

Fitness to Study Policy & Procedure

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1. Introduction

- 1.1 NMITE is committed to supporting students' wellbeing in their progression from arrival to successful completion of their studies and recognises that a positive approach to the management of physical and mental health issues is critical to achieve that.
- 1.2 Students studying at NMITE attend on the basis that they are well enough to do so. It is assumed that students have the capacity to make this decision and, that through their registration with NMITE, they can be given full responsibility for their actions and decisions whilst studying with us.
- 1.3 This policy and related procedure sets out how NMITE can intervene in the event of a concern being raised regarding a student's ability to study and support the student to continue in their studies, to take a break or to stop studying completely in such circumstances. It aims to do so in a supportive way rather than with recourse to the Disciplinary procedures.
- 1.4 Concerns for the health or wellbeing of a student can be raised by both staff and students. Students who have concerns about other students should approach a member of NMITE staff (preferably Student Services team) and are not expected to manage these situations themselves.
- 1.5 NMITE staff dealing with concerns about a student's ability to study should use this Policy in any situation where a student's welfare is at risk and contact Student Services for guidance.

- 1.6 In an emergency situation which presents an immediate and/or ongoing risk of harm, a student or member of staff should always contact the Emergency Services on 999 to gain immediate assistance and then follow up reporting as detailed in Section 17 of the Safeguarding policy.

2. Scope

- 2.1 This policy and accompanying procedure, in addition to the Extenuating Circumstances Policy, Leave of Absence Policy, Disciplinary Policy and/or the Student Disability and Reasonable Adjustment Policy, may be followed if one or more of these circumstances exist:
- i. a student poses a risk to their own health, safety and/or wellbeing and/or that of others.
 - ii. a student's behaviour is (or is at risk of) adversely affecting the teaching, learning and/or experience of other students.
 - iii. where a student's action and/or opinions give staff reason to believe either that there is an underlying physical, emotional, or mental health condition that is actively impairing their ability to engage productively in their academic programme and/or student life in general, and where reasonable adjustments have been made as far as is possible.
 - iv. where a student submits the same extenuating circumstance claim over more than 2 consecutive modules and this is not related to the exceptional situations defined in section 3 of the Extenuating Circumstances Policy.
 - v. where a student's approach is (or is at risk of) adversely affecting the day-to-day activities of NMITE outside the academic programme
 - vi. a student's support needs fall outside the scope of the support and other services which NMITE can reasonably be expected to provide as, primarily, a higher education institution.
 - vii. where, as a result of welfare concerns, a student is not able or willing to engage with study, as shown by not responding to communications from NMITE staff and/or not submitting their assessments.
- 2.2 NMITE aims to always act in students' best interests, and we recognise that sometimes, the best option for a student is a temporary interruption to their studies, to achieve a better longer-term outcome. We should also offer some reassurance that wherever possible, we will seek to work with students to make recommendations and empower them to make the right decision for themselves within the scope of our other policies.

3. Procedure Guidelines

- 3.1 The Policy and related procedures seek to promote early intervention, active collaboration between staff, students and third parties, and consistency of approach. Matters are handled with the utmost confidentiality, sensitively and non-judgementally and in a co-ordinated manner across NMITE.

- 3.2 The purpose of this procedure is to support NMITE staff in managing situations they, other staff or students have observed and that cause concern in an academic context.
- 3.3 The Fitness to Study procedure has 3 levels, described in section 4 of this Policy.
- 3.4 The procedure may be started at any level: there is no requirement for an earlier level to have been commenced or exhausted.
- 3.5 The cause for concern conversation can result in:
- i. invoking the procedure at any of the 3 levels
 - ii. staying at a level, or
 - iii. progressing through the levels, should the cause for concern not be remedied by recommended and agreed actions.
- 3.6 A member of staff who has a significant level of concern about a student's wellbeing should approach Student Services for advice or guidance and inform the Student Services Manager.
- 3.7 Concerns should be acted upon promptly and should be documented with either evidence that there has been a decline in student's wellbeing over a period of time, or legitimate reason for believing that the student is at risk of harm to self or others. Evidence may include reports from staff members or other students about situations which have arisen.

