

Procedure 6.11

Fitness To Study

1. Introduction

Fitness to study relates to a student's capacity to perform satisfactorily as a student, in relation to their academic studies at London Film Academy (LFA). LFA is committed to supporting student wellbeing and will take action, based on appropriate evidence or concerns, to manage any risks or danger to the student or to others (such as LFA students/staff/tutors), for a pro-active approach to physical and mental health.

The purpose of this procedure is:

- to provide a suitable and coordinated response by LFA staff in circumstances where it is considered inappropriate to apply disciplinary procedures
- to encourage early intervention and active collaboration between all staff in managing situations where there are concerns regarding fitness to study
- to provide a consistent and sensitive approach to the management of situations which may require different levels of response according to the perceived level of concern.

A student's fitness to study may be a cause for concern as a result of a wide range of circumstances, such as:

- The student has told a member of staff that they have concerns about their fitness to study,
- concerns about a student's fitness to study are raised by people whom LFA considers to be relevant, whilst the student is at LFA or whilst engaged in LFA external activities such as placements or field trips.
- The student's academic performance or personal conduct is not acceptable and is thought to be the result of an underlying physical or mental health problem.
- The student's disposition is such that it indicates that there may be a need to address an underlying mental or physical health issue,
- A student's health difficulties are adversely affecting the health, safety, or wellbeing of others,
- Behaviour which would usually be dealt with as a disciplinary matter, which may be known to be or suspected to be the result of an underlying physical or mental health difficulty.

LFA also has a [Student Disciplinary procedure](#) and there may be occasions where a student comes under both the Fitness to Study and Disciplinary procedures at the same time. Depending on the individual circumstances of each student case, LFA reserves the right either to suspend one procedure until the outcome of the other is complete, or to decide not to pursue one in favour of the other, or to use the Fitness to Study procedure if it is believed that the circumstance is because of an illness or disability.

2. Fitness to Study Procedure Stages

This procedure sets out three levels of intervention which may be appropriate depending on the assessed level of risk to the student's health and wellbeing, or to other members of our LFA community.

It is possible to enter the process at any of these three levels, progress through some or all levels, or return to a lower level of intervention. Resolution can occur at any level.

The stages are;

- Stage One – Informal
- Stage Two – Case Review Panel
- Stage Three – Fitness to Study Panel.



Stage One – Informal

Once concerns have been raised about the student, a member of staff, such as the Personal Tutor or Course Leader, may approach the student and explain to them, in a supportive and understanding way, that concerns about their fitness to study have emerged. The student will be made aware of the precise nature of the behaviour that has caused the concern. The member of staff will attempt to resolve the matter by informal discussions with the student. The student should be encouraged to explain their views on the matter.

The member of staff will discuss with the student whether any specific academic arrangements or other types of support could be applied to help the student to study more effectively. It is anticipated that in most cases the concerns can be resolved informally at this stage and that the student will engage with this process and access the support services that are available to them.

Any plans agreed between the member of staff and the student will be confirmed in writing to the student. A review period will be established by agreement between the student and member of staff if possible. At the review meeting the steps taken to address the concerns will be discussed. Further meetings may be scheduled to monitor the situation and progress made by the student. The member of staff will help the student access the support available to them to enable them to continue with their studies and engage in their studies. It is expected that the student will take personal responsibility and fully engage with the support recommended by staff.

If the concerns have not been addressed, support has not been sought and the member of staff feels that the progress has not been made, the case can move on to Stage Two or to Stage Three if the case is deemed sufficiently serious.

Stage Two – Case Review Panel

If action taken under Stage One has not been successful or if the concerns raised are too serious to be dealt with informally, Stage Two can be invoked.

A meeting of the Case Review Panel can be convened by the Head of Courses who will chair the Panel. The other members of the Panel may consist of:

- The student's Course Leader
- The student's Personal Tutor
- Other support staff involved in the case such as an LFA designated external Counsellor, where relevant.
- A senior member of the LFA HR team.

