



## **KMS 108 Fitness to Study Policy and Procedures**

**University Centre Kingston Maurward**

**Higher Education**

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**Alternative formats:**

If you require this policy and procedure document in an alternative format (such as large print, printed on coloured paper or a paper copy of an electronic document), please contact [university.centre@kmc.ac.uk](mailto:university.centre@kmc.ac.uk).

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## Change Log

Summary of changes made between previous issue and this current issue	Page number
Full review and revisions to the Fitness to Study Policy for 2023-2024 Academic Year, to incorporate Consumer Markets Authority guidance for Higher Education institutions, Open University approval and an accessibility review.	

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## Kingston Maurward System

### 1. Information and Reason for the Fitness to Study Policy

- 1.1 University Centre Kingston Maurward (UCKM) is committed to supporting all students and their wellbeing, and to maintaining a safe, positive and productive learning and living environment for all members of our community.
- 1.2 UCKM also recognises its anticipatory duty and responsibilities to enable and support wider participation in higher education learning under [the Equality Act 2010](#), as laid out in our [Reasonable Adjustments Policy](#).
- 1.3 Programmes of Study, and enrichment activities (such as work experience/ industry placements) are designed to enable students to reach their full academic potential, gain the relevant skills, knowledge and behaviours that are required to meet their career aspirations and support students to effectively and positively navigate life.
- 1.4 As members of a community, everyone has a responsibility to behave in ways that allow everyone to achieve their potential. Our [Student Charter](#) sets out how we will work together to create an accessible and inclusive higher education learning experience and community.
- 1.5 We recognise that some students may face difficult circumstances during their studies. We encourage all students to access support, and recognise that in the majority of cases, this empowers students to engage positively and fully in student life.
- 1.6 It is recognised that early intervention and a positive approach to the management of both the physical and mental health of each student is crucial to their learning experience and their potential for academic achievement.



Created by:	UCKM/OU Project	Review Date:	May 2026
Approved by:	Senior Management Team	Responsibility for Review:	Deputy Principal for Student
Date Approved:	July 2024		

- 1.7 The reason for this policy is to set out how UCKM will work with a student to support them in positively engaging with UCKM life, should there be concerns that they are struggling to do so on their own.

## 2. What is Fitness to Study?

- 2.1 Fitness to study can be defined as a student's capacity to engage fully and positively with all aspects of UCKM life.
- 2.2 This includes engaging with their Programme of Study in order to meet the learning outcomes, with [reasonable adjustments](#) made, where appropriate and or necessary to facilitate this.
- 2.3 It also means adhering to the incorporated limitations put in place to allow students to complete each activity safely, without endangering their own safety and wellbeing, or that of their peer students, staff, employers and/or visitors to the estate/campus or external places under the direction of the College.
- 2.4 Concerns related to a student's fitness to study, stemming from difficulties managing mental or physical health may include, but are not limited to the following:
  - the student poses a risk to their own health, safety and/or wellbeing and/or that of other persons
  - the student's behaviour is, or is at risk of, negatively affecting the teaching, learning and/or experience of others in the UCKM community
  - the student's behaviour is, or is at risk of, negatively affecting the day-to-day activities of UCKM or an employer (i.e. internal work experience, external work experience/industry placement provider)

### 3. **Who should know about this policy? How does it relate to applicants to UCKM and current students?**

- 3.1 This policy covers Higher Education students studying full-time, part-time and distance-learning who are enrolled at UCKM. .
- 3.2 All students, parents & carers, employers, staff, governors and visitors to UCKM should be aware of this policy.
- 3.3 Where a student is studying towards a qualification delivered by a partnership university, the Fitness to Study policy of this institution may take precedence over UCKM's policy.
- 3.4 There may be instances where it is relevant to refer to other College policies, such as the [Disciplinary Code of Conduct](#).
- 3.5 UCKM encourages applicants to declare medical conditions/disabilities, and will work with applicants to UCKM, who declare a health condition or disability, to complete an assessment of needs, and ensure appropriate [reasonable adjustments](#) are put in place. There may be instances where an applicant may be subject to Fitness to Study consideration, if we are concerned that their behaviour may be affecting studies, and highlights concerns for the applicant's wellbeing.  
  
Further information regarding an applicant's responsibility to make UCKM aware of any supporting need is contained within UCKM Higher Admissions Policy and Procedures.
- 3.6 **Roles and Responsibilities**
- 3.7 The Deputy Principal, or another designated member of the Senior Management Team, will act as UCKM's Fitness to Study Advisor (FSA)
- 3.8 The FSA will, at all times, seek advice from specialist staff within the College as appropriate.

