



Fitness to Study Policy

September 2023

To be reviewed in September 2024

Table of Contents

| | | |
|------|------------------------------------------------------------------|---|
| 1 | Introduction..... | 2 |
| 2 | Purpose and Scope | 2 |
| 2.01 | Support for Students during the process..... | 3 |
| 2.02 | Confidentiality..... | 3 |
| 3 | When should the fitness to study/attend procedure be used? | 4 |
| 3.01 | Stage 1..... | 5 |
| 3.02 | Stage 2..... | 5 |
| 3.03 | Stage 3..... | 5 |
| 4 | Return to Study after Level 3 intervention..... | 7 |
| 5 | Appeal’s Procedure | 7 |
| 5.01 | Right of appeal | 7 |
| 5.02 | Medical Evidence | 8 |
| 5.03 | Notifiable Diseases..... | 8 |

1 Introduction

The Islamic College strives to create a nurturing learning environment that encourages full participation and diverse student experiences. It is expected that students will behave responsibly, considering their own well-being as well as the welfare of others in the College community. The Islamic College acknowledges potential challenges or conditions which may impede the fulfilment of its obligations and academic goals for some individuals; such cases warrant additional support services when necessary.

The Islamic College provides a range of support services that help students in its academic community deal with aspects of student life that can inhibit learning. These support services do not equate to those provided by medical/therapeutic services such as those offered within the NHS, as the Islamic College is primarily an educational institution. The Islamic College recognises that there are sometimes circumstances where it is in the best interest of a student and of the community to suspend or terminate the right to attend and/or study.

This policy is not meant to be punitive. It describes how the Islamic College will discharge its duties of care in response to concerns about students' fitness to study and/or attend. It enables the Islamic College to respond appropriately to situations where there are substantial concerns about a student's welfare and/or their impact on the safety or welfare of others.

In applying this policy, the Islamic College will keep the students at the heart of the process, make every effort to involve them at every stage and communicate in a clear and timely fashion about how the process is progressing. To support students through the policy, the Islamic College has, through the role of the Safeguarding Office, ensured that students who are being considered under this policy can feel confident and safe in seeking support from appropriate services.

2 Purpose and Scope

The Fitness to Study policy intends to address concerns that a student's health is:

- disrupting their own studies
- disrupting the studies of others; or
- is placing unreasonable demands on staff or other students.

The term "fitness to study", as used in this policy, encompasses all aspects of the College life and not just the student's ability to engage with their studies. The College seeks to maintain an environment which is safe and conducive to teaching, learning and research and the well-being of all.

The policy allows for an agreed way for the student to continue their studies with appropriate support or to take a break from their studies without academic consequences until they are fit to return to study.

The College has a responsibility to ensure a safe and comfortable environment for staff and students and so in the rare circumstance in which a student is not in a position to identify their own deterioration in health or wellbeing the policy will allow the College to intervene for the wellbeing of the student and the wider College community. The Fitness to Study Policy may be used in cases where a health condition has not been diagnosed or when the College has not been notified of the diagnosis. Depending on the level of concern, the Students' Safeguarding Office will invoke the Fitness to Study policy at any of the three levels detailed below.

All actions under the Fitness to Study policy will be guided by the following principles:

- To act in a fair and proportionate manner when dealing with vulnerable individuals;
- To consider relevant professional advice and guidance where appropriate; To comply with legal duties and responsibilities;
- To safeguard the needs of staff and students affected by inappropriate behaviours;
- To consider the impact of any breaks in study holistically and provide appropriate, advice, information and guidance to those concerned.

This policy is complementary to, but does not replace, the disciplinary rules or the Safeguarding policy.

2.01 Support for Students during the process

Students with physical or mental health difficulties will be encouraged to avail themselves of support from the Safeguarding Officer & Counselling facilities at the Islamic College.

Students may invite a friend, family member or an adviser from the Students' Council to accompany them to any meetings and / or the Fitness to Study Panel. The Islamic College welcomes relevant Healthcare or Social care professionals who wish to accompany students to Fitness to Study meetings. Any other representative (such as a Legal Adviser) would not usually be allowed without express advance permission. Students are required to inform the college of anyone who will be accompanying them. To avoid a potential conflict of interest, members of staff may not accompany students or act as the student's representative during the Fitness to Study process. Students with disabilities may be accompanied by a Support Worker if required.

2.02 Confidentiality

When the Fitness to Study Policy is invoked, the Islamic College will take account of the rights of the student under the Equalities Act 2010 and GDPR 2018 regulations. Staff will act with regard for the expectation of an appropriate level of student confidentiality. Any personal information that is disclosed will be handled and stored as sensitive data in accordance with the requirements of GDPR 2018.

