



FITNESS TO STUDY POLICY

Scope

All internal taught and research programmes leading to an award of City, University of London.

Associated Senate Regulations: 10: Fitness to Study

Approved/re-approved: (July 2018)

Date for review: To be reviewed as specified in the cycle of review of City policies and regulations, with allowance for minor updates by Educational Quality Committee, as required by changes in law or in operational practices.

Equality and Diversity statement

City, University of London is committed to promoting equality, diversity and inclusion in all its activities, processes, and culture, under its Public Sector Equality Duties and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.

Where relevant to the policy, decision-making panels will ensure a reasonable gender balance (with at least one man and one woman) and will actively consider representation of other protected groups.

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FITNESS TO STUDY POLICY

This document outlines the general principles and the purpose of City's Fitness to Study Policy, and the context in which the Regulation will be implemented, and should be read in conjunction with the Fitness to Study Regulation.

1. Context

1.2 City, University of London is committed to protecting the health, safety and well-being of all students and stakeholders. City is an educational institution that aims to provide a supportive, engaging, and inclusive learning environment for students, conducive to education, research and a positive student experience.

1.3 In supporting these aims, City recognises the need for proactive management and support of concerns about a student's well-being and/or behaviour which may be related to ill-health, disability or other reasons.

1.4 City's Student Charter outlines rights and responsibilities of students and staff in relation to learning support and reasonable adjustments. Students are made aware of their entitlements and responsibilities at the outset of their studies and upon re-registration including accessing learning support and receiving reasonable adjustments (for those who are entitled to reasonable adjustments). City commits to providing equality of opportunity for all, respecting difference.

1.5 The Fitness to Study Policy will be applied in accordance with City's duties under the Equalities Act 2010. It should be noted that the provision of reasonable adjustments do not extend to the application of a competency standard. City commits to its duty to ensure that reasonable adjustments are provided in supporting students to achieve a competency standard, and to ensure that the assessment methods used to test the competency standard do not disadvantage a student in demonstrating their competency.

2. Support for students

2.1 City provides support for students via a number of mechanisms, including:

- Reasonable Adjustments
- Extenuating Circumstances Policy
- Assessment deadline extensions (defined within the School)
- Interruption of Studies (Assessment Regulations)
- Support provided by student support services, including the Disability Team, Student Counselling and Mental Health Team, and Learning Success.

2.2 If a student has declared to City as having a disability, health condition, or learning difference and registers with the relevant support service, relevant adjustments will be provided via reasonable adjustments, and other support as agreed.

2.3 Further information about these support mechanisms can be found on City's website (enquiries about assessment deadlines should be directed to the student's School).

3. When the Fitness to Study Policy and Regulation will be used

3.1 This Policy will be applicable to

13.1.1 students registered at City, University of London, throughout their registration in relation to their studies/research and to study/research activities undertaken elsewhere, including fieldwork and placements.

13.1.2 students registered on a distance learning programme, with the understanding of the limitations on the nature of support that can be practically provided to such students.

3.2 This Policy may not be applicable to

3.2.1 a student whilst they engage with a Study Abroad programme (where the host institution is responsible for providing support and ensuring reasonable adjustments are in place).

3.2.2 students who are on validated or partnership programmes (where the student's registration is managed by the partner institution).

3.2.3 students where a local Fitness to Practise Policy is already in place - whether this Policy or a local Fitness for Practice is applicable is for the student's School to determine.

3.3 This Policy may be used in circumstances when

- there is a concern for potential significant risk to any or all of the following:
 - the student's own health and safety or well-being relating to a disclosed mental or physical health condition, disability or learning difference;
 - the student's own health and safety or well-being where it is not known whether a student has a diagnosed mental or physical health condition, disability or learning difference;
 - the health and safety or well-being of other students and staff;
 - the teaching and learning environment (for the student and/or others);
 - the activities and/or health and safety of placement providers, mentors, visitors or the general public; *and*,
- the normal support mechanisms for students are considered insufficient for supporting a student's well-being, managing a concern about a student's well-being or behaviour; or addressing a risk regarding the student's engagement with their studies or with fellow students, staff or other stakeholders.

3.4 City will at all times consider the most appropriate process to be followed when managing concerns about student well-being and/or behaviour.

3.5 Where the concern meets the criteria set out above, normally the concern will be managed, initially or wholly, under Level 1, as outlined in the Regulation. Where the concern is determined to involve potential immediate and significant risk; requiring urgent action, the concern will normally be managed via Emergency Actions, as outlined in the Regulation. Where the concern meets the criteria for direct referral to a Fitness to Study Panel, the concern may be referred directly to a Fitness to Study Panel, as outlined in the Regulation.

3.6 This Policy is not intended to deal with issues solely related to a student's academic performance (which would be managed under the Assessment Regulations) or a student's extenuating circumstances (which would be managed under the Extenuating Circumstances procedure). When a concern relates to either of these areas, support mechanisms outside the Fitness to Study policy should be used in the first instance.

3.7 Where the concern relates to behaviour which could potentially be considered misconduct under City's Student Discipline Regulation (Regulation 13), and there is evidence that the student may be experiencing health difficulties or registered as disabled, the Preliminary Investigation will seek to clarify whether the matter must be referred to Regulation 13 or may be better managed under the Fitness to Study Policy.

3.8 Where there is evidence of confirmed or potential criminal activity this should be referred for consideration under City's Disciplinary Regulation in the first instance.