- 3.9 The College's Designated Safeguarding lead will serve as the moderator for Fitness to Study cases (usually the Assistant Principal Student Experience & Progression)

#### **4. Raising concerns regarding Fitness to Study**

- 4.1 Concerns about a student's fitness to study may be raised by the student or by a third party.
- 4.2 Third party reporters can include other students, academic, support and business staff either whilst the student is engaged in activity onsite or whilst engaged in UCKM -led outside activities such as Study Trips or work experience/industry placements.
- 4.3 Where a student is raising the concern, they should make every effort to raise it with their Programme Lead, teacher or a member of staff/their employer who has responsibility for their work experience/industry placements.
- 4.4 However, UCKM recognises that there may be exceptional circumstances in which students consider that they cannot approach this person, and in such cases, they may seek help from someone else, such as the Student Union Representative or the Student Welfare Team and, with their consent, they will help students to raise the concern.
- 4.5 Academic and Support staff should normally discuss any cases of concern with the Deputy Principal, as UCKM's Fitness to Study Advisor (FSA) but this may also be another member of the Senior Management Team as nominated by the FSA.
- 4.6 The FSA will nominate the Head of HE to act as the link person to communicate with the partnership universities, providing the FSA with guidance and information relating to each institution's guiding principles relating to Fitness to Study (which may take precedence over UCKM's policy).

- 4.7 Advice should be sought from the FSA as to what information is to be shared and with who in terms of the student's Fitness to Study; this may include, but is not limited to, the relevant Head of HE, partnership universities, the Safeguarding Team/Student Welfare Team, the student's Course Manager and the Careers & Industry Lead.
- 4.8 The FSA may also direct the intervention of external agencies on the advice of the College's designated Safeguarding Lead.

## **5. Confidentially and information sharing**

- 5.1 For Fitness to Study matters, the College seeks to limit access to sensitive personal information to only that information which is required, and to only those who require it to enable the student's fitness to study to be established and/or those who need it to support the student.
- 5.2 All information will be stored and managed in line with the College's [data protection policy](#).
- 5.3 The FSA will provide guidance to staff as to what information is to be shared, and with who, in terms of the student's Fitness to Study; where appropriate this should be discussed with the Designated Safeguarding Lead.
- 5.4 Staff should inform, and where possible discuss with the student the need/desirability to be able to share personal information with designated members of staff on a need-to-know basis.
- 5.5 Where possible, an agreement should be reached with the student on who their sensitive personal information (health data) can be disclosed to, and their written consent to this obtained.
- 5.6 The student should be made aware that they may change/remove their consent at any time but conversely, that if their situation deteriorates, it might be necessary to share their information with



health professionals or external agencies without their prior consent. It should be noted that the UCKM's FSA and Designated Safeguarding Lead will discuss this prior to any action being taken without the student's consent. This decision to share information without consent will be risk-based, and documented. Its aim will be to establish wellbeing, mobilise support for the student and reduce risk.

- 5.7 UCKM will follow its practices and in line with the [Data Protection Policy \(GDPR Privacy Standard\)](#).

## **6. Actions to be taken in relation to Fitness to Study concerns/issues**

### **6.1 Stage 1 - actions upon initial concerns/concerns raised by academic staff**

- 6.1.1 Where a member of staff becomes concerned that a student may be unfit for study, or such concern has been brought to their attention by a student or another member of staff, or third party then they should raise the issue with the FSA.
- 6.1.2 The FSA will check that appropriate advice is sought, and then will arrange for the relevant Programme Lead (HE), Head of Department and/or Student Welfare team member to meet with the student.
- 6.1.3 All students should be encouraged to be accompanied in this meeting by a family member or friend.
- 6.1.4 Invitations should be issued in writing for the meeting, with at least 5 working days' notice, and should inform students of this right to be accompanied, and every effort will be made by UCKM to ensure that meetings take place at a mutually agreeable date/time.
- 6.1.5 The FSA, or nominated representative, may also opt to attend this meeting if appropriate.

#### 6.1.6 **At the meeting:**

- it should be explained to the student, in a supportive and understanding way, that concerns about their fitness to study have emerged.
- The student will be made aware of the exact details and nature of the behaviour that has caused the concern.
- The staff will attempt to resolve the matter by informal discussions with the student.
- The student should be encouraged to reflect, explain their views on the matter and should be encouraged to use the support services offered by the College.
- The staff should consider with the student whether any specific academic arrangements or other types of support can be applied to help the student to study more effectively.
- It should be made clear that where concerns are adequately addressed, the student will be discharged from the procedure, and should concerns continue or escalate the student will progress to next stage of the procedure.
- Notes should be taken and shared with the student afterwards.

6.1.7 It is anticipated that in most cases the concerns can be resolved at this stage and that the student will engage with this process and access the support that are available to them at UCKM or with external organisations.

