

Fitness to Study Policy

The College has a duty of care to its community and takes the well-being of its students very seriously. The college will undertake to make reasonable adjustments for a student if they present a health concern, risk to themselves or a risk to others. A student's fitness to study may be questioned if health problems are disrupting their own studies or the studies of others, or result in unreasonable demands being placed on staff or other students.

The term "fitness to study" as used in this policy and related procedure relates to the entire student experience, and not just a student's ability to engage with their studies. Unless it is informed otherwise, the College assumes its students to be able to study in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them.

This procedure is not designed to be used to address academic performance or issues relating to attendance, poor behaviour or individual mitigating circumstances. This procedure is intended to support students who are experiencing difficulties in order for them to achieve the very best they can.

1: Scope and purpose

- 1.1. "Fitness to study" relates to an individual's capacity to engage satisfactorily as a student, including in relation to academic matters and life generally at the College.
- 1.2. This policy covers issues relating to students' well-being, emotional and mental health, and health and safety, or the well-being and health and safety of other individuals.
- 1.3. An effective framework is provided where a student's behaviour requires considered and sensitive management, rather than disciplinary action. This policy will help the College in addressing cases which are inappropriate to progress as disciplinary matters.
- 1.4. The College's aim is to support students to enable them to handle their college life effectively by providing a positive approach to the management of physical and mental health issues and to act to support a student's learning, academic achievement and the enhancement of the student experience.
- 1.5. This policy is intended for use in cases in which the health and well-being or risk presented by the student is perceived to be in need of initial support, or of a serious or potentially serious nature.
- 1.6. Early intervention in student health/behaviour and recommendations for support can avoid a crisis situation. This policy has three formal stages depending on the perceived level of risk and the severity of the circumstances and the student's engagement with efforts to respond. Based on the perceived level of risk to the health, safety and mental well-being of the student or others, this policy may be invoked at any of its three levels.
- 1.7. The level of risk posed by a student will be measured by the use of a risk assessment process, which will be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the college.
- 1.8. Students should be involved in the management of their own mental and physical well-being wherever possible. However, there may be times when a student is unwilling or unable to work within these procedures. Lack of engagement with this policy may lead to the College invoking disciplinary procedures.

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|---|----------------------------------|-------------------------------------|--------|
| Document Owner: Director of Student Services | Date Reviewed: September 2021 | Date of next Review: August 2022 | Page 1 |
|---|----------------------------------|-------------------------------------|--------|

1.9 This policy is intended to be used as an alternative to any disciplinary procedure where there is sufficient concern that a student's behaviour, resulting in a possible disciplinary response, could be as a result of disability, ill health or have an impact on the health and safety of the student or other persons. Any decision made on a student's fitness to study will be made through a collective process of consideration of the ability to study, learn and complete their programme of study.

1.10 The appropriate College staff will be kept informed of the outcome of these processes whilst keeping in mind the legitimate concerns around confidentiality, data protection and professional codes of ethics.

1.11 This policy may also be applied if there are concerns about a student prior to admission to the College, which may result in a refusal of a place on application or during the induction period if it is identified that the College cannot meet the needs of the learner concerned.

1.12 Staff who have any level of concern about a student's health or behaviour should consider referral to the Student Support Team or Designated Safeguarding Lead. Behaviour can be an indicator of a safeguarding concern including abuse, neglect or exploitation and this must be eliminated as a cause in the first instance. If there is a concern of this nature, it is appropriate for the Student Support Team to explore the student's health/behaviour and agree supportive action, rather than enter into a disciplinary procedure. It is hoped that in most cases issues can be resolved at this level, and that students will respond positively, co-operating fully with the process and taking advantage of the support available.

1.13 This policy applies to all students including FE, HE and Apprentices and can be invoked as a supportive measure prior to admission or readmission to the college.

2: Indicators of concern regarding fitness to study

2.1 A student's fitness to study may be brought into question as a result of a wide range of circumstances. These include, but are not limited to:

2.2 Serious concerns about the student emerge from a third party e.g. friend, colleague, placement provider, member of the public, employer, multi-agency partner, parent, which indicates that there is a need to address fitness to study.

2.3 A student has told a member of the College's staff that they have a problem and/or has provided information which indicates that there is a need to address their fitness to study.

