

## **GBS Malta**

### **Fitness to Study Policy and Procedure**

#### **Contents**

- 1. Purpose and scope*
- 2. Definition of fitness to study*
- 3. Guiding principles*
- 4. Use of the Fitness to Study Policy*
- 5. Fitness to study and other policies*
- 6. Key responsibilities*
- 7. Confidentiality and data protection*
- 8. Procedures*
- 9. Appeals*
- 10. Overseas students*
- 11. Student finance and suspension*

#### **1. Purpose and Scope**

1.1 The Fitness to Study Policy and Procedure is intended to address concerns that a student's health is disrupting their own studies, 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 student life at GBS Malta and not just the student's ability to engage with their studies. GBS Malta seeks to maintain an environment which is safe and conducive to teaching, learning and study and the well-being of staff and students at all times.

1.2 This fitness to study policy is designed to allow 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 the student is deemed fit to return to study.

1.3 GBS Malta has a responsibility to ensure a safe and comfortable environment for staff and students. In the rare circumstances in which a student is not in a position to identify their own deterioration in health or well-being the policy will allow GBS Malta to intervene for the wellbeing of the student and the wider community. The Fitness to Study Policy may be used in cases where a health condition has not been diagnosed or when GBS Malta has not been notified of a diagnosis.

1.4 GBS Malta is committed to supporting and promoting the welfare of its students and is committed to the provision of a safe environment conducive to work, study and the enjoyment of a positive experience for all members of its learning community. GBS Malta will take all safeguarding concerns, including suspicions and allegations of exploitation, radicalisation, harm or abuse, seriously and will conduct a risk assessment as soon as possible. If a concern is found to be valid, GBS Malta will promptly make a referral to the relevant statutory authority, where appropriate.

1.5 This fitness to study policy and procedure is applicable to all students throughout their period of enrolment and study with GBS Malta, including students who may be

seeking a return to study and whose enrolment has previously been interrupted or suspended under this policy and its associated procedures.

## **2. Definition of Fitness to Study**

2.1 GBS Malta defines fitness for study as the ability to participate appropriately as a student and as a member of the GBS Malta community in its widest sense. GBS Malta expects its students to be able to live and work with others, and to conduct themselves in ways which do not have an adverse impact on other members of GBS Malta and its local community.

## **3. Aims of the Fitness to Study Policy**

3.1 The aims of GBS Malta's fitness to study policy are to ensure that students:

- Benefit from their programme of study and pursue it throughout their period of enrolment to ensure that they have a learning experience to enable them to successfully obtain the award for which they are registered.
- Do not in any way prevent, hinder or disrupt the learning experience and assessment of other students, staff in their discharge of their duties or academic pursuits, or visitors to GBS Malta from carrying out their required business

## **4. Use of the Fitness to Study Policy**

4.1 This Policy should be used in circumstances where a student's fitness to study gives cause for concern, for example, meeting with the Associate Dean, Programme Leader, member of teaching staff or Student Support Officer, where other policies and procedures are not considered appropriate at that time or have already been exhausted. Examples of such situations include (but are not limited to) those in which:

- there is evidence of significant non-engagement by the student with his/her studies, which have not been satisfactorily addressed through other interventions and processes
- a student's support needs are beyond the type or level of support which GBS Malta can reasonably be expected to provide (including, but not limited to, the student's health, wellbeing and financial needs)
- a student's behaviour is adversely affecting the activities of GBS Malta or, where appropriate, a placement provider
- a student is perceived to pose a risk to his or her own or others' (students and/or staff) health, safety or wellbeing;
- a student's behaviour is adversely affecting the teaching, learning and/or interaction of simply being with other students.

4.2 In taking action in relation to this fitness to study policy and procedure, GBS Malta will bear in mind the sensitive and confidential nature of fitness to study matters and its obligations under the data protection and equality. Also, in taking action GBS Malta will adhere to the principles stated in its Equal Opportunities Policy (<https://gbs.edu.mt/media/kmxje20c/gbs-he-malta-equal-opportunities-policy-updated-april-2025-v20.pdf>).

