeting conducted by the Lead Person at this level will be informal and will place an emphasis on supporting you and encouraging you to engage with the relevant support services provided by the University. The Lead Person may conduct a follow-up meeting with you after you have had sufficient time to engage with any relevant support and/or have had a reasonable time to address the concern.

11. Level 2 Case Conference for continuing/significant concerns

- 11.1 Level 2 intervention will usually be considered if:
- low-level intervention has not resolved the concern;
 - the concern raised is too serious to be dealt with informally; or
 - if you refuse to engage with the low-level intervention and the concern persists.
- 11.2 The concern should be referred to the Head of Wellbeing who will convene and chair a case conference. The case conference will usually be attended by the Lead Person (where Level 1 intervention occurred) and by other relevant academic and support staff (e.g. personal tutor, course director, halls staff). The emphasis of the case conference will be to provide you with appropriate support and, where reasonably possible, to agree outcomes.

Prior to the case conference

- 11.3 You will be notified that a case conference will be held. Any such notification will be sent from the Head of Wellbeing usually at least 2 working days before the case conference (although the University will where reasonably possible provide longer notice).
- 11.4 You may be invited to submit documents for consideration and will normally be given copies of the documents seen by those at the case conference (usually at least 2 days in advance of the case conference).
- 11.5 Notice of the case conference will include the following information:
- The purpose of the case conference and the nature of the concerns raised.
 - A copy to the Fitness to Study procedure.
 - Advice on whether you need to provide any specific documents.
 - Whether the University requires you to provide any medical evidence (a longer notice period may apply where medical evidence is requested).
 - Who will attend the case conference and the reason for their attendance.
 - Your right to be accompanied by a companion as outlined above in paragraph 8.3.
 - Date, time and venue of the case conference and a request to confirm that you can attend.

During the case conference

11.6 The Chair of the Review Meeting will decide how the case conference will be conducted and will ensure in particular that your views are heard.

Outcomes

- 11.7 The possible outcomes are:
- a) No formal action is required. Where you have a disability, consideration may need to be given to the issue of reasonable adjustments in light of new information and/or medical evidence received under this process.
 - b) To implement a support plan, which should detail any steps that you will need to take and any support to be provided by the University. Any proposed special academic or other arrangements may need to be agreed with the relevant School and/or relevant University authority before they can be implemented. Regular follow-up meetings will be scheduled to take place with a nominated member of staff. The support plan will also detail what will happen if you are not meeting the requirements, which will usually involve referring the matter to be dealt with as a Level 3 concern.

- c) To recommend that you take a period of interruption in accordance with the Interruption and Withdrawal Procedure. If you do not agree to take an interruption or do not submit or proceed with the appropriate application, the matter will normally be dealt with as a Level 3 serious/persistent concern.
- d) To refer the case as a Level 3 serious/persistent concern. This will usually only be appropriate in the most serious of cases, where for example evidence of a serious risk to either your health and safety or that of others has been identified, or where a particular course of action has been recommended but you do not agree. In the absence of a consensus, the Head of Wellbeing will ultimately decide whether a referral is the most appropriate outcome, given the information presented at the case conference.

11.8 You will be informed in writing of the outcome of the case conference and the reasons for that outcome usually within 5 working days. You will also be provided with a concise record of the case conference and any agreed support plan usually within 10 working days from the date on which the case conference took place. A copy of the support plan will be sent to all who attended the case conference, to facilitate implementation.

12. Level 3 Fitness to Study Panel for serious/persistent concerns

12.1 Level 3 of the procedure may be initiated if:

- intervention at Level 2 has not resolved the concern, which will include circumstances in which you are not complying with the requirements of a support plan;
- at a previous level it has become apparent that the concern is significantly more severe than originally anticipated (e.g. if an emerging concern needs to be treated as a serious concern);
- the concern is so serious that treating it as a Level 1 or Level 2 concern would not be appropriate.

12.2 It may be appropriate to proceed directly to Level 3 if:

- your health and/or wellbeing are significantly affecting your ability to engage with your studies, placement and/or other aspects of University life; and/or
- there is substantial concern that your health or wellbeing poses an immediate risk to you and/ or others and that concern is considered too high to address at Level 1 or 2.

