

IBC Fitness to Study Policy & Procedures

1.0 Purpose

- 1.1 International Business College Manchester aims to provide students with a positive enjoyable and rewarding learning experience, where there are no barriers to student success and progression. Whilst studying at IBCM, students will work and study in close proximity to each other and, whilst some students will find this easy and enjoyable, others can find it more challenging.
- 1.2 In order to maintain the quality of life within the college, there are certain standards of behaviour and conduct which all students are expected to abide by. These are set out in policy documents provided to all students. The Disciplinary Policy sets out the ways in which breaches of the policy and behavioural standards (including both academic and non-academic) will be dealt with. However, it is recognised that there may be situations where disciplinary action is not appropriate, in particular where episodes of behaviour may arise from issues relating to a student's health and wellbeing. The purpose of this document therefore is to be supportive of students who face difficulties that may result in their actions or behaviour giving other students, or staff members cause for concern. *(Nevertheless, IBCM reserves the right to initiate conduct procedures if appropriate at any time before or during the use of this policy)*
- 1.3 IBCM will take account of relevant legislation such as the Human Rights Act, the Equality Act 2013, the Mental Health Act, Data Protection Act etc.

2.0 Scope

- 2.1 This policy applies to all students enrolled at IBCM.
- 2.2 The term "fitness to study" as used in this policy relates to the entire student experience and not just their ability to engage with their studies. This will include all learning settings plus any other contexts in which students of IBCM interact with other members of the college and Berlitz language school, and generally with the public more broadly.

3.0 Responsibilities

- 3.1 **Students** are responsible for abiding by college regulations and for advising appropriate staff of any issues which may affect their ability to interact positively and courteously with other students, staff and members of the public.

- 3.2 Academic Manager** will liaise with tutors/programme leaders when concerns are identified in respect of student behaviour which may be related to health and wellbeing issues. The Academic Manager will liaise with the Welfare Officer/Principal as appropriate.
- 3.3 The Welfare Officer** in conjunction with the Academic manager will offer support to the student when concerns exist around a student's fitness to study and will respond to these/escalate to the Principal/Executive Committee as appropriate
- 3.4 The Principal** (acting as Head of Wellbeing) will be responsible for liaising with the Academic Manager/Welfare Officer and, in agreement with the student, identifying appropriate actions to take, including contact with the next of kin, and instigation of formal procedures if appropriate
- 3.6 The Executive Committee, reporting to the Board of Governors** will be responsible for conducting formal procedures and making the decision on the outcome of the implementation of this policy.

4.0 Reason for use of this policy

- 4.1** A student's fitness to study may be brought into question for many reasons and in a wide range of circumstances. These can include:
- The student has advised a member of IBCM staff that they have a physical or mental health issue which indicates there is a need to question their fitness to study.
 - Serious concerns emerge about the student from a third party (such as another student member of the public, medical professional etc) which indicate that there is a need to question their fitness to study
 - The student's health problems, or inability to manage their own health and safety are (even with reasonable adjustments made by the college) disrupting their own and/or the studies of others, or the ability of staff to undertake their duties.
 - There is evidence to suggest that the student may have a condition which is having a significant impact on their health and / or which causes them to have difficulty responding to adjustments of a reasonable nature, but the student does not accept this evidence or demonstrate an awareness of their condition.
 - The student exhibits behaviour which would otherwise be dealt with as a disciplinary matter, but which is considered may be the result of an underlying physical or mental health problem.

- The student's academic performance or physical conduct is not acceptable and this is thought to be the result of an underlying physical or mental health problem.
- The student appears to present a risk to themselves or others which contravenes health and safety legislation and the College's duty of care to its community.

5.0 Procedures

- 5.1 Staff members or students who have any concerns or who have been alerted to them by others, should seek advice about the appropriate first step and who should undertake it. The Principal may delegate responsibility to the Welfare Officer or to another senior staff member. A risk assessment will be undertaken, along with consultation with appropriate colleagues, to determine the best way to respond to a student's situation.
- 5.2 There are two levels of implementation of this policy. Depending on the severity of the situation and seriousness of any perceived risks, action may be initiated at either of the levels.
- 5.3 The first level is an informal stage. This would normally involve an appropriate member of staff approaching the student and explaining to them in a supportive and understanding manner that concerns about their fitness to study have emerged.
- 5.4 The second level is a formal stage. Action at the formal stage will be initiated when the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature, particularly if the student seems not to accept that their behaviour is inappropriate, or is not prepared (or able) to discuss a constructive response by themselves and the College to the apparent problems.

6.0 First Level: informal Intervention

- 6.1 As indicated in 5.2 above, normally the first stage of addressing a student's behaviour is that an appropriate member of staff would approach the student and explain to them in a supportive and understanding manner that concerns about their fitness to study have emerged. This is likely to be the Welfare Officer or Principal.
- 6.2 The student is to be made aware that the meeting is part of the Fitness to Study procedure and of the precise nature of the behaviour that has caused concerns to be raised, including, if appropriate, reference to perceived risk. The student should be given the opportunity to explain their views on the matter and demonstrate their understanding of the concerns presented to them and the reason for the meeting. The member of staff will attempt to resolve the matter through discussion with the student.