2.4 The student's disposition is such that it indicates that there may be a need to address an underlying mental health issue. For example, if a student has demonstrated mood swings or unusual behaviour, shown signs of depression, become withdrawn/aggressive/distressed/irritable, or is becoming intimidating to others

2.5 Behaviour, otherwise dealt with as a disciplinary matter, which is considered may be the result of an underlying physical or mental health problem.

2.6 The student's academic performance, attendance, physical behaviour or demeanour is not acceptable and this is thought to be the results of an underlying physical or mental health problem.

3: Initial support and guidance to students

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|---|----------------------------------|-------------------------------------|--------|
| Document Owner: Director of Student Services | Date Reviewed: September 2021 | Date of next Review: August 2022 | Page 2 |
|---|----------------------------------|-------------------------------------|--------|

3.1 In advance of this policy being invoked, informal discussion(s) between the student and their Personal Tutor may be initiated by either the student or the member of staff, where initial emerging concerns about the

student's behaviour and/or health warrants this. The informal discussion(s) should give the student the opportunity to explain their perception of the matter.

3.2 The student should be referred to one or more of the support services offered by the College, as appropriate. It should be made clear to the student that concerns relating to their mental and/or physical health may need to be referred onto specialist support as appropriate (including multi-agency partners).

3.3 It is hoped that in most cases issues can be resolved at this informal stage, and that students will respond positively, taking advantage of the support available.

3.4 Where it is suspected that a student's behaviour may be related to an on-going or emerging mental health problem, the Student Wellbeing Co-ordinator or the Head of Student Services must be consulted. In cases of where a student is at risk of immediate or significant harm, the colleges Safeguarding processes must be implemented.

3.5 Any informal discussions, advice and undertakings made by the staff concerned and/or the student should be documented and recorded on Pro monitor as a Fitness to Study Meeting. Safeguarding information should be logged in My Concern.

4: Level 1

4.1 The students Personal Tutor should in the first instance approach the student in a sympathetic and understanding way, and indicate that there are concerns about their fitness to study and explain the college fit to study policy.

4.2 The nature of the concerns should be clearly identified and, if appropriate, information should be provided about sources of professional support and advice available within the College. It should be made clear to the student that it is his/her/their responsibility to be fit to study, and that there is a recognised concern about this within the College.

4.3 The student and the Personal Tutor involved should agree an initial plan of support strategies and agree a meeting date within 5 to 7 days to review the situation and address any concerns. The discussion points and action plan should be recorded and communicated to the student and parent/carer.

4.4 The student should be informed sensitively that continuation of the same, or any additional cause for concern, could result in their fitness to study being more widely considered to support the student by moving to the next level.

4.5 The Personal Tutor should inform the Course Manager and Head of Faculty that the policy is being invoked and that they are supporting the student at level 1 and providing support strategies as per the action plan.

4.6 It is expected that meetings between the Personal Tutor and the student will take place in a supportive and understanding manner.

4.7 It should be made clear to the student that it is their responsibility to be fit to study and that there is a recognised concern about this within the College. The nature of the concern should be clearly identified to the student including, if appropriate, reference to the level of perceived risk presented by the student, and they should be gently but firmly encouraged to discuss the issue. (It is possible that they will not have realised the

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|---|----------------------------------|-------------------------------------|--------|
| Document Owner: Director of Student Services | Date Reviewed: September 2021 | Date of next Review: August 2022 | Page 3 |
|---|----------------------------------|-------------------------------------|--------|

impact of their actions). Information should be provided about sources of professional support and advice available within the College and through multi-agency support as appropriate.

4.8 The student and the member of staff involved should agree on actions to address the concerns and the review period. A Health and Safety Support Plan could be completed at this, or any other stage of the process if appropriate. At the end of this period they should meet to review the situation and discuss steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation / progress and to help ensure that continued support is provided to the student to enable them to study effectively.

4.9 The review discussion(s) should be recorded and issued to the student. A record should be put on Pro-monitor as a Fitness to Study Meeting.

4.10 If a student is unable, or unwilling, to co-operate with the above process or to modify their behaviour, they should be informed that continuation of the same, or any additional cause for concern, could result in their fitness to study being more widely considered by moving to Support Level 2 of this Policy.

