

FITNESS TO STUDY POLICY



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1.1. BACKGROUND

London School of Academics value our students and understand that there could be situations that arise which interfere with a student's study. Therefore, we are committed to ensuring risk to a student's health, safety and wellbeing are appropriately addressed. This policy acknowledges that at times students encounter personal circumstances where there is a risk posed to themselves, those around them or generally to our provider; circumstances can be mental health related, physical health related or other. This policy sets out our approach to appropriately addressing concerns regarding a student's fitness to study; early intervention is key to preventing a situation from developing.

Who does this policy apply to?

All those enrolled on any of the following programmes:

- ✓ Level 3 Award in Education and Training
- ✓ Level 3 Assessors Awards
- ✓ Level 4 Certificate in Leading the Internal Quality Assurance of Assessment Processes and Practice
- ✓ Level 5 Diploma in Education and Training

1.2. POLICY APPLICATION AND MATTERS OF CONCERN

The following sets out matters of concern and when this policy will be applicable

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| A student presents a risk to themselves in relation to their health, safety, and wellbeing. | A student presents a risk to the health, safety, and wellbeing of others. | A student's behaviour is affecting the delivery, learning and/or the experience of other students. |
| A student's behaviour presents a risk of affecting the delivery, learning and/or the experience of other students. | A student's behaviour is affecting the activities of our provider. | A student's behaviour presents a risk of affecting the activities of our provider. |
| There are several reports made in relation to an individual's behaviour. | A student's needs cannot be met by our provider. | |

The following sets out examples of behaviour of concern, this is not an exhaustive list:

Criminal matters:

Criminal matters include convictions, any cautions, penalty notices or reprimands. In accordance with the Prevent Duty arising from the Counter-Terrorism and Security Act 2015 activity, behaviour or views which show engagement, promotion or support for extremism, terrorism or radicalisation will be a matter of concern. It is important to state that where there are allegations of criminal activity it will be reported to the police or where appropriate referred to the Channel

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programme and until the outcome of the investigation is held the procedure for the fitness to study will be suspended.

Inappropriate and unprofessional behaviour:

Any form of aggression, violence or behaviour which is threatening.

This includes displays of negative attitude and negative behaviour such as disrupted attendance, lack of commitment to responsibilities, poor communication, non-compliance to health and safety rules and non-compliance to London School of Academics Student Learning Agreement.

This also includes breaches of confidentiality, unlawful discrimination, dishonesty, the failure to ensure the maintaining of boundaries, the exploiting of vulnerable people and harassment of any form.

Health:

Any matters concerning the failure to take medical advice, the failure to seek medical advice or support where a situation arises, failure to take treatment for any mental health conditions, or conditions relating to drugs and alcohol. To add, failure to recognise health limits and ability.

It is important to note that London School of Academics work in accordance with the Equality Act 2010 therefore where a student has a disability and are receiving appropriate medical care, care or support, the matter will not be a matter of concern to be raised. However, disclosure of disabilities or health conditions is a requirement for the purpose of making reasonable adjustments.

1.3. REPORTING MATTERS OF CONCERN

To enable early intervention our provider does not limit those that can report a matter of concern, therefore reports can be made by anyone from our team, students and placement providers (this policy contains a report form which must be used to report a concern).

1.4. FITNESS TO STUDY PROCEDURE

Stage one: Consideration

This is an investigatory stage where matters of concern raised regarding fitness to study are referred to the Director of London School of Academics and Student Welfare Officer or a nominated investigator for consideration. At this stage the Director and Student Welfare Officer or nominated investigator will investigate the matter to determine if the concern is one of standing and needs future investigation.

No bias decision will be taken during any stages of this procedure. Investigations will consider the interests of the student and others.

Stage two: Discussion

After stage one, if the Director and Student Welfare Officer or the nominated investigator holds the concerns to be one of standing they will invite the student to an arranged meeting to discuss the matter/s of concern reported. The student will be informed of the meeting and matter/s of concern reported 7 days prior to it. This will enable the student to give their view and provide their explanation. At this stage points of referral can be made to support the student. Where it is the case that matter/s of concern regarding fitness to study need further consideration, these will be referred by the Director or the nominated investigator to the next stage which is a formal stage of the procedure. At this stage of the procedure the student can be suspended from their course of study and where deemed necessary denied access to our provider's premises.

During a fitness to study investigation students will not be suspended from their studies except where there are serious allegations such of a nature which poses a risk to themselves or others, or delivery, learning or experience of others, and/or activities of our provider.

