



# **FITNESSTO STUDY PROCEDURES**

**Agreed: P&Q June 2016**

**To be reviewed: P&Q April 2017**

*It is intended that this procedure is 'fair to all'. Where any part could potentially lead to unequal outcomes, the procedure then justifies why this is a proportionate means of achieving a legitimate aim.*

## **1.Scope and Purpose**

The term 'fitness to study' as used in this document relates to the entire student experience, and not just to a student's ability to engage with their studies. For example, the College expects its students to live 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 address academic performance problems unless these result from a fitness to study difficulty.

This procedure is intended to be used as an alternative to disciplinary procedure where there is sufficient concern that a student's behaviour could be as a result of disability, ill health or have an impact on the health & safety of the student or other people. Any decisions made on a student's fitness to study will be made through a collective process of consideration of the ability to study, learn and achieve. Lecturing and support staff may initiate use of the procedure if concern for the student is sufficient. It is important that all those concerned with the student are kept fully informed of the outcome of these processes, whilst keeping in mind the legitimate concerns around confidentiality, data protection and professional guidelines. The procedure is not punitive but is designed to support students with health problems (most mental health and behavioural issues). This may be to put in place an action plan and support to enable the student to continue their studies. It may also be to suspend the student but with a clear plan of the conditions under which a 'return to study' can be considered.

This Procedure may apply for all students registered to programmes offered by the College.

This procedure may also be applied if there are concerns about a student preadmission 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.

This procedure is 'preventative' in providing staff with the confidence to deal with issues early and so before they escalate to a crisis.

Students absenting themselves from the process will have an 'independent witness' (usually from the Students' Union) allocated to attend the key meetings to protect their procedural interests and raise any concerns.

## **2.Circumstances under which a student's fitness to study may be brought into question**

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 restricted to) the following:

- Serious concerns about the student emerge from a third party (e.g. friend, other student, department, placement provider, member of the public, medical professional etc).
- The student has told a member of the College that he/she has a problem and/or has provided information indicating that there is a need to address the student's fitness to study.
- The student's disposition indicates that there may be a need to address an underlying problem. Relevant signs include mood swings, apparent depression,

- becoming withdrawn, or uncharacteristic behaviour.
- The student exhibits behaviour that would generally be dealt with as a disciplinary matter, but is considered may be the result of an underlying physical or mental health problem.
  - The student's academic performance is unsatisfactory, and this is thought to be the result of an underlying physical or mental health problem.

### **3.General Procedure**

This procedure has three stages, based on the seriousness of risk posed by the behaviour or health of a student. The three stages reflect the level of difficulty or disruption highlighted, as well as the response of a student to any intervention.

It is possible that concerns raised over the health, safety, conduct or mental well-being of a student are of such significance that these procedures can be commenced at either Stage 2 or 3.

Should any members of staff require advice or guidance, they should consult the Student Services and Tutorial Manager or Head of Department / Deputy Head of Department.

#### **Stage 1 – Emerging Concerns**

***Emerging or initial concerns about an individual student's health, safety, behaviour or mental well-being are raised.***

A member of staff with primary responsibility eg, Personal Tutor/Supervisor should approach the student and explain in a supportive and understanding manner, that concerns about the student's fitness to study have emerged.

The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised and an attempt made to resolve the matter by informal discussions with the student. Students in this situation should be given the opportunity to explain their own views on the matter, and be encouraged to think about using one or more of the support services offered by the college. It should be made clear to the student that it is his/her responsibility to be fit to study and that there is a recognised concern about this within the college.

These concerns should be reported to the relevant Head of Department / Deputy Head of Department and Student Services and Tutorial Manager.

An agreed date for review is to be set and recorded and the student informed that escalation to stage 2 may be invoked for continuation or additional causes for concern arise. It may be necessary to obtain independent corroboration as to whether support offered is being taken up. The responsibility for providing this will lie with the student.

The informal discussions, advice and any undertakings made by the College and/or the student should be documented and be kept confidential. Copies of documents are to be kept by the Tutor and the student. A letter setting out what has been agreed should be given to the student within 5 working days of the initial discussion meeting.

## **Stage 2 – Continuing or Serious Concerns**

***Continuing or serious concerns about an individual student's health, safety or mental well-being are raised.***

The student will be invited to meet with an Assistant Principal (AP) who will chair the meeting to discuss the issue. The meeting will also be attended by an Additional Support Manager and/or Student Services & Tutorial Manager.

The student should be informed of the purpose of the meeting and advised of any documentation they need to bring. The student may be accompanied or represented in their absence by a Student Union Rep or member of staff acting in a supportive capacity eg, Personal Tutor. Other support staff as appropriate such as sign language interpreter or mental health worker are welcome to attend.

A clear, written statement from the member of staff calling the meeting should be sent, giving the student at least 48 hours notice before the meeting. The purpose of the meeting will be to ascertain the student's perception of the issue/s identified.

An Action Plan will be devised to put in place support for the student (where appropriate) and formally agree expectations for the student to observe. These expectations may include academic as well as conduct-related ones. Regular review meetings should be arranged to ensure support for study is effective. The consequence/s, if any of not keeping to the agreed actions or continuation of causes for concern must be clearly outlined to the student.

