

FITNESS TO STUDY PROCEDURE

Fitness to Study Procedure

Fitness to study relates to a student's capacity to participate fully and safely as a registered student at Imperial College.

1. This procedure will be used where the College has concerns that a student is unable to participate within the College community as would be expected. This includes the ability to fully engage and study to the academic level of study required, or to work and live co-operatively. It may be used where a student has demonstrated that their conduct impacts negatively on those around them.

The College has to balance the needs and rights of an individual student with the need to protect the wellbeing of fellow students and staff or the local community. This is a delicate balance that must be handled sensitively.

2. The Procedure aims to ensure that decisions about a student's ability to study are made through a supportive, timely and transparent process which operates in the best interests of the student.
3. The purpose of this Procedure is to provide a co-ordinated response by academic and professional support staff in the following circumstances:
 - a. Where a student demonstrates behaviour which would normally be dealt through the Student Disciplinary Procedure but is considered to be the result of an underlying physical and/or mental health difficulty.
 - b. Where a student's attendance record and/or behaviour are not satisfactory/acceptable and this is believed to be as a result of an underlying physical and/or mental health difficulty.
 - c. The student's behaviour is at risk of negatively impacting the learning and teaching activities of fellow students and staff and/or the spirit of studying, working and living co-operatively and in close proximity to others as well as conducting themselves in a way which does impact negatively on others.
 - d. Where a student's behaviour presents a serious and immediate risk to self or others and/or the College's reputation.
4. This policy is applicable to all registered students at the College and may also, in exceptional circumstances, be applied to applicants and may result in deferred entry.
5. This procedure may be applied where a student is being considered under the Student Disciplinary Procedure in accordance with paragraph 24 of Ordinance E2 (Student Disciplinary Procedure).
6. This procedure is not intended to deal with routine cases of non-attendance and/or academic insufficiency or straightforward cases of misconduct handled under the Student Disciplinary Procedure. Issues for Students in the Faculty of Medicine relating to Fitness to Practice will be addressed through that procedure. Where there is doubt about which is the most appropriate procedure to use, advice can be provided by the Student Casework Team in Registry or the Faculty Senior Tutor.

7. Any member of staff acting within the terms of this procedure will always act with due regard to maintaining the College's duty of care to all parties while ensuring that any risks to health, safety and wellbeing are managed fairly, effectively and in a timely fashion.
8. Confidentiality and data protection: The details of any student under consideration of this procedure will be handled with due care to ensure that confidentiality is maintained. Information will only be shared as is needed to support the student or to adequately consider any concerns that have been raised. All case notes will be held by the Student Casework Team in Registry, and in line with the College retention policy.

Where a concern is raised that may require the disclosure of personal or sensitive information to a third party such as the emergency services, this will be done in accordance with current UK data protection legislation and other relevant College policies and procedures such as the *Emergency Contact Policy*.

9. During the consideration of a concern under this procedure, consideration will be given if it would be appropriate to contact the student's given emergency contact as a source of support for the student. This will be done in line with the *Emergency Contact Policy*. The Director of Student Services or nominee will be responsible for determining if contact should be made in line with the Emergency Contact Procedures.

Informal Action

10. Where a concern about a student's fitness to engage with study or broader College life is identified or raised with a member of College staff, it is expected that initially staff in the student's academic department, Faculty or Hall of Residence would approach the student and attempt to resolve the matter through informal discussions with them. These may be conducted by, or with the support of, the Departmental Senior Tutor. The student should be directed to, and encouraged to engage with, appropriate support services available within the College or to seek support from their own G.P. or other external services.
11. Following any initial discussion with the student, there should be a formal follow up with them to set out in writing any action and timelines that have been agreed around the student's health, their behaviours, attendance or recommended engagement with the student's own medical practitioner(s) or College support services. It should be agreed by the relevant staff who will monitor the adherence to the agreed actions and review if any deterioration in the student's health or behaviour is detected. Where there is an ongoing concern about the student, which has not been resolved through the informal action, a referral to the formal procedure below should be considered.

Fitness to Study Procedure – Formal stages

The formal stages of the Fitness to Study procedure may be invoked when the informal action has been unsuccessful or where a student has been unwilling to engage with staff of the College or any of the support services. It may also be invoked during other procedures of the College where it becomes apparent that this is more appropriate, for example during an investigation of alleged misconduct under the Student Discipline procedure.