4. Fitness to Study Procedure

- 4.1 The three levels for managing concerns about a student's fitness to study are:
- Level 1 – Initial/emerging concerns.
 - Level 2 – Continuing and/or serious concerns.
 - Level 3 – Persistent and/or critical concerns.
- 4.2 In most situations it will be appropriate to open discussion at Level 1. However, NMITE can start this procedure at any stage and some occasions may require action at Level 2 or 3. The level of risk and impact on teaching and/or service provision must be assessed based on the risk to the student concerned as well as the impact on other students and members of staff. The Student Services team is available to provide support and advice.
- 4.3 If a student has concerns about a fellow student, they should discuss these with a staff member they feel most comfortable with. This might be a Personal Tutor, Programme Leader, Student Services staff or other NMITE staff member. The student should not deal with the situation themselves. When they have discussed the issue with a staff member, this person will make an appropriate referral within the scope of this policy.
- 4.4 The aim of the policy is to support students and give them the best outcome to continue to study, while managing their individual circumstances. If a student is not able or willing or unreasonably fails to engage with us during this procedure,

NMITE reserves the right to follow the policy without the active participation of the student.

- 4.5 If a student elects to take leave of absence during their study whilst engaging with the Fitness to Study procedure, a return to study meeting will be initiated before the student resumes their study. See section 9 of this policy.

5. Level 1 – initial /emerging concerns

- 5.1 If a concern has been identified by any member of NMITE staff, they should contact the student's Personal Tutor and Student Services to advise of their concerns. The Personal Tutor will have background knowledge relating to any disability or agreed reasonable adjustments in place for the student and must take these into account throughout the implementation of these procedures.
- 5.2 Normally the Personal Tutor will invite the student to an informal Level 1 meeting, the Personal Tutor will assess if appropriate to invite Student Services, or if appropriate this meeting may be called by another member of staff, providing they have adequate knowledge of the student concerned. (An invitation template to attend a level 1 meeting can be found at [Student Fitness to Study Templates.docx](#))
- 5.3 At the meeting the Personal Tutor or other staff member should clearly and in a supportive way explain the nature of a concern. The student should be encouraged to discuss the matter, including potential impact on themselves and/or others. This is an informal conversation, but key references and action points should be recorded and communicated to the student and, with the consent of the student, to other relevant staff. (see [Student Fitness to Study Templates.docx](#)). At this stage the student the Fitness to Study Policy should be shared with the student.
- 5.4 The aim of this meeting is to discuss the concern; any support needs the student may have and will seek to identify the student's perception of the concern. It should be explained to the student that NMITE has a duty of care to support students and to protect their wellbeing.
- 5.5 The support may include (but is not limited to) one or more of the following:
- i. Support arrangements. The student agrees to receive support with relevant support services and/or staff with a specific support role. This would include:
 - Personal Tutor
 - Student Services Team
 - Online resources e.g., MyNMITE
 - Relevant support networks e.g., Autism Social Network
 - GP and/or other external medical or health professional or support service.
 - ii. Recommendation that the student makes an application for reasonable adjustments under the Student Disability and Reasonable Adjustments Policy.

- iii. Recommendation that the student makes an application for Extenuating Circumstances
- 5.6 If at any point the staff member requires advice and support or feel unsure about the support available, they should seek advice from the Student Services team.
- 5.8 The student and member of staff should agree a date, no later than 4 weeks following the date of the initial meeting to meet again to review the situation and to discuss effectiveness of the support that the student has been accessing. A summary of the Level 1 meeting, outlining the agreed support and a review date will be sent to the student within 5 working days. A record of the meeting will be saved in Student Information System.
- 5.9 In preparation for the review meeting the member of staff will refer back to the original person, or appropriate other (e.g. current module lead) who raised the concern to seek evidence of progress or improvement from the student.
- 5.10 At the review meeting, the actions agreed at the informal meeting will be discussed; the staff member will decide on one of two options:
 - i. no outstanding concerns and the case will be closed; or
 - ii. if the concerns continue, additional causes for concern arise, or the student is not engaging in the procedure, the matter could be considered by moving into a Level 2 meeting. Staff members are encouraged to make three attempts to engage the student with the procedure.
- 5.11 The final decision on whether Level 2 of the procedure is invoked will be taken by the Student Services team (Student Services Manager or a nominee) after receiving relevant information.
- 5.12 The student will be notified about the outcome in writing within 5 working days.
- 5.13 The information will be kept on student record in strict confidence and made available only to those who have a role in making sure the requirements are met.

6. Level 2 – Continuing and/or Serious Concerns

- 6.1 Continuing and/or significant concerns about a student's health, safety, or wellbeing is normally dealt with under Level 2 by Student Services Manager or staff designated by the Director of Registry and Student Life, who will work collaboratively with other staff members.
- 6.2 A meeting is convened by the designated Student Services team, who will invite the student to discuss ongoing wellbeing concerns and their study support. The student is normally invited to the meeting (see [Student Fitness to Study Templates.docx](#)) within 5 working days of being informed of the decision to move to Level 2 of the procedure.
- 6.3 In exceptional circumstances, and with the agreement of the Director of Registry and Student Life or a nominee, the date of the Level 2 meeting can be extended.