## **5. Fitness for Study and other Policies**

5.1 Other GBS Malta's policies and documents that have a bearing on this fitness to study policy include:

- Equality Opportunities Policy
- Anti-Harassment and Anti-Bullying Policy and Procedure
- GBS Malta Student Charter
- GBS Malta Responsibilities of Students
- Student Disciplinary Policy and Procedure

These are all available for students and staff on GBS Malta's website (<https://gbs.edu.mt/our-policies/>).

## **6. Key Responsibilities**

6.1 GBS Malta has responsibilities in relation to the health, safety and wellbeing of all members of its learning community, including students, staff and visitors.

6.2 The Associate Dean and Director of Operations are responsible for the overall management and implementation of this fitness to study policy and the accompanying procedures. All members of staff are responsible for acting within the framework of this policy and the accompanying procedures where there are concerns as outlined in section 4 above, or where a student self-refers to a member of staff because of a significant concern.

6.3 Students are responsible for informing GBS Malta about any changes to their ability to study or otherwise to engage safely and appropriately with others as a member of the GBS Malta's community of learners. GBS Malta recognises that there may be times when a student is unable to do this. Inability or refusal to do so may result in a student's study being suspended, in accordance with this policy, until such time as the student is able or prepared to re-engage appropriately with GBS Malta as a student.

## **7. Confidentiality and Data Protection**

7.1 GBS Malta is governed by the EU Data Act (Regulation EU 2023/2854) (<https://www.eu-data-act.com>) and will treat all personal information (including sensitive personal information relating to students' mental, physical health or personal circumstances) as confidential within the terms of the legislation.

7.2 Personal information about a student obtained under this policy and procedure will only be shared within GBS Malta amongst those members of staff who need to know that information in order to offer the student appropriate support, to enable the operation of this policy and procedure, or where it may affect work placement providers.

7.3 GBS Malta may ask a student for his or her agreement to share personal information obtained under this policy and procedure with relevant professionals outside of GBS Malta in order to offer the student appropriate support. GBS Malta will not normally share any personal information about a student without their agreement, but may do so in exceptional cases, where permitted by law.

7.4 International students should be aware that GBS Malta is required to report any interruptions to study or withdrawal to Malta visas and immigration (<https://identita.gov.mt/central-visa-unit-national-visa-long-stay-visa/>).

## **8. Procedures: Level 1 Initial Concerns and Level 2 Continuing or and/or Serious Concerns**

### **8.1 Overview**

8.1.1 The procedures set out below comprises two distinct levels (Level 1 and Level 2). It also includes provisions for temporary suspension in situations that require immediate action (see Section 8.3) and a process for appeal against decisions.

8.1.2 Level 1 will typically be used in response to initial (non-critical) concerns about a student's fitness to study, with the intention of seeking a successful resolution of the matter at that level through low-key, informal interaction with the student. However, depending on the nature and/or severity of the concerns and the student's own response to the situation, the procedure may be initiated directly at Level 2 without any requirement for Level 1 to have been commenced or exhausted.

8.1.3 The Level 2 procedure will be undertaken in a transparent manner. The student will be advised of the identity of the member of staff member dealing with the case and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom GBS Malta consults about the case. Prior to implementing the Level 2 procedure, GBS Malta staff are expected to consult with the Associate Dean to ensure that the student's immediate support needs are adequately considered. It is for the Associate Dean to confirm that the Level 2 procedure is appropriate. The student should be encouraged to engage with the support services offered by GBS Malta and (where appropriate) external support, help and guidance.

8.1.4 When commencing action under the Level 2 procedure, the member of staff assigned to the case should ensure that the student is provided with a copy of the fitness to study policy and procedure to help ensure that the student fully understands matters related to his studies at GBS Malta.

### **8.2 Level 1: Initial Concerns**

8.2.1 When concerns are raised about a student's fitness to study, the Associate Dean or nominee will act as the case officer. The Associate Dean or nominee may consult with other GBS Malta students, members of staff, external professionals and other persons, as appropriate, to gather relevant information about the matter and confirm that the fitness to study policy and procedure is the most appropriate means of dealing with the matter.

8.2.2 The Associate Dean or nominee will contact the student to advise him or her of the concern about his or her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 1 under the provisions of GBS Malta's fitness to study policy and procedure. The Associate Dean or nominee will arrange a meeting with the student, giving at least three working days' notice, in order to:

- explain the concern

- discuss its perceived impact/implications and the student's perception of the matter
- allow the student opportunity to respond to the concern
- identify any related support needs the student may have

This is designed to allow the Associate Dean or nominee<sup>1</sup> to reach an informed decision on the matter.