6.1.8 At any stage during an initial attempt to act on initial concerns, the matter may be referred to a Fitness to Study Panel (see below).

6.1.9 Any plans and actions agreed between the staff and the student should be set out in writing to the student so it is clear what has been agreed.

6.1.10 A review period should be established, by agreement between the student and the staff. Sufficient time should be given to allow the

student to engage with appropriate support to help them manage difficulties more positively, and where necessary, to reflect on behaviours, and make and demonstrate change

- 6.1.11 A further review meeting should take place, examining and discussing the progress made and the steps taken to address the initial concerns. Any further emerging concerns should also be discussed as appropriate, to ensure all parties are clear as to the College's concerns for the student's wellbeing and ability to engage appropriately in college life. Failure to demonstrate progress may lead to stage 2.
- 6.1.12 Notes should be taken and shared with the student afterwards.
- 6.1.13 Further meetings may be scheduled to monitor the situation and progress made by the student. Notes of all subsequent meetings should be taken and agreed actions shared with the student each time, to ensure the student is fully aware of expectations.
- 6.1.14 The FSA, or their designated member of staff, should as required help the student access the support available to them to enable them to continue with their studies.
- 6.1.15 The general expectation of UCKM is that the student will take personal responsibility and fully engage with the support recommended by staff; staff should endeavour to ensure that the student is fully aware of this expectation.

## **6.2 Stage 2: Fitness to Study Panel**

- 6.2.1 If the student has not engaged with the initial attempt to resolve the concerns, i.e. the concerns have not been addressed, support has not been appropriately or sufficiently sought, and/or the FSA feels that sufficient progress has not been made, or concerns are more significant and serious, then the case can be referred to a Fitness to Study Panel.

- 6.2.2 At any stage during an initial attempt to act on initial concerns raised by a member of staff, the matter may be referred to a Fitness to Study Panel.
- 6.2.3 In discussion with UCKM's Designated Safeguarding Lead, the FSA may also deem it appropriate to refer the student's behaviour to the [Student Code of Conduct](#) and accompanying disciplinary action may be invoked in line with the College's [HE Disciplinary Code of Conduct \(KMS107\)](#).

### **The Fitness to Study Panel Process**

- 6.2.4 A request for a Fitness to Study Panel may be made to the FSA by any member of staff (academic, safeguarding/student welfare or other appropriate person) where the concern is considered significant enough to justify the panel is the best interests of the student and the wider student and staff community.
- 6.2.5 The FSA, or their designated member of staff, will review the request and confirm it is appropriate to convene the Panel.
- 6.2.6 The Panel will consist of the FSA, the Designated Safeguarding Lead. Representation from the curriculum and Student Welfare Team will be sought if appropriate (to contribute evidence but not to the Panel outcome and decision). It may be appropriate for UCKM to seek evidence from a suitably qualified professional, either via the student, or by seeking the student's authorisation for UCKM to request this.
- 6.2.7 The student will be sent a written invitation to this meeting with at least 5 working days' notice, outlining support options.
- 6.2.8 All students should be encouraged to be accompanied in this meeting by a family member or friend.
- 6.2.9 At the panel meeting:
- The reason for the panel needs to be explained to the student (e.g. severity of concerns explained, previous arrangements not

successful and further supportive action required, how concerns have been raised at this stage and to whom, and that a decision is to be made regarding way forward)

- The student will be given the opportunity to put forward their own supporting evidence to the panel, such as a personal statement explaining their behaviour, medical documentation etc.
- Notes should be taken and shared with the student afterwards.

6.2.10 If the student is unable to attend, they can provide a written submission to explain the behaviour that has raised the Fitness to Study concern.

6.2.11 Having considered the evidence presented to the Panel, the Panel shall determine whether the student is fit to study and declare one of the following outcomes:

- The student is fit to study and the case should be dismissed. The student should be advised what behaviour caused the concern and how it should be avoided in the future.
- The student is fit to study if a managed Action Plan is followed; the Panel will liaise with the relevant Programme Lead, Head of Department and Student Welfare team to ensure that the requirements of the Action Plan can be met and the student's progress against identified actions are reviewed appropriately, together with any new emerging concerns. The Action Plan will ideally be discussed with the student at the panel meeting. It will include clear objectives, milestones, timescales and review points. It will be put in writing and sent to the student, along with details of support, information about the review process, and absolute clarity re. next steps should concerns not be adequately addressed.
- The student is unfit to study and will not be fit to study in the foreseeable future, and a recommendation should be made to

the Principal for exclusion and their place at UCKM withdrawn (see [Refund and Compensation Policy](#)).

- The student is unfit to study currently, but may be fit to study after a determined period of time; therefore, the student should be temporarily suspended or their place on the course deferred. At this point, The FSA, in agreement with the Panel may decide to assign certain conditions and confirm the time limit to a deferred offer of study.