6.3 The student will be encouraged to take responsibility for their own wellbeing in the context of their fitness to study and will agree with the member of staff how this can be monitored. A review period will be agreed between the student and member of staff to allow the student time to consider their behaviour and the college to implement any agreed reasonable adjustments. Further review meetings can be arranged to ensure ongoing support.

6.5 All informal discussions should be documented by the member of staff.

7.0 Second level: Formal intervention

7.1 If action taken under the first level has not been successful, or it is felt that the case is too serious to be dealt with through an informal discussion, the formal proceedings can be instigated.

7.2 To instigate these proceedings, the member of staff who raised the concerns will inform the Principal and advise of any actions agreed at the informal stage.

7.3 The Principal will inform the student that the matter is now at the second level of the Fitness to Study Policy and invite the student to a meeting to discuss concerns raised

7.4 The student may be accompanied to the meeting (eg student representative, fellow student adviser etc but not an individual acting in a legal capacity); The Principal may also be accompanied by other staff as appropriate.

7.5 The purpose of this meeting is to:

- Make the student aware of concerns raised
- Hear and consider the students views
- Consider any steps the college can take to enable the student to continue their studies
- Ask the student to provide medical information relating to their fitness to study and
- Ensure the student is aware of the possible outcomes if the issues remain

7.6 The outcome of the meeting will either be (a) a set of actions agreed by mutual consent for the student to continue with their studies or (b) referral to a further meeting with a review group of Executive Committee representatives. (within 4 weeks)

7.7 The student will be asked to authorise full disclosure of any medical information (this information is recognised as “sensitive data” for the purposes of data protection at and will be handled, processed and stored accordingly).

7.8 Responses from this further meeting could include:

- No further action required
- To formally monitor the student’s progress for a specified period of time. An action plan will be agreed with the student, outlining steps they need to take

and/or support to be provided to help them address the concerns identified. Regular review meetings will be arranged with a designated member of staff. The student will be informed about the consequences of any breaches of the action plan.

- Alternative arrangements for study (potential part-time, hybrid study/remote study etc) be put in place. The student would need guidance on any possible financial implications and/or impact on visa status before agreeing to this change.
- To suspend or exclude the student from IBCM
- Any other action considered to be appropriate and proportionate

7.9 The student will be informed in writing of the decision and of their right to appeal this decision.

8.0 Return to Study

8.1 If the student has had approved time out or suspension on health grounds, they can apply to return to study. The review group will consider the application in conjunction with the Principal. The group will:

- Consider evidence that the student has complied with any conditions agreed as part of the Fitness to Study procedure
- Contact the relevant medical professional for an assessment of the student's ability to manage the demands of their study and for advice on any reasonable adjustments needed
- Ake recommendations about a return to study plan including regular reviews
- Permit the student to return if, after receiving medical advice and having introduced any reasonable adjustments, the college is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return

8.2 Where the student does return to study following implantation of the Fitness to Study procedure, regular review meetings will be arranged to monitor and support a return to study plan, including the effectiveness of any reasonable adjustments made. These meetings may continue for all or part of their time at the College.

9.0 Appeals

9.1 All action plans agreed during either the first or second level of this policy (prior to the formal review group meeting) will be implemented only with the consent of the student. A student cannot therefore appeal against decisions agreed at these stages, but can withhold consent.

9.2 Students can appeal the decisions made at the formal review group stage on one or more of the following grounds:

- They wish to present new evidence
- There was a procedural irregularity
- The decision is inappropriate in relation to the risk presented by the student to themselves and/or to others
- IBCM has failed to exercise its responsibility to introduce reasonable adjustments in response to the student's disclosed problems

9.3 If a student wishes to appeal they should write to the Managing Director setting out the grounds they wish to appeal and the details of the appeal.

9.4 If the MD believes that the appeal is totally without substance they can dismiss the appeal. Otherwise they will instigate the convening of an Appeals Committee which is to be made up of members of the Board of Governors and/or external representatives.

No member of the initial review group will be a part of the Appeal Committee.

9.5 The Appeal Committee shall decide whether to:

- Decline the appeal
- Uphold the appeal in full
- Uphold the appeal in part

9.6 If the Appeal Committee upholds the student's appeal in full or part, it will amend the decision of the review group and inform the student in writing.

9.7 The decision of the Appeal Committee will be final. The student will be informed in writing. The student can request the at their situation be considered by the Office of the Independent Adjudicator for Higher Education (OIA)

8.0 Reference Points

The following policy and procedure documents support the information in this policy:

- IBCM Student Charter
- IBCM Equal Opportunities Policy
- IBCM Disciplinary Policy
- IBCM Prevent and Safeguarding
- IBCM Student Welfare Policy
- Student Handbook

9.0 Version History

Version	26.1
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