5: Level 2

5.1 Continuing or significant concerns about an individual student's health, safety, mental well-being and/or ability to study as evidenced by a significant deterioration in health, attitude and/or behaviour might require a further/initial response from the College and will be noted as a Level 2 case under this policy. The concerns should be noted in the student's file by the Head of Faculty who will now have the primary responsibility for the student at level 2.

5.2 The Head of Faculty should inform the Designated Safeguarding Lead or a Deputy that Level 2 of the policy is being invoked. The Head of Faculty or a nominee will convene a case conference inviting to attend those who can best provide expert and specialist advice on the student being considered and those who need to be there because of their relationship with the student. The case conference will advise or make recommendations on how to best support the student, and confirm who the member of staff with primary responsibility for managing the case going forward will be.

5.3 The student will be asked to authorise full disclosure to the College of the results of any medical history relating. The College recognises that any such information disclosed will constitute "sensitive data" for the purposes of current General Data Protection Regulations and it will be handled, processed and stored accordingly.

5.4 It is expected that, following the initial case team meeting, the student and parents/carers will be invited to a follow-up meeting to discuss and agree the implementation and support recommended at the case conference meeting.

5.5 The purpose of the meeting will be to ensure that:

- a) The student is made fully aware of the nature of the concerns which have been raised.
- b) The student's views and wishes are heard and taken account of.
- c) The best way to proceed is agreed upon.
- d) The student is fully aware of the possible outcomes if difficulties remain.

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|---|----------------------------------|-------------------------------------|--------|
| Document Owner: Director of Student Services | Date Reviewed: September 2021 | Date of next Review: August 2022 | Page 4 |
|---|----------------------------------|-------------------------------------|--------|

e) The parent(s)/carer(s) will be fully informed about the concerns, support process, procedures and likely outcomes.

5.6 A Health and Safety Support Plan should be negotiated and agreed, to include:

- a) Support for the student and, where appropriate, any actions needed to reduce levels of risk.
- b) Agreed academic/conduct related expectations for the student to observe.
- c) Agreed review of study programme to support the student to achieve parts or all of their studies.
- d) Agreed actions with review dates.
- e) Consequences of not adhering to the agreed actions.
- f) Consequences of continuation of the causes for concern.

5.7 A record of the meeting and its outcomes, recording actions agreed, including the action plan, must be made and stored on Pro-monitor as a Fitness to Study Meeting. Confidential and sensitive information must be stored with the Safeguarding Team on My Concern.

5.8 Lack of engagement with any part of this procedure may lead to immediate escalation to Level 3 of this policy, or to formal disciplinary measures being invoked.

6: Level 3

6.1 Level 3 may be initiated due to:

- a) Serious or unresolved concerns about a student’s actions, behaviour, health, safety, mental well-being and/or ability to study that have not been resolved via Level 2.
- b) Persistent and/or serious significant concerns raised about a student’s actions, behaviour, health, safety, or mental well-being that are putting the health, safety, well-being and/or academic progress of his/her self or themselves or other members of the College community at significant risk will, exceptionally, cause Level 3 to be initiated without reference to Levels 1 and 2.

6.2 An urgent call relating to significant concerns about a student’s actions in relation to mental well-being/behaviour or safety must be made to the Safeguarding team.

6.3 A case conference will be convened by the DSL or an identified Safeguarding team member, inviting to attend those who can best provide expert and specialist advice on the case being considered and those who need to be there because of their relationship with the student, including their personal tutor or designate. The case conference will make recommendations on the most appropriate course of action.

6.4 Exceptionally, where it is felt that a student’s behaviour is deteriorating quickly, immediate emergency action may be taken. An emergency case conference with the Designated Safeguarding Lead or their Deputy must take place, and immediate action agreed. The case conference will consider holistically and, as immediately as possible, the concerns raised, including the student’s perception of these concerns, and will seek to ensure that immediate support, as appropriate, is put in place for the student. It may consider various options including recommending additional support strategies, action plan, or referral to other agencies.

