

Higher Education Fitness to Study Policy

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Related Documents: HE Fitness to Practice, HE Academic Appeals Policy, Access & Higher Education Student Terms and Conditions, Access & HE Student Tuition Fees & Refund Policy

Scope and application

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.

This policy covers issues relating to students' wellbeing, emotional physical and mental health and health and *safety*, or the wellbeing and health and safety of other individuals.

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1.0 Introduction

- 1.1 This policy covers issues relating to students' wellbeing, emotional and mental health and health and safety, or the wellbeing and health and safety of other individuals.

2.0 Roles and Responsibilities

Roles and responsibilities associated with the Fitness to Study Policy are outlined in the table below:

Role	Responsibilities
VP (Behaviour and Students)	To oversee, manage and ensure the services and support noted within this policy
HE Tutor	Oversees arrangements and liaises with students

3.0 Scope and Purpose

- 3.1 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.
- 3.2 This policy covers issues relating to students' wellbeing, emotional and mental health, and health and safety or the wellbeing and health and safety of other individual

- 3.3 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 well as disciplinary matters.
- 3.4 The College will enable a positive approach to the management of physical and mental/emotional health issues and to act to support a student's learning, academic achievement and the enhancement of the student experience. This support will be provided under the guidance of services.
- 3.5 It will also help the College to discharge its duty of care and legal obligations owed to students in distress or where there is a concern about the risk that they present to themselves and others by demonstrating the College's commitment and exemplary practice to student wellbeing.
- 3.6 As a general rule this policy is only intended for use in cases in which the disruptive behaviour, health and wellbeing or risk presented by the student is perceived to be of a serious or potentially serious nature. The Inclusive Learning Team support will be available to students and students should be referred to the team when a concern arises.
- 3.7 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 problem and the student's engagement with efforts to respond. Based on the perceived level of risk to the health, safety and mental/emotional wellbeing of the student or others, this policy may be initiated at any of its three levels.
- 3.8 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 institution. This process will be led by the VP (Behaviour and Students) in close collaboration with the Inclusive Learning Manager, staff, multi-agency and tutors who will play a key role in identifying the specific evidence to underpin concerns.
- 3.9 Students should be involved in the management of their own mental and physical wellbeing. 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 or being unable to continue to support the student in their studies.
- 3.10 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 process of consideration of their ability to study, learn and complete their programme of study.

- 3.11 The VP (Behaviour and Students) and Inclusive Learning Manager will keep appropriate College Staff informed of the outcome of these processes whilst keeping in mind the legislative and ethical framework surrounding Confidentially data protection and professional body frameworks. Disclosure will be made on a need to know basis.
- 3.12 This policy may also be applied if there are concerns about a student's application to the College, which may result in a refusal of a place on application, enrolment or during the induction period if it is identified that the College cannot meet the needs of the student concerned. The VP (Behaviour and Students) will lead on this process.
- 3.13 Staff who have any level of concern about a student's health or behaviour should consider use of this procedure. If there is a concern of this nature, it is appropriate to explore the student's health/behaviour and agree supportive action rather than enter into a disciplinary procedure.

4.0 Indicators of Concern regarding Fitness to Study

- 4.1 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:
- a. Serious concerns about the student emerge from a third party (e.g. friend, colleague placement provider member of the public, employer multi-agency partner) which indicates that there is a need to address fitness to study issues.
 - b. A student has told a member of the College staff that they have a problem and/or has provided information which indicates that there is a need to address their fitness to study.
 - c. A student has not engaged with study for a period of time without any reason being given. Absence may be a cause of concern.
 - d. The student's disposition is such that it indicates that there may be a need to address an underlying mental/emotional 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.
 - e. Inappropriate behaviour, which would ordinarily be dealt with as a disciplinary matter, is considered may be the result of an underlying physical or mental health problem.
 - f. The student's academic performance, physical behaviour or demeanour is not acceptable and this is thought to be the results of an underlying physical or mental health problem.

5.0 Initial Support and Guidance to Students

- 5.1 In advance of this policy being initiated, informal discussion(s) between the student and their Tutor, Inclusive Learning Team or College Counsellor may be initiated by either the student self-referring or by referral from a member of staff. Where initial emerging concerns about the student's behaviour and/or health warrants, informal discussion(s) should give the student the opportunity to explain their understanding of the matter.
- 5.2 The student should be referred to one or more, as appropriate, of the student support services offered by the College. It may also be appropriate to consider the possibility of applying special academic arrangements to enable the student to study effectively (e.g. supplying a support worker, making alternative arrangements for lectures/notes to be supplied). It should be made clear to the student where there are concerns relating to their mental and/or physical health and the impact upon the individual and/or other members of the College community, that such concerns exceed any usual pastoral support they will need to be referred onto specialist support (including multi-agency partners). Referral in these instances will be overseen by the VP (Behaviour and Students).
- 5.3 The student support services available at the College to which students may self-refer or be signposted to:
- Inclusive Learning Manager
 - College Counsellor
 - Academic Mentor
 - Progress Tutor
 - Other agencies as directed or requested
- 5.4 It is hoped that in most cases issues can be resolved at an informal stage and that students will respond positively taking advantage of the support available.
- 5.5 Where it is suspected that a student's behaviour may be related to an on-going or emerging mental health problem the Counsellor must be consulted. In cases of emergency/or where there is risk of potential harm the College's VP (Behaviour and Students) and Inclusive Learning Manager must be informed.
- 5.6 Any informal discussions, advice and undertakings made by staff and/or the student should be documented in an appropriate and safe manner on the Pro-Monitor.