Stage One – Case Review

12. The purpose of the Case Review stage is to establish the nature of any ongoing concerns or new issues about a student's fitness to study which have been previously identified. A Case Review may also be convened where a student has already been supported through the informal stage above but has failed to adequately engage with any recommendations made at that stage or where there are more serious immediate concerns about the student's wellbeing.
13. A Case Review meeting will be convened by the Director of Student Services or their nominee. The Chair will identify the appropriate staff members to attend and the meeting will usually be made up of the following:
 - The Director of Student Services (or nominee) as Chair of the meeting.
 - A representative from the student's academic department, usually the Senior Tutor and/or the student's Personal Tutor
 - The Faculty Senior Tutor
 - Other members of College staff, in a recognised service or support role, who have been providing support to the student.
 - A member of the Student Casework Team in Registry, where appropriate
14. Where it has been agreed that a Case Review meeting will take place the student will be given at least five working days' notice. The notification will explain the nature of the concerns to be discussed and include relevant documentation, including this procedure. The student will be informed that they have the right to bring a "friend" with them (a fellow registered student, a Students' Union Officer, a member of the Imperial College Union Advice Centre or a member of staff of the College of their choice, who may speak on their behalf), and that they may provide any additional documentation to be reviewed at the meeting. If the student refuses to engage with the Case Review, the meeting will proceed in their absence.
15. The Chair will lead the discussion at the Case Review meeting. The meeting will normally comprise a private session to finalise the areas to be covered, followed by the meeting with the student. The Case Review should consider any informal action that has already been taken, any relevant knowledge of a student's medical circumstances that is available and any additional statements made which may include medical or other supporting information provided, in writing or verbally by the student.
16. The outcome agreed at the Case Review meeting will normally be one that has not already been attempted as part of any informal action taken by the Department or Faculty. However, there may be situations where that might be appropriate. The outcomes available at the Case Review stage are:
 - a) No further action is taken
 - b) To monitor the student for a specified period of time. A support plan will be agreed with the student detailing any steps that the student will need to take and the support which will be provided to the student. The Support Plan should establish regular monitoring points between the student and a nominated member of staff.
 - c) To recommend a specific academic arrangement which could include an interruption of studies. Such recommendations should be agreed between the

- student and their department where appropriate in accordance with the Interruption of Studies Procedure.
- d) To refer the case to a Fitness to Study Panel, under stage 2 of this procedure. This would be appropriate in severe cases, for example where all previous attempts to support the student have been unsuccessful, where the student has little insight regarding their fitness to study or where there is evidence that they may prove risk to themselves or to others in the College community.
 - e) To refer the case for consideration under Precautionary Action.
17. The outcome of the Case Review will be communicated as agreed at the Case Review meeting and in agreement with the student in writing within 5 working days of the meeting. The outcome will be shared with the Department Senior Tutor. The college will facilitate any introduction and any relevant College support services to which the student might be directed. The outcome must include the timescales or any monitoring period and set out the monitoring arrangements and the next steps to be taken if the student does not meet the expectations of the Case Review. Where the student has chosen not to engage with the Case Review meeting, the outcome will be shared with members of the College who can support the health, safety and wellbeing of the student.

Stage 2 – Fitness to Study Panel

18. This stage will only be invoked in the following circumstances:
- Following an emergency suspension; or
 - following a referral from a Case Review Panel; or
 - if the student does not agree or is not engaging with a recommendation of a Case Review Panel; or
 - if in the opinion of the Academic Registrar or Director of Student Services the case is sufficiently serious and urgent to warrant an immediate referral without consideration at Stage 1.
19. The Head of the Central Secretariat (or their nominee) will convene a Fitness to Study Panel to consider the case and will act as clerk to the Panel. The Membership of the Panel will usually be:
- The Academic Registrar (or nominee) or the Director of Student Services (or nominee), who will act as Chair
 - An academic representative of the student's Department (usually the Senior Tutor)
 - A representative of the student's faculty (usually the Faculty Senior Tutor)
 - An appropriate senior representative from one or more student support services who has not previously been involved in supporting the student.
 - The member of staff who has been designated to give support to the student may be invited to attend the meeting to give information but will not be part of the decision making process.
19. As with the Case Review Stage, the student will have the opportunity to submit documents for the Panel to consider and will be sent a copy of any documents seen by the Panel. The student will be invited to attend all or part of the Panel meeting or may ask for a Student Adviser from the Students' Union to attend the meeting on their behalf. Where the student declines to attend or does not engage with the process, the Panel will meet without the student present.
20. The Panel may order the proceedings at its discretion and may call witnesses if required. The Panel may request further medical evidence from the student.

21. Possible outcomes of the meeting include, but are not limited to:-
- A short-term suspension to allow the student to be assessed by a medical professional, access support services both within and outside of the University or for the University to obtain further information. The suspension will be reviewed within four weeks as set out below in relation to emergency suspension.
 - An enforced interruption of studies (suspension) with conditions. A student who is suspended from the University may be prohibited from participating in College activities and may also be prohibited from entering College premises, which may include Halls of Residence, or have restricted rights to enter the premises. The terms of the suspension will be notified to the student in writing, depending on the circumstances of the case. The decision to suspend a student shall be reviewed as necessary by the Panel.
 - A requirement to leave the Hall of Residence where they have been living and/or to transfer to alternative accommodation.
 - A requirement to withdraw from their programme of study- if the Panel concludes, taking into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the student re-engaging with their programme, the student may be required to withdraw. This outcome should only be considered in the most serious cases.
 - Any other action considered to be appropriate and proportionate. Where the Panel is unable to reach a majority decision on an outcome, the Chair will have a deciding vote. The decision will be detailed in a letter and conveyed, in person wherever possible, to the student by a member of their Department Senior Tutor or the Faculty Senior Tutor.