12.3 Serious or persistent concerns should be referred to the Head of Wellbeing who, if appropriate, will request the Executive Director of Student Services to convene a meeting of the Fitness to Study Panel ("the Panel"). The purpose of the Panel meeting is to discuss the circumstances of the concerns in order to decide what, if any, action should be taken.

12.4 The Panel will usually include:

- The Executive Director of Student Services (Chair)
- The Dean of the relevant School
- One other relevant member of University staff (e.g. Mental Health & Wellbeing Manager where there are concerns about your mental health, the Head of Wellbeing, or the Head of Student Accommodation when the concerns arise in the context of the University's halls of residence).

12.5 An administrator to the Panel will take notes at the meeting.

Prior to the meeting

- 12.6 You will be notified in writing that a Panel meeting will be held. Any such notification will be sent from the Executive Director of Student Services) usually at least 2 working days before the Panel meeting (although the University will where reasonably possible provide longer notice particularly if medical evidence is required).
- 12.7 Notice of the Panel meeting will usually include the following information:
- The purpose of the Panel meeting and the nature of the concerns raised
 - The identity and job title of the members of the Panel
 - A copy to the Fitness to Study procedure if not already provided
 - An invitation to submit representations and documents, together with, where appropriate, up-to-date independent medical evidence and/or reports for consideration at the Panel meeting
 - Who will attend the meeting and the reason for their attendance
 - Request for consent to release medical reports where appropriate
 - Your right to be accompanied by a companion as outlined above in paragraph 8.3
 - Date, time and venue of the meeting and a request to confirm that you can attend.
- 12.8 Where relevant, the Panel will be provided with the documentation considered at Level 2, the outcome at Level 2 and details of any follow-up meetings. The Panel may also seek additional medical or other evidence. You will normally be given copies of the documents seen by those at the Panel meeting (usually at least 2 days in advance of the meeting).

At the meeting

- 12.9 The Chair of the Panel will decide how the meeting will be conducted.
- 12.10 The Head of Wellbeing (or nominee) will present a summary of the case and of the concerns which have resulted in a Panel meeting.
- 12.11 You will usually be afforded an opportunity to give your perspective on the case, including your desired outcomes.

Outcomes

- 12.12 The Panel may decide as follows:
- a) No formal action is required. Where you have a disability, consideration may need to be given to the issue of reasonable adjustments in light of new information and/or medical evidence received under this process.
 - b) To implement a support plan (new or modified from Level 2), which should detail any steps that you will need to take and any support to be provided by the University. Any proposed special academic or other arrangements may need to be agreed with the relevant School and/or relevant University authority before they can be implemented. Regular review meetings will be scheduled to take place with a nominated member of staff. The support plan will also detail what will happen if you are not meeting the requirements, which will normally involve further consideration of the matter by the Panel.
 - c) Where the option is available, and with your consent, to recommend a transfer to an alternative mode of study, for example part-time or distance learning. Any such arrangements may need to be agreed with the relevant School and/or relevant University authority before they can be implemented.

- d) To require you to interrupt your studies in accordance with the Interruption and Withdrawal Procedure, until such time as you are fit to return to the University (taking into account any reasonable adjustments that could be made if you are disabled). A period of interruption will usually be no longer than 12 months, with the possibility of an extension in exceptional circumstances for a further 12 months. The provisions at section 13 below will apply to your return to study, provided that in all cases a return to study will be permitted only at the beginning of an academic year. An exception will be permitted in the case of a return to undertake a placement which may be permitted at other times.
- e) To withdraw you from the University. This decision would only be made where it has been concluded that there is no reasonable prospect of you re-engaging with your studies and/or wider University life.
- f) Any other action considered to be appropriate and proportionate.

12.13 You will be informed in writing of the outcome of the Panel meeting and supporting reasons usually within 5 working days of the decision. You will also be provided with a concise record of the Panel meeting and any agreed support plan usually within 10 working days from the date on which the Panel meeting took place. A copy of the support plan will be sent to all who attended the Panel meeting, to facilitate implementation.