If the student chooses not to provide their consent, this decision should be respected in most instances. In this scenario, the implications of nondisclosure in terms of additional support should be made clear. However, there exist rare occasions when the student's consent is

withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

- When the student's mental health has deteriorated to the extent of threatening his/her personal safety;
 - When the student is at risk of serious abuse or exploitation.
 - When the student's behavior is adversely affecting the rights and safety of others;
 - Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed);
 - Where the student is either under 18 years or a vulnerable adult (see MU University Safeguarding Policy).

Staff should first consult with the Safeguarding Officer if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

3 When should the fitness to study/attend procedure be used?

Most student difficulties can be addressed under the existing Islamic College policies, in particular the Student Support & Wellbeing Policy. However, in cases where a student displays signs of serious medical, psychological or emotional problems and it is clear that a decision needs to be made about the student's fitness to study, then this should be undertaken with reference to:

- their ability to meet the reasonable academic requirements expected of a student on the Programme concerned; and/or
- their ability to meet the necessary social and behavioural requirements for a student within our academic community.

The Fitness to Study/Attend procedure may be applied when allowing for any adjustments required under equality legislation:

- there are significant concerns about a student's ability to fulfil academic progress requirements without serious detriment to their own physical or mental health or the safety and wellbeing of other members of the Islamic College community.
- other support processes within the Islamic College have been offered and have been exhausted.
- student has been detained under a section of the Mental Health Act 2013, taking into account considerations of capacity and the student's involvement in the fitness to study/attend procedure.

3.01 Stage 1

Emerging or initial concerns about an individual student's health, behaviour or mental wellbeing and the impact this has are raised.

The student will be called in for a meeting convened by the Safeguarding Office:

- Student
- College Counselor

The Counselor will advise the Safeguarding Office on suitable support avenues and help relevant colleagues to decide on reasonable deadlines for action to be achieved by:

- providing a written action plan to address the concerns raised outlining how these might be achieved.
- agreeing to a review period, which will normally be a period of at least 2 weeks.

If, at the review meeting, there is no change or the situation cannot be resolved at **Stage 1**, then **Stage 2** of the process should be invoked.

3.02 Stage 2

Continued and on-going significant concern about a student's health, well-being, behaviours, safety and/or ability to study and where Stage 1 has already been implemented or is judged to be inappropriate or unnecessary.

The student is invited to attend a meeting involving:

- Safeguarding Officer
- Student
- College Counselor
- Representative from Registry

During the meeting the current situation should be outlined to the student, highlighting where the student has not managed to follow the action plan and giving them an opportunity to respond.

- a further written plan of action should be agreed.
- an additional review period will be agreed upon, which will normally be a period of at least 2 weeks.

If the matter has not been resolved by the review meeting, Stage 3 should be invoked.

3.03 Stage 3

In cases where there are serious or persistent concerns about a student's health, well-being and/or behaviours, safety and/or ability to study and cope at the Islamic College or where there are considered to be serious concerns about risk to the student and/or others,

The Principal will be informed, by the Safeguarding Officer about the circumstances of the students concerned. The Principal will call a Case Assessment Team consisting of:

- Principal
- Safeguarding Officer
- Student
- College Counselor
- Representative from Registry

The Case Assessment Team will hold a discussion of the case and agree actions, which will be captured in an enhanced written Action Plan to include:

- a date for review
- support for the student
- agreed measures relating to the student adhering to the action plan and engaging with the procedure
- an account of the consequences of the failure of the action plan, which may include recommendation for Leave of Absence, suspension of studies, or other measures as deemed appropriate by the Case Assessment Team.

If the student is too unwell or declines to attend the meeting for the Case Assessment Team, Mental Health Services and assistance could be sought from Brent Council's Adult Safeguarding. This steps/plan of action suggested by the members of the 'professionals meeting' will be formally communicated as soon as practically possible to the student.

In the event that a student's registration is suspended or a Leave of Absence is agreed as the result of the process of assessing the student's Fitness to Study/Attend, they will be required to demonstrate that they are fit to return to study. In order to fulfill this obligation, the Islamic College requires certification from the Islamic College Counselor Advisor concerning the student's physical/mental health and level of functioning. This is expected to follow a full consultation in which the student and the Counselor Advisor discuss the reasons for the Leave of Absence/suspension, the student's current state of health, and the coping strategies the student expects to employ in their return to study. It is recognised that the Islamic College's Counselor Advisor may also need to contact other professionals involved in the student's care to form a clear view of the student's ability to return to study. Awaiting this certification should not preclude planning for a return.