8.2.3 The Associate Dean or nominee may, where deemed appropriate, consult relevant staff from GBS Malta (for example, Student Support Officer, Programme Leader and/or teachers to consider whether their attendance at the meeting with the student is appropriate, and must notify the student of attendance by other members of staff in advance of the meeting.

8.2.4 The Associate Dean or nominee should remind the student that he or she is entitled to be accompanied by a friend at the meeting, and ask the student to confirm in advance whether or not he or she will be attending and the identity and role of any person who will be accompanying him or her at the meeting. For avoidance of doubt, the Associate Dean or nominee is at liberty to continue with the Level 1 procedure in the event that the student is unable or unwilling to participate.

8.2.5 After taking account of the advice and input received from others, including any comments and/or representations made by the student, the Associate Dean or nominee will determine whether the student's fitness to study is impaired and what actions, if any, need to be taken. Such actions may include one or more of the following:

- (i) Implementation of appropriate support arrangements and/or reasonable adjustments for the student
- (ii) An action plan to be drawn up, with the agreement of the student, where possible, setting out the ways in which the matter will be managed including any obligations on the part of the student, for example, in respect of his or her conduct, engagement with studies, or support that he or she should seek
- (iii) Escalation of the issue to Level 2 of the fitness to study policy and procedure.

8.2.6 The student will be notified in writing, normally within five working days of the meeting, of the decision of the Associate Dean in consultation with the nominee (where appropriate), with reasons, and any actions to be taken. Notes of the meeting with the student will be recorded and retained on the student's record.

8.2.7 The student has the right to appeal against the decision of the Associate Dean. The Appeal process is set out in Section 9 below.

### **8.3 Level 2: Continuing and/or Serious Concerns**

8.3.1 Level 2 of the fitness to study procedure is to be used where action already taken at Level 1 has not resulted in a satisfactory outcome or the concern is

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<sup>1</sup> Where the Associate Dean nominates another member of GBS Malta staff to investigate the case the nominee must consult with the Associate Dean concerning any decision to be made about the student.

sufficiently serious or persistent as to require the Level 2 continuing and/or serious concerns procedure to be initiated directly at Level 2,

8.3.2 The Associate Dean or nominee will be responsible for the Level 2 fitness to study procedure detailed below. The Associate Dean or nominee may consult with other GBS Malta staff, external professionals and other persons, as appropriate, to gather relevant information about the matter at any point in this procedure. This consultation may, at the Associate Dean or nominee's discretion, be undertaken by way of a case review meeting (see 8.4 below).

8.3.3 The Associate Dean or nominee will contact the student to advise him or her of the concern about his or her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 2 under the provisions of the fitness to study policy and procedure. The Associate Dean nominee will arrange a meeting with the student, giving at least three working days notice. The meeting with the student will:

- explain GBS Malta's concern to the student and the need to consider whether or not the student is currently fit to study at GBS Malta.
- discuss the perceived impact and potential implications of the student's behavior and seek student's own perception of his or her behaviour
- allow the student the opportunity to respond to concerns raised about his or her behaviour and its impact on other students and GBS Malta more widely
- identify any related support needs the student may have and/or the student him or herself suggests
- allow the Associate Dean or nominee to reach an informed decision on the matter.

8.3.4 The Associate Dean or nominee may, where deemed appropriate and helpful to the meeting with the student, invite other GBS Malta staff and/or external professionals to attend the meeting. The student must be notified of any attendees at the in advance of the meeting.

8.3.5 The student should be informed that he or she is entitled to be accompanied at the meeting and asked to confirm in advance whether or not he or she will be attending and the identity and role of any accompanying person.

8.3.6 For avoidance of doubt, the Associate Dean or nominee is at liberty to continue with the Level 2 procedure in the event that the student is unable or unwilling to attend the meeting.