Stage three: Panel hearing

At this stage concerns will be dealt with formally, the Director or nominated investigator will write to the student and inform them that their case has been referred to a panel for detailed consideration. The panel will decide the outcome which may include referral for support or withdrawn from the programme. The panel's decision will be sent to the student of concern in writing and in this letter the student will be advised where withdrawn to notify all relevant bodies including their places of teaching practice. Our provider will notify all relevant bodies of the withdrawal of a student from the programme, this includes City and Guilds as well as Student Finance. Where a student is withdrawn from their programme of study they are entitled to appeal against the decision.

Appeal

After a panel decision the student will have 28 days to appeal the decision on the basis that information was not considered or on procedural grounds. Contained within this policy is the Fitness to Study Appeals application form which must be used.

Stages overview:

| Stage one: Consideration | State two: Discussion | State three: Panel hearing | Appeal |
|-------------------------------------|---|--|---|
| Concerns are raised and considered. | Student will attend a meeting to share their view or provide an explanation. In-house support or referrals may be made to external organisations for support. The matter may be referred for further investigation. There is a possibility of suspension from programme of study. | A panel will be appointed to hear the matter of concern. A letter will be provided at the start of this stage and again once a decision has been reached notice will be given. | The student can appeal the decision. The student will have 28 days. |

All information gathered for the fitness to study procedure and any records in relation to the fitness to study procedure will be kept with the utmost confidentiality and processed in line with the Data Protection Act 2018.

Panel hearing:

The following provides details on the panel appointment and meeting procedure.

Where there is a panel hearing, the Panel will consist of a Chair who will be the Student Welfare Officer (unless there is a conflict of interest by which an appropriate other will be selected), two academic members not from London School of Academics but within the teaching field (alumni may be considered) and an academic member from London School of Academics. The student has the option of inviting a member of the Student Representative Society to sit in on the hearing.

Written notice will be given to a student subject to a fitness to study panel hearing of 28 days prior to the meeting. The student is able to submit any evidence they wish the panel to consider during the hearing up to 7 days before the panel hearing. Within the letter of notification, the time, date, place of the hearing and the case brought against the student will be stated.

Evidence considered during the Panel Hearing:

-any information concerning the case given by the Director or the nominated investigator 28 days before the panel hearing.

-any information provided to the Panel by the student with an exception of 7 days before the hearing.

-any evidence which is brought to light before or on the hearing day dependent on an agreement to take it into account by all Panel members.

-any evidence specifically requested by the Chair of the Panel

Arrangement of the hearing:

Hearings are normally held between 10am and 5pm

1. The Chair will present the case.
2. The Panel Chair will hear from invited witnesses of the concerns being alleged, due to data protection the witnesses will not have entitlement to all documentation or information regarding the case, however will be able to give their account of the concerns witnessed. If the student or/and a member of the Student Representative Society attends the hearing they can appropriately cross examine the witness giving their account.
3. Depending on the alleged concerns comments of those in practice maybe requested. Where this is the case information regarding the concern/s will be provided with every effort to protect the identity of the student subject to the hearing.
4. Character witnesses of the student can be called to provide comments on the student's character.
5. The student and/or a member of the Student Representative Society can attend the hearing providing no less than 14 days notice to the chair of the hearing.
6. The Panel will withdraw from the hearing to reach a decision. The Panel will not consider a decision in the presence of non-panel members.
7. A decision will be reached on the day of the hearing which could be beyond 5pm therefore where necessary alternative arrangements maybe made for the Panel to continue deliberation, notification will be given to the student of the hearing.
8. Decisions are reached by a majority vote; the Chair will have a casting vote. No disclosure of individual members of the panel vote or the collective vote will be given.
9. A written letter containing the Panel's decision will be given to the student within 7 days of the reaching of a decision. A copy of this letter will be given to the Director.

Decisions which could be reached:

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| <u>Decisions for student being fit to study:</u> | | | |
| Concern/s report dismissal | <p>A formal warning which will be held on the student`s record for the programme duration. This will be taken into account where future concerns are raised.</p> <p>-This decision may be disclosed to all relevant regulatory and awarding bodies and a transcript of the hearing can be provided where requested by a regulatory or awarding body.</p> | Suspension from the course of study for up to two terms or changing of assigned class day. | Points of referral- advice and guidance will be given by the panel. This includes referral to the Channel programme in line with the Prevent Duty. |
| <u>Decisions for student being unfit to study:</u> | | | |
| <p>Withdrawal from programme, the student may be eligible for a statement of credits depending on approval from City and Guilds (the programme awarding body).</p> <p>-This decision may be disclosed to all relevant regulatory and awarding bodies and a transcript of the hearing can be provided where requested by a regulatory or awarding body.</p> <p>Referral to the Channel programme in line with the Prevent Duty and/or withdrawal from the programme of study.</p> | | | |

1.5. APPEAL

Grounds for appeal:

The Panel's proceedings were not in line with the procedures set out.