3.9 In the situation where a concern relates to behaviour which could potentially be considered misconduct under City's Student Discipline Regulation (Regulation 13), but the decision has been made to manage the concern under the Fitness to Study Policy, and a student does not co-operate with agreed action plans created under the Fitness to Study Policy, City reserves the right to refer the matter for consideration under Regulation 13 (Student Discipline) if this is considered necessary. The decision regarding the referral under these circumstances will be managed by the Head of Academic Services (or nominee) in consultation with appropriate City student support services and Student & Academic Services.

4. Preliminary Investigation

4.1 It is not always initially possible to be certain whether the cause of the concern or the unacceptable behaviour is a result of a health condition, disability or learning difference. A preliminary investigation will be conducted before a concern is referred for consideration under the Fitness to Study procedure to allow an opportunity to determine the context of the concern, what evidence there is to support the concern, assess the facts and discuss the concern with the student. Ultimately, this preliminary investigation will confirm whether or not the concern warrants further consideration and if so, whether or not this should be managed in accordance with the Fitness to Study Policy, or referred to a different City procedure.

4.2 A preliminary investigation will be co-ordinated by the relevant School, which will be responsible for ensuring this preliminary investigation takes place and an outcome is reached. The investigation will usually include a gathering of information about the concern and a meeting with the student concerned (or if the student is unable to be personally present, via telephone conference or similar). Where a student is being supported by a student support service (that is, registered with a support service), preliminary action may include a meeting between the student and the support service to discuss the concerns raised. Where a student is not known to be registered with a student support service, this preliminary meeting should be managed by the School.

4.3 The outcome(s) of a preliminary investigation could include:

- A decision that the action taken as part of the preliminary investigation is sufficient and no further action will be taken;
- The student is referred to a student support service for support (where reasonable adjustments could be reviewed or discussed with a view to implementing these);
- The concern is referred for support under a relevant process, for example: Extenuating Circumstances Policy, Interruption of Studies process, extension to assessment deadline;
- A decision that the support for the student needs a comprehensive review, and the concern is referred to a Student Support Review;
- A decision that the concern regarding the student's behaviour could represent misconduct and it is not appropriate for consideration under the Fitness to Study Policy - the matter is referred to City's Disciplinary Regulation.

5. Consideration under the Fitness to Study Policy

5.1 Where a decision is made that a concern regarding a student requires further consideration under the Fitness to Study Policy, the concern will be referred to the most appropriate level of the Regulation (that is, either Level 1 or 2) as guided by the criteria set out in the Regulation and this referral will be made in accordance with the Regulation.

5.2 A Student Support Review or Fitness to Study Panel will be conducted in accordance with the relevant section of Regulation 10, and the outcome(s) will be as outlined in the Regulation.

6. Right of appeal

6.1 Any student subject to a decision by a Fitness to Study Panel will be able to appeal the outcome of that Panel.

6.2 The right of appeal, the process by which a student may submit an appeal and the process by which that appeal is dealt with is set out in the relevant section of Regulation 10.

7. Data Protection & Confidentiality

7.1 This Policy will be applied in accordance with City's duties under the Equality Act 2010 and General Data Protection Regulation (2018).

7.2 The Regulation will be operated with due consideration to a student's confidentiality. City will seek to manage or process information students provide whilst accessing support or during the use of the Fitness to Study Policy in accordance with our duties under GDPR.

7.3 Any sensitive information provided by a student to City staff or generated by a City staff member about the student will be shared only with those individuals that need to have this information in order to support the student or the process, where the use of the information is necessary for the assessment of the student's fitness to study or to assess and/or implement the support needs of the student.

7.4 City will seek to ensure that a student understands how their personal information may be shared. Where possible, information will be disclosed in accordance with the terms agreed with the student. Where a student has not already agreed for their information to be shared within City (for example, the student may not have already agreed this with a support service), the student will be contacted with information about how we intend to use and share information about them and to seek their agreement to this (as appropriate). City will consider a student's request that sensitive information not be disclosed to staff within City or external parties, but will ensure the student is made aware of the implications of non-disclosure (that is, the consideration of the student's situation and provision of appropriate support will be limited).

7.5 Where a student refuses to provide explicit consent that their sensitive information is shared, and City determines that it has a duty to provide that student with adequate support, City will disclose this information to other departments or professionals who might be best placed to offer the support they might need.

7.6 City's obligations of confidentiality will not apply in relation to information:

- which is or becomes public knowledge for reasons other than as a result of a breach of confidentiality by City;
- which City is required to disclose under its Regulatory and Professional Body Requirements (eg. the Nursing and Midwifery Council, The Health and Care Professions Council, The Law Society);

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- when City is required to disclose by law;
- when City is required to give proper instructions to any professional adviser who has an obligation to keep any such information confidential;
- where it will impact on City's duty of care to students, staff and its partners
- where it will impact on City's duty of care to Professional Bodies and City students' potential ability to practise.

8. Reporting and Monitoring

8.1 City will maintain anonymised records on the use of this Policy and Regulation for the purposes of ongoing review.

8.2 The information collected will be compiled for annual reporting within Schools and to Senate.

9. The Office of the Independent Adjudicator for Higher Education (OIA)

9.1 City subscribes to the OIA scheme, and this Policy and associated Regulation is therefore subject to its review. City is committed to complying with any formal decision and/or recommendation(s) issued by the OIA arising from a student complaint considered by the OIA, noting that the student complainant is not bound to comply with the OIA decision.