Precautionary Action: Emergency Suspension

22. An emergency suspension from a programme of study and/or the College premises may be considered for a student for the following reasons:
- a) the student's continued presence represents a threat to themselves or to others; or
 - b) the student is demonstrating behaviour which is construed as a breach of the terms of the Student Disciplinary Procedure; or
 - c) the student is demonstrating behaviour which has or has the potential to cause serious harm to the reputation of the College.
23. A suspension normally involves a total prohibition on attendance at or access to the College and on any participation in College activities; but it may also be subject to qualification, such as permission to attend for the purpose of formal assessment activities or to seek support from the Counselling Service or Student Health Service. A suspension may also have specific conditions attached to it, such as a requirement that the student should have no contact of any kind with any named person or persons.
24. The case for precautionary action will include carrying out a risk assessment in relation to risks faced by those involved in the case and the wider College community and, if applicable, the public. Any student who has been detained under the Mental Health Act will normally be referred for a Case Review Meeting

25. The terms of any emergency suspension should be notified to the student in writing and wherever possible the decision should be conveyed to the student in person so that the student can be directed towards relevant support.
26. A student will be marked as 'suspended' on their student record during the period of suspension so that accommodation and tuition fees do not continue to accrue. Advice should be sought on any visa implications for the student where appropriate.
27. The decision to suspend should be reviewed at agreed points and where any new information comes to light. The review may include a recommendation that a Fitness to Study Panel be convened to consider the case.
28. A stage 2 Fitness to Study Panel will be convened to consider the return to study of any student suspended under this section.

Return to study and/or College Life

29. The Case Review meeting or Fitness to Study Panel that made the recommendation regarding a suspension, or as many members of the original Panel as possible, will be reconvened to consider whether the student is fit to return to study and/or to College Life. This should be convened with sufficient notice of a students' return to allow any support measures to be agreed and organised before a student re-enrols on their programme of study.
30. Further supporting evidence will be requested from the student regarding their ability to fully engage with their studies, meet the requirements of the programme and live independently in residences or in the community. The Department must also provide a programme plan for the student which clearly sets out the next steps in their programme of study. A student will only be permitted to return if the Panel is satisfied that the individual is fit to study and, where appropriate, to return to live in a College residence.
31. If a student agreed to an Interruption of Studies under stage 1, the Case Review that originally considered the matter can make the decision regarding a return to studies without referral to a Fitness to Study Panel if it is satisfied that the student is fit to return.
32. If the decision to suspend was made under stage 2 by a Fitness to Study Panel, the Panel should reconvene to consider and determine whether the student is fit to return to study.
33. Where a student returns to study after an emergency suspension under this policy a Fitness to Study Panel will be convened under stage 2 to consider whether the student is fit to return and if so to consider any support that the student may require to support a return to studies, such as regular review meetings or a return to study action plan. The general expectation is that the student will take personal responsibility for fully engaging with this support.
34. The Panel should write to the student within five working days of their meeting to confirm their decision and to set out any conditions of return to study and/or of College life that they have recommended.

Right of appeal

35. The student may appeal against a requirement to suspend their studies or to withdraw. Any appeal must be made in writing and should be addressed to the Academic Registrar. This is separate to a request to review an emergency suspension under paragraphs 22-28.
36. An appeal may be made on the following grounds:
 - I. That the decision made did not follow the procedure (procedural irregularity)
 - II. That the decision is not reasonable in the light of the procedure and the evidence provided (procedural unfairness)
 - III. That there is new evidence that was not available at the time of the decision which is likely to have a material impact.
37. The deadline to make an appeal is 10 working days from the formal notification of the suspension or requirement to withdraw.
38. An appeal submission will be reviewed for eligibility by the Central Secretariat. This review is to ascertain if the appeal:
 - I. Was submitted on time
 - II. Cites and explains eligible grounds
 - III. Where relevant, provides supporting evidence
39. If the decision is that the submission is not eligible then this completes this stage of the procedure and a Completion of Procedures (CoP) letter will be sent referring the student to the Office of the Independent Adjudicator for Higher Education (OIA) scheme.
40. If an appeal on the grounds of procedural irregularity or procedural unfairness is eligible it will be referred to an Appeals Panel Chair, normally a College Consul with recommendations to consider. If it is felt that a full newly constituted Panel is required, it will normally operate in correspondence, unless the Chair considers that it would be beneficial to meet the student. They will decide if:
 - I. the appeal should be upheld and referred back to the appropriate Fitness to Study Panel (where appropriate) or Case Review meeting for a new decision, or,
 - II. the appeal should not be upheld and a Completion of Procedures letter should be issued.
41. An eligible appeal on the grounds of new material evidence will be referred back to the original decision-making panel to consider.
42. The decision made under paragraphs 39 or 40 will be the final decision of the College and a CoP letter will be issued.