- 6.4 The student is entitled to be accompanied by a person to support them at the meeting. The accompanying person could include another student, NMITE staff member, friend, or a family member, the accompanying person may not be someone acting in a legal capacity. Disabled students may also be accompanied by a support worker (e.g., mental health worker). The student must inform the Student Services member of staff who will be attending the Level 2 meeting with them in advance.
- 6.5 In addition to the attendance of the designated member of the Student Services team and the student's PT and or member(s) of the academic team may be invited to attend the meeting in the student's interests. If member(s) of the academic team are not present at this meeting the designated member of the Student Services team will request a written statement from relevant academic staff as appropriate.
- 6.6 The purpose of this meeting will be to give the student a full opportunity to respond to the situation, ascertain the student's perception of the concerns that have been identified and the impact that this is having on themselves and/or NMITE's community. The meeting should be supportive and aimed at assisting the student to progress on their programme of study.
- 6.7 The student will be notified if any information is required to prepare for the meeting such as evidence about whether it is currently in their best interests to continue their studies. If the student decides not to provide NMITE with medical or other evidence from a suitability qualified professional, which gives qualified opinion on the student's fitness to study, NMITE may request the student to do so. The student is not obligated to disclose any personal and/or private information; however, the more information NMITE receives, the more support and assistance may be provided. Records of any previous meetings under this Procedure and any action plan are made available.
- 6.8 Having considered the case, the designated Student Services member of staff will agree with the student what necessary support will be taken to enable them to continue to participate with their studies and address the concerns about their wellbeing. The outcome of the level 2 meeting will be one of the following options:
- i. If the discussion at the meeting indicates that it would be in the student's best interest to stop studying for a period of time to give them the opportunity to seek professional support and resolve the issues impacting on their wellbeing and ability to fully engage with their studies, the matter be referred to level 3 (see Section 7).
 - ii. If the discussion at the meeting indicates that it is in student's best interest to continue studying, the designated Student Services member, with the agreement of the student, will set out an action plan of how the matter will be managed and any requirements to be placed on the student

(for example, in respect of their future engagement or support they are to seek). The action plan may include (but is not limited to):

- attendance at 1:1 support meetings with Student Services/Personal Tutor or other relevant NMITE staff
- application for interim reasonable adjustments
- referral to external agencies
- signposting to external support.

The students' progress and engagement with the action plan will be monitored by the designated Student Services member, with the regularity and timescale being agreed and stated within the action plan. The student is provided with a copy of the action plan and summary of the Level 2 meeting within 2 working days of the meeting.

- 6.9 The student should be informed that if the wellbeing concerns continue, or any additional cause for concern arises, or they refuse to engage in the procedure, this could result in their fitness to study being further considered by moving to Level 3.
- 6.10 The designated Student Services member will hold a formal review meeting of the Level 2 action plan that will take place, at an appropriate point within 10 working days of the initial Level 2 meeting and the student will be notified about the outcome in writing within 2 working days. Outcomes include:
- i. No outstanding concerns, the action plan and the case will be closed; or
 - ii. Concerns remain, but student is engaged with the action plan and making progress in addressing concerns. In this case, further formal review meetings will be arranged, no further than 10 working days apart.
 - iii. If the agreed action plan has not been followed and/or do not experience the expected improvement, the case will be escalated to Level 3 (ref. Section 7).
- 6.11 Information will be treated in strict confidence, in line with NMITE Data Protection Policy and Student Privacy Notice. Information shared will be with consent of the student and made available only to those who have a role in making sure the requirements are met. Students will be made aware that a lack of consent to share relevant information with relevant parties may limit the support NMITE is able to provide and therefore impact on the students' ability to demonstrate engagement with the agreed action plan.

7. Level 3 – Persistent and/or Critical Concerns

- 7.1 The Director of Registry and Student Life (or a nominee) and the Head of Learning and Teaching will meet to consider the case presented, this may include the previous meeting notes, action plans, other relevant documentation to discuss the nature of the concerns and determine whether a Level 3 Fitness to Study meeting should be convened.