Decisions regarding a student's return to study following either a Leave of Absence or suspension of studies should be made with the student's involvement where possible. If the student is not able to be present or involved, the student must be informed in writing of any proposals with relevant records held by the Academic Registrar's office to ensure the oversight of the process.

The Return to Study Plan will normally outline what the Islamic College proposes to provide in the following areas:

- academic support for the transition period and, where appropriate

-
- disability transition support
 - accommodation advice and support
 - the College's transition advice and support.

Appeals will follow the procedure outlined for appeals against disciplinary suspensions, exclusions or terminations under the Regulations highlighted in the Disciplinary Policy.

4 Return to Study after Level 3 intervention

It is envisaged that, after whatever time is required and is allowable within the Islamic College's Policies regarding completion of a particular academic Programme, a student covered by this policy could feel ready to return and engage with their studies. After a period of suspension on health grounds, the decision as to whether or not to permit the student to return to study will be made by the relevant academic faculty, having taken advice from the Safeguarding Officer.

Each case will depend upon the specific circumstances and the context out of which concern arose but in all cases, return to study will be dependent upon:

- satisfactory medical evidence of fitness to study; an assessment of need to determine what support is deemed necessary; an assessment of the benefit of the suggested support and whether this can be reasonably provided.

Evidence submitted should be from a recognised health professional who has sufficient knowledge of the nature and extent of the student's medical situation and the concerns that led to the student's withdrawal or suspension, and is able to make an informed statement of the student's fitness to study.

Upon taking the decision to permit a student to return to study, the academic faculty is responsible for informing the Fitness to Study Panel. This is to allow the Student Safeguarding Office to engage the student in the process that ensures that the relevant financial and types of support are put in place for the student's return.

If it is not immediately clear to the academic faculty that returning to study is appropriate for the student, the decision should be re-referred to a Stage 3 Fitness to Study Panel.

5 Appeal's Procedure

5.01 Right of appeal

A student aggrieved by a decision to recommend suspension, has the right to appeal to the Principal or his nominee within 10 working days, giving the grounds for the appeal. The Principal or his nominee shall consider the appeal and decide whether to uphold or amend the recommended decision.

The decision of the Principal or his nominee shall be final. These procedures are now complete, opening the way for the student to approach the Office of the Independent Adjudicator (OIA). The student should write, within three months of receiving notification, that the internal

procedures of the Islamic College have been completed to: the OIA, Third floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA, United Kingdom. They should enclose a copy of the final decision of the Islamic College and state the reasons for seeking redress from the Higher Education Independent Adjudicator. Email enquiries may be sent to enquiries@oiahe.org.uk. The website address is www.oiahe.org.uk

5.02 Medical Evidence

Before the initial study meeting is initiated for a programme, the student who seeks support may be asked to provide evidence of a recent medical assessment so that the College can accurately assess the fitness to study. This medical evidence should state:

- nature and extent of any medical condition from which the student may be suffering;
- prognosis of the issues concerning the student;
 - The extent to which it may affect his/her fitness to study and its impact on the student's life;
 - Any impact it may have on or risk it may pose to others;
- Whether any additional steps should be taken by the College, in the light of the medical condition, to enable the student to study effectively;
 - Whether the student will receive any on-going medical treatment or support.

Any cost incurred in obtaining this medical evidence will be borne by the student. Exceptionally the College may request that the student attend an independent medical assessment which will be arranged by and funded by the College. If the student declines to provide medical evidence, the College will come to a decision based on the available information or alternatively may address the issue under a different policy, for example, the discipline rules.

Should the medical evidence state that the student is fit to study it will be the decision of the Fitness to Study Panel as to how much weight should be given to the medical report and to conclude, based on all available evidence, whether the student is fit to study.

5.03 Notifiable Diseases

Students are asked to disclose contagious/transferable infections/diseases to the Safeguarding Officer so that this may be managed in a safe way. Such disclosure will be treated confidentially at all times. In the event that the College becomes aware that a student has contracted a notifiable disease, the student will be suspended from the College with immediate effect. Re-admission to the College will be on the basis of certified medical evidence. Student Finance and Suspension

It shall be the student's responsibility to inform the Student Loans Company (www.slc.co.uk/), sponsor, tutor or any other relevant person/group of any suspension, interruption or withdrawal.

If the student is required to interrupt, suspend, or withdraw from their studies, they shall be referred to the college's Finance Department to design a financial plan with the college. Students who are required to or choose to interrupt their studies need to be advised of the implications of their decision, including their liability to pay the tuition fees and the impact on their funding from

the Student Loans Company.

Supporting Members of Staff, The Safeguarding Officer, The Registry, Dr Mesbahi as the Islamic College link tutor or Dr Siebers as Middlesex University link tutor.