6.2.12 In all cases, the decision of The Panel will be communicated to the student in writing within 5 working days of the date of the decision made, including support options, and next steps.

## **7. Returning to study**

- 7.1 Where a student was temporarily suspended and is at the point of returning to study, it must be determined that they are fit to return.
- 7.2 The FSA, or their designated member of staff, Head of Department, Programme Lead and a member of the Student Welfare Team will meet to consider whether the student is fit to return to study.
- 7.3 Further professional evidence (e.g. from a healthcare professional) will be requested from the student that considers their ability to fully engage with their studies and meet the requirements of the programme.
- 7.4 A student will only be permitted to return if, after receiving the appropriate evidence, the FSA, Head of Department, Programme Lead and Student Welfare are satisfied (based on the evidence received) that the individual is fit to study.
- 7.5 Where a student returns to study after a temporary suspension under this Policy the FSA, or their designated member of staff, Programme Lead and Student Welfare will consider any support that the student

may require to facilitate a return to studies, such as regular review meetings or a return to study action plan.

- 7.6 The general expectation of UCKM is that the student will take personal responsibility and fully engage with the support recommended by staff; staff should endeavour to ensure that the student is fully aware of this expectation.
- 7.7 Where the FSA, or their designated member of staff, the Head of Department, the Programme Lead and Student Welfare are not satisfied that the student is fit to study, (e.g. where there is no appropriate supporting evidence) they may make a recommendation to the Principal for exclusion. The Principal will make a decision as to whether the student will be permitted to return.
- 7.8 The decision of the FSA will be communicated to the student in writing within 5 working days of the date of the decision made.

## **8. Appeals and Complaints**

- 8.1 A student shall have the right of appeal against the findings of the Fitness to Study Panel and/or against the determined outcome. No other person may appeal.
- 8.2 An appeal is lodged by the submission of a signed and dated statement from the student to the College Complaints Officer ([view.complaints@kmc.ac.uk](mailto:view.complaints@kmc.ac.uk)) in line with the [Complaints Policy](#), which should be headed 'Statement of Appeal'.
- 8.3 A Statement of Appeal must usually be lodged within 10 working days of the date of issue of the Decision Notice. (Exceptional circumstances for late submission will be considered, where reasonable grounds are provided).
- 8.4 The Statement of Appeal must be based on one or more of the following grounds:

- a material procedural irregularity in the way in which the Panel hearing was conducted, which might have impacted significantly on the validity of the initial concern and the subsequent outcome;
  - new evidence that could not reasonably have been made available to the Panel, and can be expected to potentially have led the Panel to have made a different decision;
  - that the outcome was inconsistent when the circumstances of the case and the treatment of other students in similar positions are considered.
- 8.5 The Complaints Officer, or their nominee, will identify an appropriate person to investigate the appeal. This will normally be a senior person within the UCKM Management Team, and it will not be the person who was involved in the original fitness to study panel or related meetings/discussions
- 8.6 It should be noted that where an appeal is lodged against a recommendation by the Fitness to Study Panel for exclusion, this can only be considered by the Principal.
- 8.7 The appeal will be considered within 10 working days of receipt, and a written outcome sent to the student, including options and time-scales for escalation.
- 8.8 If additional information is required, the student will be notified of the need for an extension to the time required to make a response to the appeal.
- 8.9 A student may withdraw an appeal at any time by giving notice in writing to the College Complaints Officer, who will issue formal notification of the withdrawn of the appeal; at this point the appeal shall be deemed to have failed and the matter will be closed.



## Equality Analysis

**Name of Policy: Fitness to Study Policy**

**Person Responsible: Jade Fawcett**

**Date of Analysis: 30/07/2024**

### 1: Identify aims of the activity

What is the purpose of the policy and who is intended to benefit?  
This policy will determine whether a student is willing and able to continue on their course and not negatively impact their overall wellbeing.

### 2: Assess likely impact

How might this policy have an impact on staff, visitors or learners in terms of disability, age, race, gender, religious belief, trans-identity, sexuality?

Positive Impact       No Impact       Negative Impact

If you have identified **negative** impacts, you need to revise your activity to ensure that you are not disadvantaging any group on the grounds of disability, age, race, gender, religious belief, trans-identity, sexuality.

If you have identified **positive** impacts or **no impact**, please explain your decision

The policy will have very little impact as it addresses all students as a whole and is not aimed directly at any groups.

### 3: Checklist

1. Which of the following groups have you consulted?

Staff       Students       KMC Committee       Other stakeholders  
(please specify below)

HEABs

2. How frequently will you monitor the impacts of this activity?

½ termly       termly       annually       other (please specify below)