12.14 You will also be informed of your right to request a Review of decisions made at Level 3 (see section 14).

13. Return to study after an interruption

- 13.1 You will be encouraged to maintain contact with the named member of staff in Student Support and Employment during your period of interruption, to advise of your progress and to facilitate a return to study when you are considered by the University to be well enough to do so.
- 13.2 The Executive Director of Student Services will write to you usually three months in advance of your expected return date. This letter will be copied to the Head of Wellbeing who will also attempt to contact you and will offer support in relation to a potential return to study.
- 13.3 In order to return to the University following an interruption on the grounds of fitness to study, you will be required to submit satisfactory evidence that you are fit to return (taking into account any reasonable adjustments that may be made if you are disabled). The evidence provided must include an up-to-date medical report usually from an appropriate independent health professional with sufficient knowledge of your health and the potential impact of the return to study, and therefore dated no earlier than three months before your expected return date (or requested return date if you wish to return earlier). The evidence should be provided at least 20 days before the intended or requested return date. We may also seek further evidence.
- 13.4 You will be invited to attend a meeting of the Fitness to Study Panel which will consider whether you are fit to return to your studies. Other than as set out in paragraph 13.5 below, the procedure set out for Panel meetings at section 12 above will apply to such meetings.
- 13.5 The Panel may decide as follows:
 - a) To permit you to return to study on your expected or requested return date, or some other agreed date. The Panel may in appropriate cases impose conditions or require a new support plan;
 - b) To recommend that your period of interruption is extended for a specified period;

c) To recommend your withdrawal from the University.

13.6 If your period of interruption has been protracted, you may not be able to return to the same or similar programme, as the passage of time may have required the programme to be discontinued or significantly modified. The University will take reasonable steps to keep you informed of any changes during your absence.

14. Review

14.1 You may request a Review of a decision made by the Panel at Level 3 and/or by the Panel in respect of a decision on return to study to the Provost.

14.2 A request for a Review should be submitted in writing to the Director of Student Services (Student Life and Student Administration) within 10 working days of the date of the letter advising you of the decision at Level 3 or in relation to return to study. The request should set out clearly the basis on which the request is made, together with any supporting evidence.

14.3 The grounds for a Review are:

- a) That there is new material evidence/information that, for good reason, was not made available to the Panel at the relevant time.
- b) That there was a procedural irregularity e.g. bias, failure to comply with the procedure which had a material adverse effect on the outcome.
- c) The outcome was unreasonable and/or disproportionate and hence unwarranted by the evidence made available to the Panel.

14.4 The Director of Student Services (Student Life and Student Administration) will decide whether the request falls within one or more of the permitted grounds for a Review and if so, will refer the matter to the Provost to review the matter. Such a review will usually take place within 15 working days of the date the request for Review was received. The Provost decision will be made on the basis of a review of the papers.

14.5 The Provost may ask the Chair of the Panel for a response to the request for a Review. A copy of any such response will usually be provided to you, and you will be given the opportunity to make representations in response before the Provost makes a decision.

14.6 The Provost may decide either:

- a) To refer the case back to the Panel. The Provost may make recommendations as to the Panel's membership;
- b) To substitute his/her own decision for the Panel's; or
- c) To reject the Review.

14.7 You will be informed in writing of the decision made by the Provost as soon as possible, normally within 20 working days.

14.8 If the outcome of the Review process is favourable to you, you can request the University to provide you with a Completion of Procedures Letter (a "COP") within 30 days of the date of the outcome letter. Where such request is made, a COP will be provided within 14 days of the request. If the outcome of the Review process is unfavourable to you, a COP will be sent to you automatically within 28 working days of the decision being made.

14.9 If you are not satisfied with the outcome of your Review, you may make a complaint to the Office of the Independent Adjudicator for Higher Education provided you have been issued with a Completion of Procedures Letter. That letter will explain how you can submit a complaint and the deadline for doing so is 12 months from the date of the letter.