



FITNESS TO STUDY POLICY AND PROCEDURES

Introduction

Fitness to Study relates to an individual's capacity and ability to engage safely and satisfactorily as a student, in relation to academic, social, enrichment and residential life at the College where appropriate. The College will provide a positive approach to the management of their physical and mental health issues and act to support a student's learning, academic achievement and enhancement of their College experience.

The Fitness to Study procedure should only be used in exceptional cases where other College policies or procedures are inappropriate, eg if at any time in the opinion of the College it is more appropriate to proceed under the Disciplinary Procedure or other associated policies the College shall have the right to do so. This would include during the application stage and the induction/satisfactorily completion of 42-day period, duration of the course.

This procedure has been drawn up in order to ensure that all students who may be subject to Fitness to Study procedures are dealt with in accordance with natural justice in a fair and equitable manner, providing an appropriate, proportionate, prompt and flexible response to serious concerns about a student's fitness to study.

These procedures apply to students on Further Education, Higher Education, 14-16 and Work-based Apprenticeships, studying either full-time or part-time, whilst attending a college centre or at a college approved placement.

1. Purpose and scope

1.1 Whilst studying at London School of Commerce & IT (LSCI), all students should be able to study and perform to the best of their ability, in a safe and comfortable environment. The reality of further and higher education life means that students not only work, but also often live, in close proximity to each other. Whilst many students find studying and living in such an environment easy and enjoyable, others can find it more challenging.

1.2 In order to maintain and enhance the LSCI learning experiences, students need to conform to certain standards of behaviour, and the College has disciplinary mechanisms in place to deal with students whose behaviour falls outside these standards (see College disciplinary policy). However, it is recognised that the cause of misconduct may include issues relating to a student's health and general well-being, where disciplinary action may not be appropriate.

1.3 Similarly, a student's fitness to study may be questioned if their health problems are:

- disrupting their own studies or the studies of others
- or result in unreasonable demands being placed on staff or other students. The College has a duty of care to its community and is bound by health and safety legislation, which means it is obliged to take action if a student presents a risk to themselves or to others.

1.4 The term 'fitness to study' as used in this policy relates to the entire student experience, and not just a student's ability to engage with their studies. For example, unless it is informed otherwise, the College expects its students to be able to live independently and in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them. This policy is not designed to be used to address academic performance issues (which should be dealt with under the assessment and verification policy) or with issues relating to attendance (Attendance Policy) or individual mitigating circumstances.

1.5 The level of risk posed by a student will be measured by the use of a risk assessment process, which will be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Prevent Lead (or designate) in close collaboration with relevant staff, who will play a key role in identifying the specific evidence to underpin any concerns.

1.6 As a general rule this policy is only intended for use in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature. Where possible the support services available to students should be used as the first port of call prior to taking any formal action.

1.7 The College reserves the right to use the disciplinary procedure to deal with behaviour which is the result of physical or mental health issues, depending on the individual circumstances of the case. However, once this policy had been used (at any of the three stages described below) the behaviour observed will normally be considered under this policy rather than under the disciplinary procedure.

1.8 The Fitness to Study Policy detailed below has three levels. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three levels.

1.9 If concerns are raised whilst a student is on placement, where the College's ability to engage with the student may be limited, if possible the College will discuss with the placement provider alternative arrangements that might address any concerns.

2. Crisis situations

2.1 It is possible that a student may pose such an extreme risk to themselves and / or others that they require emergency assistance outside of these procedures. In such cases staff and or students should immediately call the emergency services.

3. Initial support and guidance to students

3.1 Students with a mental or physical health difficulty are firstly encouraged to consult with the Student Welfare Officer. Students are also encouraged to speak to their class Tutor and another appropriate member of staff in the College about the difficulty and any related problems that they may be experiencing.

Circumstances under which a student's fitness to study may be brought into question

4.1 A student's 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: -

- Serious concerns about the student emerge from a third party (i.e. housemate, friend, colleague, placement provider, member of the public, medical professional etc.) which indicate that there is a need to address their fitness to study
- The student has told a member of the College that they have a problem and/or provided information which indicates that there is a need to address their fitness to study
- The students' disposition is such that it indicates that there may be a need to address an underlying mental health problem. For example, if they have demonstrated mood swings, shown signs of depression etc.
- Behaviour, which would otherwise be dealt with as a disciplinary matter, but is considered may be the result of an underlying physical or mental health problem
- The student's academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

4.2 In all cases, the student's class Tutor and the Student Welfare Officer should be notified so that the College is aware of the situation and can provide any necessary support.