8.3.7 After taking account of the advice, information and discussions including any comments and representations made by the student, the Associate Dean or nominee will determine whether the student's fitness to study is impaired and what actions, if any, need to be taken. In deciding on the actions to be taken the Associate Dean or nominee will have due regard for the implications they may have for the student's statutory financial support. Such actions may include, but are not limited to, one or more of the following:

- (a) Implementation of appropriate support arrangements and/or reasonable adjustments for the student to enable him or her to continue with studies at GBS Malta
- (b) A time-limited action plan to be drawn up with the agreement of the student, if possible, setting out the ways in which the matter will be managed

and any commitments on the part of the student whilst continuing to study at GBS Malta

(c) A recommendation to the student that he or she take a period of voluntary absence from study and/or from the relevant area of activity as appropriate (for example, work placement)

(d) Permitting the student to continue their studies on a part-time basis or to study by not attending classes at GBS Malta, if this is practicable

(e) Imposing on the student a formal suspension of study for a stated period of time and/or exclusion from specified GBS Malta facilities or activities, with or without conditions for any subsequent return to study. (See section 8.5);

(f) Termination of the student's studies at GBS Malta (See Section 9).

8.3.8 The Associate Dean or nominee may choose to communicate his or her decision orally in person to the student, particularly where circumstances indicate a need for prompt notification. Whether or not such verbal notification is given, the student will be notified in writing. Notification in writing will normally be given within five working days of the Associate Dean or nominee making the decision. The written communication to the student must provide reasons for the decision and details of any actions to be taken together with a clear statement any period of suspension.

8.3.9 Notes will be taken of the meeting with the student and these notes and the decision of the Associate Dean or nominee, including reasons for decisions taken, will be recorded and retained by GBS Malta as part of the student's formal records.

8.3.10 The student has the right to appeal against the decision of the Associate Dean or nominee. The Appeal process is set out in Section 9 below.

#### 8.4 Case review meeting

8.4.1 The Associate Dean or nominee may decide to hold a case review meeting with GBS Malta members of staff and/or external representatives. The Associate Dean or nominee decides who to invite to a case review meeting. A case review meeting must be held before the Associate Director or nominee meets with the student, as described in the Level 2 procedure above. The purpose of a case review meeting is to provide an initial assessment of the continuing or serious concerns raised by the behaviour of the student and provide an initial assessment of the risk posed to other students and members of staff of GBS Malta.

8.4.2 The case review meeting is an information gathering arena and not one for making any decisions or actions to be taken concerning the student. Only after the meeting with the student should the Associate Dean or nominee make any decisions as provided in 8.3.7 above. The student should be informed at the meeting that a case review meeting had taken place.

#### 8.5 Suspension from studies

8.5.1 In the event that the Associate Dean or nominee decides that the student should be subject to a formal suspension from study and/or exclusion from certain GBS Malta facilities and/or activities for a specific period of time, the proposed suspension must be referred to the Director of Operations for approval.

8.5.2 When the student is informed of the suspension decision, he or she will also be provided with details of any conditions associated with eligibility to return to study or for readmission to the facilities/activities from which the student is being excluded.

8.5.3 The Associate Dean or nominee will liaise with the Student Support Officer and Programme Leader, as appropriate, to ensure that a plan to support the student's return to study is devised and implemented.

8.5.4 The student has the right to appeal against a Level 2 outcome decision. The Appeal process is set out in Section 9 below.

## 8.6 Termination

8.6.1 In the event that the Associate Dean or nominee decides that the student's studies should be terminated, the proposed termination must be referred to the student's Programme Leader, as appropriate, and to the Director of Operations, for consideration and approval.

8.6.2 In the event that the decision to terminate the student's studies is approved the student will be informed of the decision in writing together with reasons and any resulting consequences, for example, entitlement to partial qualification for studies successfully completed.

8.6.3 The student has the right to appeal against such a Level 2 outcome decision. The process is set out in Section 9 below.

## 8.7 Return to Study

8.7.1 A written request to return to study must be made by the student to the Associate Dean.

8.7.2 The process by which the outcome of a return to study request will be determined may vary according to the circumstances of the matter and the interests of fairness. The decision will be at the discretion of the Associate Dean in consultation with the appropriate Programme Leader. Each student's case will vary depending upon the context and specific circumstances. In each case, however, a return to study by a student will be dependent upon the student satisfying the Associate Dean, in consultation with the appropriate Programme Leader, that he or she is fit to study and that he or she has complied with any conditions placed upon his or her return.