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|---|----------------------------------|-------------------------------------|--------|
| Document Owner: Director of Student Services | Date Reviewed: September 2021 | Date of next Review: August 2022 | Page 5 |
|---|----------------------------------|-------------------------------------|--------|

6.5 Following either the immediate emergency action or the initial referral to Level 3 case conference, the student and parent(s)/carer(s) will be invited to attend a meeting to discuss options of support in relation to their study programme and review:

- a) Agreed academic/conduct related expectations for the student to observe.
- b) Agreed review of study programme to support the student to achieve parts or all of their studies.
- c) Agreed actions with review dates.
- d) Actions needed to reduce risk to an acceptable level.
- e) Consequences of not adhering to the agreed actions.
- f) Consequences of continuation of the causes for concern.

6.6 Professionals involved in the student’s care will be invited to attend a Level 3 meeting and should be encouraged to bring, where relevant, appropriate and possible:

- documentation about the nature and extent of any medical condition from which the student may be suffering
- their prognosis
- the extent to which it may affect his/her fitness to study and manage the demands of student life
- any impact it may have or risk it may pose to others
- whether any additional steps should be taken by the College in light of the medical condition or disability to enable the student to study effectively
- whether the student is or will be receiving any ongoing medical treatment or support.

Where it is not possible for external professionals to attend, a report will be requested to ensure a multi-agency approach.

6.7 If, despite the College’s best endeavours, the student is unable to attend the case conference, the meeting may take place in their absence with the outcome being communicated to the student subsequently.

6.8 The contribution of representatives will be subject to General Data Protection Regulations and/or professional codes of confidentiality (e.g. for medical/counselling).

6.9 In cases where it is apparent that an individual student’s present support needs are beyond the capacity of the College for the time being and the limits of reasonableness have been reached in line with current legislation and guidance, a decision will be made that the student should be required to withdraw from full-time studies, subject to review on a specified date. The student and parent/carer will be invited to discuss the situation and options. The case conference will balance such concerns with the College’s duty of care to students in general and the possibility of achieving any progress by other means with the student in question. A Health and Safety Support Plan may form part of this process. In reaching a decision about the case, the conference must be satisfied it has obtained and reviewed all possible relevant guidance about the student’s condition to ensure that no reasonable alternative exists and that no reasonable adjustments would affect the position. Where there is doubt on these points the case conference will be adjourned to allow for further investigation.

6.10 The Designated Safeguarding Lead or Head of Faculty will notify the Principal of the decision reached by the members of the case conference.

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| Document Owner: Director of Student Services | Date Reviewed: September 2021 | Date of next Review: August 2022 | Page 6 |
|---|----------------------------------|-------------------------------------|--------|

6.11 The outcomes and actions arising out of the case conference will be documented and sent to the student/parent/carer, if not in attendance. All actions should have specific timeframes where appropriate and adherence to such timeframes will be a condition of any re-entry to programmes of study.

6.12 The College recognises that in a small number of cases this policy may result in a student's eventual withdrawal.

7: Returning to study

7.1 After a period of suspension on health grounds reached by mutual consent, the decision as to whether to permit the student to return to study will be made by the Head of Faculty for the curriculum area, in partnership with the Designated Safeguarding Lead or Deputy.

Each student's case will depend upon the specific circumstances and context out of which concern arose and, in some cases, return to study will be dependent upon satisfactory medical advice/evidence of fitness to study and the provision of information about appropriate support services with a recommendation of the benefit of continuing to study with support.

7.2 In any case where a student returns to study following the implementation of the fitness to study policy, there will be regular review meetings with the student that can be used to support and monitor a return to study plan and provide staff with an agreed context in which to provide on-going pastoral care (Health and Safety Support Plan). The student must provide their continued co-operation in this respect and such review meetings may continue for part or all of their remaining time at the College.

8. Pre- enrolment assessments

8.1 If, through the application and admissions processes, concerns are identified that call into question a student's fitness to study before they are enrolled onto a course, this policy can be invoked at the appropriate level, as a supportive measure.

8.2 A Health and Safety Support plan and / or risk assessment may be produced within which would be detailed individualised support, conditions and measures to reduce risk. The purpose of this is to enable students to study with the appropriate support and measures in place for them to do so safely.

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|---|----------------------------------|-------------------------------------|--------|
| Document Owner: Director of Student Services | Date Reviewed: September 2021 | Date of next Review: August 2022 | Page 7 |
|---|----------------------------------|-------------------------------------|--------|