5. Stage 1 – Informal action by the academic group

5.1 Should preliminary action be unsuccessful, an appropriate member of staff should approach the student and explain in a supportive and understanding manner, that concerns about their fitness to study have emerged. This would ordinarily be a member of staff within the Academic Group with primary responsibility and/or knowledge of the student concerned (e.g. their class Tutor or Programme Co-ordinator). However, if concerns arise within the student residences, then the Prevent lead should take the lead, in consultation with the student's Student Welfare Officer.

5.2 The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised, including if appropriate reference to the level of perceived risk presented by the student. The member of staff will attempt to resolve the matter by informal discussions with the student. The student should be given the opportunity to explain their own views on the matter, and be encouraged to think about using the support services offered by the College. It may also be appropriate to look into the possibility of applying special academic arrangements to enable the student to study effectively.

5.3 It is hoped that in most cases issues can be resolved at this level, and that students will respond positively, co-operating fully with the process and taking advantage of the support available.

5.4 A review period should be determined (if possible, by agreement between the member of staff and the student) to allow the student to consider their own behaviour and seek advice from the support services available. At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted.

Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the policy. Similarly, if the student is unable to co-operate with the above process or modify their behaviour, they should be informed that more formal action under Stage 2 of this policy may be considered appropriate

5.5 The informal discussions, advice and any undertakings made by the staff member and/or the student should be documented for the benefit of both the College and the student.

6. Stage 2 – Case review group

6.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the policy can be invoked. A meeting of a Case Review Group shall be convened by the Principal, made up of appropriate representatives of the student's Academic Group, the class Tutor and the Student Welfare Officer (or nominee).

6.2 Before the meeting a medical assessment may be sought. The student will be encouraged to consent to this, as it will ultimately enable the College to address the student's difficulties in the most effective manner possible, and make an accurate assessment of risk. The medical assessment will be used to determine the following matters:

- the nature and extent of any medical condition from which the student may be suffering
- their prognosis
- the extent to which it may affect his/her fitness to study and manage the demands of student life
- any impact it may have or risk it may pose to others
- whether any additional steps should be taken by the College in light of the medical condition to enable the student to study effectively
- whether the student is receiving any ongoing medical treatment or support.

6.3 The student will be asked to authorise full disclosure to the College of the results of any examination. The College recognises that any such information disclosed will constitute "sensitive data" for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination, the College may either continue this policy based on the information already in its possession, or use another appropriate means to address the issue.

6.4 The student will be given at least 7 days' notice of the Case Review Group and informed of the purpose of the meeting. They will also be provided with any documents which will be considered by the Group, and asked to provide any documentation they may wish the Group to consider in good time for the meeting.

6.5 The student may be accompanied at the meeting by a LSCI Student Representative, a fellow student, or other advisor. Disabled students may also be accompanied by a support worker if required.

6.6 The purpose of the meeting will be to ensure that:

- The student is made fully aware of the nature of the concerns which have been raised
- The student's views are heard and taken account of
- The best way to proceed is agreed upon
- The student is fully aware of the possible outcomes if difficulties remain.

6.7 The Case Review Group will order its proceedings at its own discretion and may call witnesses, and institute enquiries to assist its deliberations. It will also consider an updated risk assessment where appropriate.

6.8 The Case Review Group may decide:

- That no further action is required, or
- To formally monitor the student's progress for a specified period of time. In this case an action plan will be agreed with the student, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan, which will normally involve their fitness to study being considered at Stage 3,
- To recommend part-time study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the student's Programme Team and by the student. The student should also be advised to seek guidance from the relevant Finance Adviser before agreeing to a change in circumstance. The student will be informed that unless these arrangements remedy the concerns to the College's satisfaction, their fitness to study may be considered at Stage 3,
- Where the student is on placement, to propose to the student to suspend the placement
- With the consent of the student, to agree that their studies be suspended for a mutually agreed period of time,
- To refer the case to the Dean, Academic and Quality Enhancement to be considered under Stage 3 of this policy. This will only be appropriate in the most serious of cases, where for example evidence of a serious risk to either the health and safety of the student or others has been identified, and it is thought that suspension, exclusion or expulsion of the student may be the appropriate course of action, or where a particular

course of action has been recommended (such as part-time study or suspending a placement) but the student does not agree.

6.9 The decision of the Case Review Group, together with a concise record of the meeting, should be sent to the student within 7 working days from the date of the meeting, and a copy kept on the student's personal file.

7. Stage 3 – Principal Review Panel

7.1 This stage of the procedure will only be implemented following a referral from a Stage 2 Case Review Group, or if in the opinion of the Dean (having consulted as appropriate) initial concerns are raised which are sufficiently serious as to warrant the consideration of the student's suspension, exclusion or expulsion (e.g. if they pose a potentially threat to the health and safety of themselves or others, or disruption to the working of the institution).