8.7.3 Normally the student will be invited to meet with the Associate Dean to consider the request to return to study. The Associate Dean may require the student to produce satisfactory medical and/or other evidence of his or her fitness to study (for example, a psychiatrist's report or Doctor's letter) from recognised professionals who have sufficient knowledge of the student, the demands of higher education, and the demands of the student's intended programme of study in order to give an informed opinion.

8.7.4 The Associate Dean, in consultation with the appropriate Programme Leader, will determine whether or not to permit the student to return to study. In reaching a decision, the Associate Dean may consult with relevant members of staff and/or external professionals, as appropriate. The Associate Dean may impose conditions upon any return to study (for example, relating to the student's conduct, any support



the student should seek and/or his or her academic progress). The Associate Dean in consultation with the appropriate Programme Leader will consider any support and/or reasonable adjustments which should be put in place for the student in connection with his or her return to study and will be responsible for ensuring that any support and reasonable adjustments identified are provided or made.

8.7.5 The decision of the Associate Dean will be notified to the student in writing, with reasons, within a maximum of ten working days of the student's written request to return to study. If the request is turned down, the letter will include reasons for the decision and information on the process of making a further request for a return to study.

8.7.6 The decision of the Associate Dean following consultation with the appropriate Programme Leader is final.

8.7.7 GBS Malta work collaboratively with the student in respect of any support arrangements to be put in place for a return to study. Before or on his or her return, the student will be invited to attend a return to study meeting with their appropriate Programme Leader. At the return to study meeting, an action plan will be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified by the Student Support Officer in respect of the student's return. The action plan will include a timetable for any review meetings which have been deemed necessary to assist the student's successful return to study.

8.7.8 If conditions are attached to the student's return to study, failure to comply will lead to further fitness to study procedures under Level 2. The student will be sent a summary of the return to study meeting and a copy of the action plan, normally within five working days of the meeting.

## 8.8 Students on Work Placement

8.8.1 Where concerns are raised about a student's fitness to study while they are on work placement GBS Malta will discuss the possibility of alternative arrangements with the placement provider. If alternative arrangements are not possible the placement may be withdrawn, deferred or a switch to a placement free equivalent programme may be considered.

## 9. Appeals

9.1 Students may raise a written appeal to the Director of Quality against the outcome of Level 2 of the procedure within ten working days of the date of the notification by letter from the Associate Dean or nominee. An appeal against fitness to study decisions will only be considered on one or more of the following grounds:

- (i) GBS Malta has failed to follow its own procedure adequately and according to the stated procedure in the fitness to study policy
- (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 the meeting with the student was held. The

Associate Dean will consider the student's appeal submission and determine whether or not there are valid grounds to the appeal.

9.2 Where valid grounds have been determined, the student will be invited by the Director of Quality to submit additional evidence within a specified timeframe. The Director of Quality will consider the additional evidence provided by the students and determine an appeal against suspension or termination. The Director of Quality will make one of the following decisions:

- (i) Dismiss the appeal and uphold decisions and actions taken by the Associate Dean as stated in the letter to the student.
- (ii) Uphold the appeal, and either:
  - (a) Refer the matter back to Level 1 or Level 2 of this procedure for reconsideration where, for example, the correct process had not been followed
  - (b) Refer the matter back to Level 1 or Level 2 of this procedure for fresh reconsideration, for example, if material new information or evidence has been made available by the student.

## **10. Overseas students**

10.1 Any suspension of studies for students with a Maltese Government Visa needs to take consideration of the impact the suspension will have on their right to remain in Malta. GBS Malta is obliged to report any significant changes in students' circumstances relating to study periods for Maltese Government Visa holders to the relevant Maltese Government Office including periods of temporary suspension.

10.2 Depending on the reason and length of the suspension, permission to stay in Malta may no longer be valid if a student is not actively studying and students may be advised to leave Malta. When ready to resume studies, students will have to make a new application for a visa. The student should be strongly advised to contact the Student Support Officer for advice and guidance. If a decision is made to suspend a student from studies holding a Maltese Government Visa then this should be reported to the Associate Dean and Director of Operations.

## **11. Student Finance and Suspension or Termination**

11.1 If the student is suspended or withdrawn from their studies they shall be referred to the Associate Dean. Students who are required to or choose to suspend their studies need to be advised on the implications, including their liability to pay the tuition fees.

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