The decision of the Panel was inappropriately harsh.

New evidence has come to light which was not available or could not have reasonably been available to the panel.

Stage One

An appeal can only be brought within 28 days from the written notification of the Panel's decision.

To appeal against a Panel decision an intention notice (Fitness to Study Appeal Form) must be sent through letter or email to the Director. This notice must detail all information and documentation relating to grounds for appeal.

Stage Two

Once the intention notice has been received, a Chair will be appointed (this will be an independent person from our provider but will be from the teaching profession). They will be shown the intention notice and information/documentation and then make a decision as to whether the appeal should proceed. Where an appeal does not proceed written notification will be given to the Director and the student appealing. This notification will include reasons for not going ahead with the appeal.

Stage Three

Where the Chair decides the appeal should go ahead the Director and the student appealing will be notified in writing. The student may be allowed to continue studying their programme of study dependent of the nature of the concerns reported. An appeals panel will be appointed; this will consist of the following:

- A Chair (from the Board of Governance)

- Two members of the Society for Education and Training who are not part of London School of Academic team.

The Appeals Panel will set a date for the appeal at the earliest opportunity. The Appeals Panel and the student will be given a report which contains; a summary of the decision reached by the Panel, the reason why the decision was made, evidence considered and the grounds for appeal by the student with new evidence submitted.

Arrangement of Appeal Panel hearing:

Hearings are normally held between 10am and 5pm

1. The Appeals Panel Chair will present the case.
2. The Appeals Panel Chair and members will discuss the grounds for appeal taking account of all evidence presented. The Appeals Panel Chair can hear from the Chair of the Panel hearing, the student appealing and/or the Student Representative from the Panel hearing.
3. A decision will be reached on the day of the Appeal hearing which could be beyond 5pm therefore where necessary alternative arrangements maybe made for the Appeal Panel to continue deliberation, notification will be given to the student of the appeal.
4. Decisions are reached by a majority vote; the Appeals Panel Chair will have a casting vote. No disclosure of individual members of the Appeal Panel vote or the collective vote will be given.
5. The Appeal Panel can reverse the decision of the Panel and modify the decision of the Panel. The Appeal Panel cannot modify the decision which would prove a harsher decision than the one reached.
6. The decision reached by the Appeal Panel will be final and the student will be notified of their rights to complain to the Office for Independent Adjudicators.
7. A written letter containing the Appeal Panel's decision will be given to the appellant within 7 days of the reaching of a decision. A copy of this letter will be given to the Director. The letter will detail a summary of the proceedings.

OFFICE OF THE INDEPENDENT ADJUDICATOR [OIA]

The OIA is an independent body appointed to operate a student complaints scheme required by the Higher Education Act 2004 in England and Wales. The scheme came into operation in 2005 and applied to higher education providers from the 1st of September 2015. The role of the OIA is to review individual complaints brought forward against higher education providers. Complaints investigated into by the OIA include academic appeals, extenuating circumstances and more. Complaints that cannot be investigated into are admissions, academic judgements and more. For more information students are advised to visit the OIA's website: www.oiahe.org.uk

Policy details:

Policy drafted by Soni Singh (Curriculum Manager) and Charlotte Saunders (Student Welfare Officer)

Policy approved by Sheila Singh (Managing Director)

Policy reviewed and operational from 1st of September 2024

Fitness to Study Reporting Form

By filling in and sending this form I declare that the information provided is correct and I am prepared to provide further information if required by London School of Academics.

Section one: Student details:

Details of the student subject of concern

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| Full name | |
| Course details | |
| Tutor | |

Section two: Statement of your reasons for reporting this student for the Fitness to Study Procedure (additional sheets can be added):

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Section three: List of documents being attached as evidence:

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Section four: Your details:

Your academic details if a member of our provider`s team, where a student your details

| | |
|------------------|--|
| Full name | |
| Course details | |
| Tutor | |
| Telephone number | |
| Email | |

Fitness to Study Appeal Form

By filling in and sending this appeal form I declare that the information provided is correct and I am prepared to provide further information if required by London School of Academics.

Section one: Person details:

| | |
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| Full name | |
| Course details | |
| Tutor | |
| Telephone number | |
| Email | |

Section two: Statement of your appeal (additional sheets can be added):

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Section three: List of documents being attached as evidence:

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Section four: Nature of the redress sought (additional sheets can be added):

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