Before the Case Review Panel meeting, medical assessment may be sought, usually from the student's GP or medical practitioner. The student will be encouraged to consent to the assessment or for LFA to gain access to the relevant medical expert. A long-term medical relationship such as with the Student's own GP, or a medical expert who has consistent knowledge of the case and has met the student face to face, is ideal, to ensure the quality of information received is suitable for LFA to review and make a recommendation on the case. If no consent is given by the student, LFA will have to make a reasonable and proportionate decision based on evidence provided.

LFA may write a letter with specific questions (to fulfil our duty of care to ensure fitness to study or to make any reasonable adjustments) by seeking expert medical opinion from the student's GP or external medical expert and/or Occupational Medical Health professional assessment for specialist advice.

The student will be able to submit documents for LFA to consider and will be given a copy of the documents seen by the Case Review Panel.

The student may request to attend all or part of the Case Review Panel meeting. The Chair of the Case Review Panel can make the decision on the student attendance at the Panel. If the student does attend, LFA will decide prior to the panel if the student may bring an LFA approved student



colleague/representative with them to the meeting if this is considered to be relevant. Written invites will be sent to the student and to anyone accompanying them, explaining the procedure and protocol for a face to face, or by video conference, Case Review meeting. If any of the meeting is recorded on video or audio, this will be pre-framed and discussed beforehand by LFA, at its decision to do so, by communicating this to all parties.

Any relevant information and documents from the student should be provided in writing at least three working days prior to the Case Review Panel meeting, wherever possible, unless risk necessitates a more urgent response.

The Chair of the Course Review Panel will send a letter to the student after the meeting setting out any decision made and the reasons for the decision. The Panel will order its proceedings as it sees fit and may call witnesses if necessary. Written summaries of Case Review Panel meetings will be provided by LFA within reasonable time following the meeting. A copy will be given to the student, providing them the opportunity to add any notes or comments in writing. Both sets of notes will be kept with case review notes adhering to LFA protocol on confidentiality.

The outcomes available to this Case Review Panel are:

- No further action required.
- To recommend a specific academic arrangement to be put in place which may include a suspension of studies. Such recommendations should be agreed by LFA and the student. If the student does not agree, the case will move on to Stage Three.
- To monitor the student formally for a specific period of time. A written action plan will be agreed with the student detailing any steps the student will need to take and the support to be provided to the student. Regular review meetings will be arranged with the student and a nominated member of staff. The student will be made aware of what will happen if the action plan is breached, which could lead to the case moving to Stage Three.
- To refer a case to a Fitness to Study Panel, under Stage Three of this procedure. This will be appropriate in serious cases, for example, where there is evidence of a serious risk to the health and safety of the student or others in the LFA community. This course of action would be used when it is considered that temporary suspension, permanent exclusion or withdrawal may be the appropriate course of action or if the student has not agreed to a recommendation or action plan made under Stage Two.

Stage Three – Fitness to Study Panel

This stage will only be invoked following a referral from the Case Review Panel or if the Head of Courses, in consultation with the Head of Academic Governance, decides the case is sufficiently serious and urgent to warrant an immediate referral without consideration of Stages One and Two.

Please note that LFA will do whatever it takes if faced with evidence of threat or emergency danger of life or death/risk such as calling emergency services/medical experts or others, which may override normal strict confidentiality, depending on circumstances of case.

The Head of Academic Governance can convene a Fitness to Study Panel to consider the case and will act as Chair of this panel. The other members of the Panel may consist of:

- Head of Courses
- The student's Course Leader
- The student's Personal Tutor
- Other support staff involved in the case such as an LFA designated external Counsellor, where relevant.
- A senior member of the LFA HR team.

The student must submit documents for the Panel to consider no later than at least three working days prior to the Panel meeting, and will be sent a copy of any documents seen by the Panel. The Panel may order the proceedings at its discretion and may call witnesses if required. The Panel may request further medical evidence via the student, with their permission or consult directly with the appointed medical



expert nominated by the student, again with their permission. The Chair and Senior HR will decide if the medical information is sufficient to be able to make a reasonable decision or if more details are required to be able to make a recommendation. A long term medical relationship such as with the student's own GP is ideal, or a medical expert who has consistent knowledge of the case and has met the student face to face for example.