6.0 Level 1

- 6.1 Tutors should in the first instance approach students in a sympathetic and understanding way, indicating that there are concerns about the student's fitness to study.

- 6.2 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 and external to 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 now a recognised concern.
- 6.3 The student and the staff member involved should agree on a date when they will meet to review the situation and discuss what is being done to address the concern about the student's fitness to study. This discussion should be recorded by the Tutor and the document kept by the Tutor.
- 6.4 The student 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 the next level, Level 2.

7.0 Level2

- 7.1 Continuing or significant concerns about an individual student's health, safety, mental/emotional well-being and/or ability to study as evidenced by a significant deterioration in health, appearance, attitude and/or behaviour might require a further response from the College and will be noted as a Level 2 case under this policy.
- 7.2 The Tutor should advise the VP (Behaviour and Students) that Level 2 of the policy should be invoked. In consultation with the appropriate member of staff the VP (Behaviour and Students) will convene a case conference within five working days of being so notified, including the Inclusive Learning Manager 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. The case conference will advise or make recommendations on how to deal with the case, and determine who the member of staff with primary responsibility for managing the case going forward will be.
- 7.3 As part of their determinations, the case conference may seek a medical assessment. The student will be encouraged to consent to this, as it will ultimately enable the College to address the student's difficulties in the most effective manner possible and to make an accurate assessment of risk. The medical assessment will be used to determine the following:
 - a. The nature and extent of any medical condition from which the student may be suffering;
 - b. Their prognosis;
 - c. The extent to which it may affect his/her fitness to study and manage the demands of College life;
 - d. Any impact it may have or risk it may pose to others;
 - e. Whether the student will be receiving any on-going medical treatment or support.

- 7.4 The student will be asked to authorise full disclosure to the College of the results of any examination. The College recognises that any such information disclosed will constitute "sensitive data" for the purposes of the Data Protection Act 1998 and it will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination, the College may either continue this policy based on the information already in its possession, or use another appropriate means to address the issue.
- 7.5 The student will usually be given at least five working days' notice of the meeting in writing and informed of the purpose of the meeting. They will also be provided with any documents which will be considered by the meeting, and asked to provide any documentation they may wish it to consider.
- 7.6 The purpose of the meeting will be to ensure that:
- The student is made fully aware of the nature of the concerns which have been raised.
 - The student's views are heard and taken account of;
 - The best way to proceed is agreed upon;
 - The student is fully aware of the possible outcomes if difficulties remain.
- 7.7 An Action Plan should be negotiated and agreed, to include:
- Support for the student, where appropriate;
 - Agreed academic/conduct related expectations for the student to observe;
 - Agreed actions with review dates;
 - Consequences of not adhering to the agreed actions;
 - Consequences of continuation of the causes for concern
- 7.8 A record of the meeting and its outcomes, recording actions agreed including the action plan, must be made and distributed to all present at the meeting no more than five working days after the meeting with a copy kept on file by the VP (Behaviour and Students) and Inclusive Learning Manager.
- 7.9 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.

8.0 Level 3

- 8.1 Level 3 may be initiated due to:
- 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;
 - 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 other members of the College community at significant risk will, exceptionally, cause Level 3 to be initiated without reference to Levels 1 and 2;
- c. An urgent call relating to significant concerns about a student's actions, behaviour, health, safety or mental well-being has been made to the VP (Behaviour and Students)
- 8.2 A case conference will be convened by the VP (Behaviour and Students) in consultation with the Inclusive Learning Manager, 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.
- 8.3 Exceptionally, where it is felt that a student's behaviour is deteriorating quickly an immediate emergency case conference may be called without the usual minimum 48 hours' notice, chaired by the VP (Behaviour and Students) Any decision arrived at by the emergency case conference must be agreed collectively. An emergency case conference must be followed by a further case conference, which will normally be held within 4 weeks of the emergency case conference to review the situation.
- 8.4 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.
- 8.5 Other than in the event of an emergency case conference, notification that the case conference has been convened should be delivered to the student at least 48 hours in advance of the meeting. Wherever possible the student will be given at least five working days' notice of the case conference in writing and informed of its purpose.
- 8.6 The student may be accompanied at the case conference by a currently enrolled student of the College. The student may also be accompanied by a support worker (e.g. sign language interpreter or mental health worker/disability adviser) as appropriate to their needs.
- 8.7 In the event that the student is unable to attend the case conference, the College will make every reasonable effort to enable them to do so, for example, by moving the case conference to a time or location with which the student feels comfortable.
- 8.8 Alternatively, the student may ask the case conference to consider the case in their absence on the basis of written reports which may include a written statement from the student or his/her representative.
- 8.9 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 communicated to the student.