7.2 As a first step the Principal (advised by the Dean) shall consider whether interim suspension of the student pending further action is appropriate, including from college accommodation.

7.3 The Dean in consultation with the Principal shall then convene a Review Panel, which shall be chaired by the Principal. This will normally comprise the Principal, the Programme Coordinator and the Prevent Lead and/or the Student Welfare Officer. If judged appropriate, the College's Legal Adviser may also be in attendance.

7.4 The Principal's Office will fix a date for a formal meeting of the Principal's Review Panel to hear the case and invite the student to attend to discuss the concerns and all relevant issues. A member of the College's Administration will act as Secretary to the Panel.

7.5 Wherever possible the student will be given at least 7 days' notice of the meeting of the Principal's Review Panel. The student will be informed of the purpose of the hearing. The student will also be provided with any documents to be considered at the meeting, and asked to provide any documentation he/she may wish the group to consider in good time for the meeting.

7.6 The student may be accompanied at the meeting by a LSCI Student Representative, a fellow student, or other advisor. Disabled students may also be accompanied by a support worker if required.

7.7 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns and to reach an appropriate decision, action plan or other outcome.

7.8 The Principal's Review Panel will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, which may include requesting further medical assessments of the student's fitness to study. It will also consider an updated risk assessment where appropriate.

7.9 The decision it arrives at shall be made by the Principal, having received the advice of other members of the committee.

7.10 The student shall be notified of the decision within 7 days of the meeting of the Principal's Review Panel. This may include one or more of the following:

- To formally monitor the student's progress for a specified period of time. In this case the Panel will provide the student with an agreed action plan, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided. The student will also need to be informed of the consequences of any breaches of the action plan.
- That, following consultation with the Programme Group, the student should convert from full-time to part-time study with support; special academic arrangements are put in place; or an interruption of studies occurs. The student should be advised to seek guidance from the relevant finance Advisor on the implications of such a measure. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the College's satisfaction.
- To recommend that the Principal exercises their statutory power to suspend or exclude the student
- Any other action considered to be appropriate and proportionate.

8. Return to study

8.1 After a period of suspension on health grounds reached by mutual consent, or after a student has spent some time away from the College due to health grounds (e.g. they have been hospitalised) the decision as to whether to permit the student to return to study will be made by the Prevent Lead and the Programme Coordinator, having taken advice from relevant staff.

8.2 To this end, the Prevent Lead, Programme Coordinator and the Student Welfare Officer, in consultation with relevant staff, will identify the issues of concern the College has in respect of the student's fitness to study. The Student Welfare Officer will contact the relevant medical

professional for an assessment of the student's ability to manage the demands of studying at the College, drawing attention to nature and extent of the student's previous problems and the College's concerns about them.

8.3 Students will only be permitted to return if, after receiving medical advice, the College is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return.

8.4 For suspensions made by the Principal, the same medical evidence will normally be required to inform the Principal in deciding if the suspension may be lifted.

8.5 In cases where the College has any continuing concerns about the individual's fitness to study, it may require a second medical opinion. In this case a student may be asked to submit themselves for medical examinations by doctors/specialists nominated by the College, at the College's cost, to allow the situation to be properly evaluated.

8.6 In any case where a student returns to study following the implementation of the fitness to study procedure, the College may decide that there should be regular review meetings with the student that can be used to monitor and support a 'return to study plan'. If so, the student must provide their continued cooperation in this respect and such review meetings may continue for part or all of their remaining time at the College.

9. Right of appeal

9.1 The student may appeal against a suspension or requirement to withdraw. A letter setting out the grounds of appeal should be addressed to the College Principal, to be received within 21 days of the date on which the order for suspension or the requirement to withdraw was made. The student is encouraged to seek assistance from the Students' Representatives or another body when preparing the letter of appeal following the College Appeal and Complaint Policy and Procedure.

9.2 The appeal will be heard by an Appeal Panel. The membership and procedure of an appeal Panel will be the same as that set out under the Appeal and Complaint Policy and Procedure of the College.

10. General matters

10.1 Any of the functions of the Principal under this Policy may be delegated to a member of the Management Team either generally or in respect of a particular case.

10.2 The College will take account of relevant legislation such as the Data Protection Act, the Equality Act, the Human Rights Act, and the general rights and expectations of a student of confidentiality.

10.3 The College acknowledges that as a result of implementing this policy it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data is handled, processed and stored accordingly.

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