LFA may write a letter with specific questions (to fulfil our duty of care to ensure fitness to study or to make any reasonable adjustments) by seeking expert medical opinion from the student's GP or external medical expert and/or Occupational Medical Health professional assessment for specialist advice.

The student may request to attend all or part of the Fitness To Study Panel meeting. The Chair will make a decision regarding whether the student should attend. If the student is invited to attend, they will have the right to bring an LFA approved student colleague/representative to the meeting. Written invites will be sent to the student and to anyone accompanying them. The Chair of the Fitness to Study Panel will send a letter to the student after the meeting setting out any decision made and the reasons for the decision. If the student is not invited to attend, they may nominate a suitable representative to observe the process, such as a student colleague/representative.

The Panel will make a recommendation to one of the Joint Principals who has not been previously involved in the case. Possible recommendations may include:

- A temporary suspension to allow the student to be assessed by a medical professional, access support services both within and outside of LFA to obtain further information. The temporary suspension will be reviewed within three weeks.
- Suspension with conditions for a period up to 12 months. A student who is suspended from LFA may be prohibited from participating in LFA activities and may either be prohibited from entering the premises or have restricted rights to enter the premises. The terms of the suspension will be notified to the student in writing, depending on the circumstances of the case. The decision to suspend a student shall be reviewed as necessary by the Panel.
- Exclusion or requirement to withdraw – if the Panel concludes, taking into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the student re-engaging with their course in the short to medium term a recommendation will be made to one of the Joint Principals who has not previously been involved with the case that the student is permanently excluded or required to withdraw. This recommendation should only be made in the most serious cases.
- Any other action considered to be appropriate and proportionate.

3. Returning to study

The Panel that made the recommendation regarding a temporary suspension, or as many members of the original Panel as possible, will be reconvened to consider whether the student is fit to return to study.

Further medical evidence may be requested from the student which considers their ability to fully engage with their studies and meet the requirements of the course. A student will only be permitted to return if, after receiving the medical evidence or advice, the Panel is satisfied that the individual is fit to study.

If a student agreed to suspend studies under Stage Two, the Case Review Panel that originally considered the matter can make the decision regarding a return to studies without referral to the Joint Principals if it is satisfied that the student is fit to return.

If one of the Joint Principals made the decision to suspend or exclude the student under Stage Three on the recommendation of the Fitness to Study Panel, then the Panel should reconvene to consider whether the student is fit to return to study and make a recommendation to the other Joint Principal who was not previously involved in the case, who will be the one to make the final decision based on the Panel's recommendation.

Where a student returns to study after a temporary suspension under this procedure, the relevant panel 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 written action plan. It is expected that the student will take personal responsibility for fully engaging with this support.

4. Appeals

The student may appeal to LFA against the decisions made at Stage Three – temporary or longer-term suspension or longer-term exclusion/withdrawal from the course. A letter or email setting out the grounds of appeal should be addressed to the Chair of the Governance Board on the following email address - LFAGovernance@londonfilmacademy.com. The letter should be received within 21 days of the date on which the order for suspension or the requirement to withdraw was made. The procedure of an appeal will be the same as that set out in [LFA Procedure 6.6 Complaints](#).

At the end of this process a Completion of Procedures (COP) Letter is issued to the student. This letter lets the student know they have reached the end of the LFA's internal process and there is no further avenue for the student internally.

5. Office of the Independent Adjudicator (OIA)

If a student remains dissatisfied with the final outcome and all of the above are complete, they may request an independent review of their case by the Office of the Independent Adjudicator for Higher Education:

Office of the Independent Adjudicator

Second Floor Abbey Gate,
57-75 Kings Road,
Reading
RG1 3AB

Telephone: 01189 599813

Email: enquiries@oiahe.org.uk,

Website: www.oiahe.org.uk Please be aware that under normal circumstances a student cannot file a complaint to OIA without a COP letter.