A record of the meeting and actions must be taken and made available to the student no more than 5 working days after the meeting and copies kept by the college.

Regular review meetings should be arranged between the student and the Personal Tutor to ensure that support for study is effective.

## **Stage 3 – Significant or Persistent Concerns**

***Significant or persistent concerns are raised about an individual student's actions or behaviour that are putting the health, safety, well-being or academic progress of his/herself or other members of the college community at significant risk.***

A 'Fitness to Study Case Conference' will be convened to discuss the situation. An AP will chair the case conference which may include, a number of staff members depending on the nature of the issue such as Head of ALS/Head of Student Services and Tutorial, HoD/DHoD, Counsellor/GP or other relevant professional (with student's consent). The Director of Teaching & Learning and/or Quality Manager may also attend to advise the meeting of academic regulations.

**If the student is considered to be a serious risk to themselves or other students/staff then 3 members of the Safeguarding Board Team MUST be present.**

Invitations to attend the case conference should be made to give at least 48 hours notice in advance of the meeting. Notification should also be given to parents/guardians if the student is aged 16-18 (or up to age 25 if the student has a Statement of Educational Need or Education, Health Care Plan).

The Case Conference will determine various options, including part-time study with support, a period of rest from the college or recommendation for withdrawal of the student.

Actions will be agreed, documented and circulated to all in attendance and to the student if not in attendance. Specific time frames should be linked to any actions and where appropriate the adherence to such will be a condition of re-entry to programmes of study. These will be reviewed by an AP. If the outcome is withdrawal then the AP must inform MIS Exams Manager. A letter setting out what has been agreed should be given to the student within 5 working days of the case conference.

#### **4.Return to Study**

Following a period of absence from the college for recuperation, it may be appropriate for the student to return to resume studies. If this is the case, it will be necessary to ensure that the student is assisted in their return to the college. On return the student should normally comply with the approved Academic Regulations, in particular the period of time of registration on a course.

Each student's case will depend upon the specific circumstances and context out of which the concern initially arose but in all cases return to study will be dependent upon satisfactory 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. Evidence submitted should be from a recognised professional who has sufficient knowledge of the student to be able to make an informed statement of wellbeing . Specific reference should be made to the student's renewed ability to manage the demands of studying at College.

The decision to permit return to study will be approved by the Vice Principal who will be satisfied of fitness to study, compliance with any conditions imposed, compliance with College regulations and availability of support upon return.

The student will only be permitted to return if, after receiving medical or other specialist advice about the likely impact of the student's condition on his/her fitness to study, the College is satisfied that the individual is fit to study and able to comply with any conditions imposed on his or her return.

In any case where a student returns to study following the implementation of the fitness to study procedure, the College should hold an initial meeting with the student to discuss what support measures need to be put into place for the student's return and establish a return to study plan. This initial meeting should include the student's Tutor, the AP, and a member of Additional Learning Support Team. At this meeting it may be decided that there should be regular review meetings with the student, which can be used to monitor and support a return to study plan. If so, the student must provide his or her continued cooperation in this respect and such review meetings may continue for part or all of his or her remaining time at College. There should be a written record of what is agreed for the return to study plan and a copy given to the student. The AP should ensure that, where appropriate, a copy of the plan is sent to the relevant support agencies, who have agreed to help implement the plan and any necessary support. The Personal Tutor and Head of Department / Du should make arrangements for monitoring that the support plan is being delivered and accepted.

#### **5.Right of Appeal**

Appeals will only be accepted if there is evidence of procedural irregularity, bias or failure to reach a reasonable decision, or if the student submits further material circumstances which could not reasonably have been expected to have been submitted for consideration at the case conference. The appeal should be made to the Quality

Manager who, if in agreement with the grounds for appeal, will arrange for a further case conference.

Where appeals are made in regards to the decision made in accordance with the Fitness to Study Procedure ie, appeal against a period of suspension or withdrawal, these should be addressed to the Quality Manager who will prepare an appeal file for consideration by the Vice Principal or their nominated representative who may overturn the decision. Their decision will be final and a completion of procedures letter provided to the student.

**NOTE: For Higher Education Students only**

If, after exhausting the Appeals process, the student remains dissatisfied with the college's final decision they may submit a complaint to the Office of the Independent Adjudicator for Higher Education. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator

3rd Floor

Kings Reach

38 – 50 Kings Road

Reading

RG1 3AA

Tel: 01189 599813

Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

## **6.Crisis Intervention**

It is possible that a student may pose such an extreme risk that emergency assistance is needed outside these Procedures.

In a situation where it is believed that a student's behaviour presents an immediate risk to the student or to others, the Emergency Services should be contacted by dialling 999.

## **7. Associated Documents (Linked Policies)**

Admissions Policy

Safeguarding Policy (including Prevent Procedure)

Health & Safety Policy

Health & Wellbeing Policy

## **8.Monitoring, Review and Evaluation**

It is the responsibility of staff involved in these procedures to make recommendations for improvement to the process based on experience of using it and feedback from students. The procedure will be reviewed annually by the Quality Manager.

# Fitness to Study Procedures