- 7.2 Level 3 procedure is implemented where serious or persistent concerns are raised about a student's engagement or where their actions that are putting the health, safety, wellbeing or academic progress of themselves or other members of NMITE community at significant risk.
- 7.3 The Level 3 meeting will be arranged within 2 working day of the decision to move to Level 3 of the procedure, (see [Student Fitness to Study Templates.docx](#) for invite template). The Fitness to Study meeting panel comprises the Director of Registry and Student Life (who acts as chair), Head of Learning and Teaching or a nominee, and another senior member of staff who act as Panel members. These could include:
- i. another senior member of Student facing department; and/or
 - ii. another member of senior academic staff.
- 7.4 The student will be invited to the Level 3, Fitness to Study meeting by the Chair of the Panel or a nominee and advised who the level 3 Panel members will be and that they are entitled to be accompanied by a person to support them through the meeting (e.g., friend, family or if appropriate, mental health worker). Normally, no more than one person may support a student in this way.
- 7.5 The Fitness to Study Policy will be shared with the student. The student is provided with records of any previous meetings under this procedure and any action plans are available at the meeting. The student is requested to confirm their attendance in advance and the identity and role of the person accompanying them at the meeting. NMITE reserves the right to hold the Fitness to Study meeting in the student's absence should the student be unable or unwilling to attend.
- 7.6 Where possible, the student is asked to provide medical or other evidence from a suitably qualified professional in advance of the meeting which sets out a qualified opinion on their fitness to study with NMITE. If the student does not agree to provide this evidence or consent to NMITE, the Panel will proceed to consider the case on the basis of the existing evidence available to it.
- 7.7 If any reasonable adjustments are in place, the Chair of the Fitness to Study Panel will request a report from a nominee of the Reasonable Adjustment Panel to ascertain if further adjustment may be appropriate or whether the limits of reasonableness have been reached at that time.
- 7.8 The panel determines whether the student's fitness to study is compromised or may become compromised and any actions to be taken. Such actions may include (but are not limited to):
- i. an enhanced action plan based on the existing action plan from Stage 2, where possible with the agreement of the student, setting out how the matter is to be managed and any requirements to be placed on the student

- (for example, in respect of their future engagement or support they need to seek)
- ii. advising the student that they take a leave of absence.
 - iii. advising the student that they voluntarily withdrawn from the programme.
 - iv. NMITE placing the student on a leave of absence which may be with immediate effect.
 - v. NMITE withdrawing the student, which may be with immediate effect.
- 7.9 If the recommendation is that of an enhanced Action Plan, the student is provided with a copy of this action plan with 2 working days. A date is to be arranged at which the action plan will be reviewed by the Panel within 10 working days, including a possible outcome if the student is not adhering to the action plan.
- 7.10 In preparation for the review meeting the Chair of the Panel will refer back to staff who have been identified within the action plan to seek evidence of progress or improvement from the student.
- 7.10 The Chair of the Fitness to Study Panel will inform the student of the panel decision in writing within 2 working days including details of the appeals procedure. The decision to advise the student to take leave of absence or withdraw will normally be conveyed to the student by the Director of Registry and Student Life or a nominee in person and in writing.
- 7.11 If the agreed recommendation is for an enhanced Action Plan, the Chair of the Fitness to Study Panel (or nominee) will hold a formal review meeting of the Level 3 enhanced action plan that will take place within 10 working days of the Level 3 meeting; they will make a recommendation in writing to the Panel. Recommendations may include:
- i. the student followed the action plan, and no concerns about the student's fitness to study remain.
 - ii. student is engaged with the action plan and making progress in addressing concerns. In this case, further formal review meetings will be arranged, no further than 10 working days apart.
 - iii. the student is not currently well enough to continue their study but is expected to continue after a voluntary or enforced study break (Leave of Absence); or
 - iv. the student is currently not well enough to continue, and this is not likely to change in the foreseeable future and therefore the student should be given the option to voluntarily withdraw or NMITE may decide to withdraw the student.
- 7.12 On receipt of recommendation the Chair of the Fitness to study Panel will reconvene the panel in order to review the recommendation from the Level 3 enhanced action plan review meeting. The outcome will be communicated to the student within 2 working days and will be one of the following:

- i. The action plan and the case will be closed.
 - ii. The action plan will continue with monitoring and review by an identified member of staff previously involved in the Fitness to Study procedure. This should also include suggestion of improvements or changes and guidance and any support in place going forward. Review date of the support can be agreed. (monitoring period / extension of the action plan)
 - iii. advising the student that they take a leave of absence.
 - iv. advising the student that they voluntarily withdrew from the programme.
 - v. NMITE placing the student on a leave of absence which may be with immediate effect.
 - vi. NMITE withdrawing the student, which may be with immediate effect.
- 7.13 In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, under the Student Disciplinary Policy a student may be suspended with immediate effect. In such a case Disciplinary Policy will take priority over the Fitness to Study Policy but will take into consideration relevant documentation collated during the Fitness to Study procedure.
- 7.13 If the agreed recommended action is a voluntary or enforced leave of absence or withdrawal of studies, the Chair of the Fitness to Study Panel (If nominee) will inform the Director of Registry and Student Life who will follow the formal procedure to interrupt or withdraw the student.
- 7.14 Compulsory leave of absence or withdrawal of studies through the Fitness to Study procedure will only be recommended in the most serious of cases, and when it is reasonable and feasible due to a student's lack of ability and/or unwillingness to engage with the procedure or continued unsatisfactory academic progress. Recommendation to take leave of absence from studies is intended to give the student time away from studies to address personal circumstances, in order wherever possible to return to the programme and resume study.
- 7.15 The minutes of the Fitness to Study panel and the outcome are available to all in attendance and are kept securely by the Director of Registry and Student Life.

8. Return to Study

- 8.1 The student's return to NMITE following a leave of absence at the Level 3 is not automatic. After a break in study the student under this policy, the student will need to attend a compulsory Return to Study meeting. The meeting will be convened by the Student Services Manager or nominee and will include the Personal Tutor.
- 8.2 The student needs to demonstrate that the circumstances under which they were granted the leave have been resolved and that where applicable any conditions of re-engagement have been met.
- 8.3 The return to study meeting will review the student's wellbeing to ensure that the student is well enough to successfully return to their studies. This will require the

student to provide medical evidence from a recognised independent health professional (e.g., General Practitioner, mental health professional) with sufficient knowledge about the health and wellbeing of the student during the period of interruption, the demands of higher education study, and the potential impact that returning to study might have on the student. Such a review will be taken by the Student Services Manager who will make a recommendation to the original Fitness to Study Panel, the Panel will need to be satisfied that the student is fit to re-register.

8.4 It may be necessary to impose conditions upon return to study and consider any support and/ or reasonable adjustments which should be put in place. The decision will be notified to the student in writing within 5 working days, with reasons.

8.6 In some rare occasions such as:

- i. when a student is unwilling to engage with the return to study procedure. and/or
- ii. where inadequate evidence about their health and wellbeing and overall capacity to return to re-engage with their studies was provided

the Fitness to Study panel can recommend the termination of the student's study.

8.7 NMITE will issue the student a letter called a "Completion of Procedures Letter" (COP) when the student has reached the end of the Fitness to Study procedure and there are no further steps the student can take internally. More details about COP letters and when the student should expect to receive one can be found [here](#).

9. Appealing the outcome

9.1 Students may raise a written appeal to the Academic Director against the outcome of Level 3 on this procedure within 10 working days of the date of notification on one or more of the following grounds:

- i. NMITE has failed to follow its own procedure adequately.
- ii. the decision is unreasonable and/or a disproportionate sanction has been imposed.
- iii. the student has material new information/evidence which was not reasonably available before.

9.2 Students should lodge an appeal by submitting a written statement detailing the grounds for request to cao@nmite.ac.uk. Within 5 working days of the receipt of the appeal, the Academic Director considers the appeal submission and determines whether there are valid grounds to appeal.

9.3 Where there are valid grounds to appeal, the appeal will be progressed by the Academic Director or their nominee. The student will be informed by the Academic Director and advised that the outcome of the appeal will be notified to the student

in writing together with reasons within 15 working days of determination of the appeal.

- 9.4 The Academic Director or their nominee considers the evidence provided and determines the outcome of the appeal, making one of the following decisions:
- Dismiss the appeal; or
 - Uphold the appeal and;
 - refer the matter back to an earlier level of this Procedure for reconsideration and/or
 - Impose an alternative sanction or action
- 9.5 Once the student has been informed of the outcome of the appeal, the matter is closed and concludes this procedure.
- 9.6 NMITE will issue the student a letter called a "Completion of Procedures Letter" (COP) when the student has reached the end of the Fitness to Study procedure and there are no further steps the student can take internally. More details about COP letters and when the student should expect to receive one can be found [here](#).
- 9.7 If the student is dissatisfied with the final outcome of NMITE's internal procedures, they may be able to complain to The Office of the Independent Adjudicator (OIA), provided the complaint is eligible under OIA rules, that the internal procedures have been concluded and the Completion of Procedures letter has been provided.
- 9.8 Information about the role of the OIA and the procedure for submitting complaints can be obtained from the OIA website: www.oiahe.org.uk

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