- 8.10 The contribution of representatives will be subject to Data Protection legislation and/or professional codes of confidentiality (e.g. for medical/counselling staff).
- 8.11 The case conference may call witnesses and institute enquiries to assist its deliberations, including all staffs working with the student, which may include requesting further medical assessments of the student's fitness to study. It will also consider an updated risk assessment where appropriate.
- 8.12 In cases where it is apparent that an individual student's present support needs are beyond the containment of the College for the time being and the limits of reasonableness have been reached (in accordance with the Disability Discrimination Act 1995 and SENDA 2000) a decision will be made that the student should be required to intermit temporarily from their studies at the College for a specific period, subject to review on a specified date. The intermittence and the review period will be determined by reference to medical opinion on possible recovery, treatment or rest times. The student must be given an opportunity to be heard before a decision is taken, and the conference will give appropriate weight to any prejudice or distress the student may suffer by reason of being required to defer their studies. The 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. In reaching a decision about the case the conference must be satisfied it has obtained and reviewed all possible relevant medical 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.
- 8.13 The VP (Behaviour and Students) will notify the VP (PPD) of the decision reached by the members of the case conference.
- 8.14 The agreed course of action will be communicated to the student by the in a meeting within five working days of the case conference at which time the student may again be accompanied at the meeting by a member of staff or a friend current. The student may also be accompanied by a support worker (e.g. sign language interpreter or mental health worker/accessibility adviser) as appropriate to their needs. A letter will be sent to the student from the VP (Behaviour and Students) within 48 hours of this meeting to confirm the agreed outcomes/actions. It will be made clear to the student that this procedure is quite separate from the College's disciplinary procedures. It will also be made clear why the College is requiring this course of action, within 48 hours of this meeting to confirm the agreed outcomes/actions. The letter should be sent by registered mail to all addresses held by the College for the student.
- 8.15 The outcomes and actions arising out of the case conference will be documented and sent to the student. 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.

- 8.16 Any intermittence of study will be subject to review by VP (PPD). Any written representations made by the student or someone acting on his/her behalf will be made to the College through the VP (PPD).
- 8.17 Such a review will include consideration of medical evidence from the individual's medical practitioner or information provided by multi agencies working with the student.
- 8.18 A letter outlining the decisions of the review should be sent from the VP (PPD) or designate to the student. A copy will kept by the College.
- 8.19 The College recognises that in a small number of cases this policy may result in a student's eventual withdrawal. Should this occur, it must be reported by the VP (Behaviour and Students) to the VP (PPD).

9.0 Returning to Study

- 9.1 Each student's case will depend upon the specific circumstances and context out of which concern arose but in all cases return to study will be dependent upon satisfactory medical 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 health professional that has sufficient knowledge of the nature and extent of the student's previous problems and the College's concerns about them to be able to make an informed statement of the student's renewed ability to manage the demands of studying.
- 9.2 In cases where the College has any continuing concerns about the individual's fitness to study, it may require a second medical opinion. In this case a student may be asked to submit themselves for medical examinations by doctors/specialists nominated by the College, at the College's cost, to allow the situation to be properly evaluated. Students will only be permitted to return if, after receiving medical advice, the College is satisfied that the student is fit to study and able to comply with any conditions imposed on their return.
- 9.3 The decision to permit return to study will be made by the VP (Behaviour and Students) and the VP (PPD) in compliance with any conditions imposed, compliance with academic regulations and availability of support upon return.
- 9.4 In any case where a student returns to study following the implementation of the fitness to study policy, the College may decide that there should 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. If so, 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.

10. **Right of Appeal**

10.1 Students and prospective students have the right of appeal within 5 working days. If a student is refused admission on the grounds of fitness to study they should use the 'Appeals against Admissions' procedure.

10.2 If a student wishes to appeal about the outcomes of the Level 3 intervention or their withdrawal from the College, they should address their appeal, in writing, to the Principal where the decision will be final.

11. **Definitions**

All terms are defined within the context of the policy.

APPENDIX A – FITNESS TO STUDY PROCEDURE

RECORD OF CONCERN FOR A STUDENT’S HEALTH AND WELLBEING

Student’s Name			Gender:
Student’s Surname			
ID Number		Date of Birth	
ADDRESS			
TELEPHONE CONTACT DETAILS	HOME	MOBILE	
e-mail address			
CONCERN RAISED BY :			
BRIEF OUTLINE OF CONCERN:			
FEEDBACK FOLLOWING MEETING WITH STUDENT:			

AGREED ACTION POINTS :**REFERRED TO EXTENDED AGENCIES :****ALLOCATED RESPONSIBLE PERSON****DECLARATION:**

I understand the nature of the concern(s) raised by the College, as has been explained to me and outlined in this document and the possible impact/consequences that this/these concern(s) may have upon my own fitness to study.

I also understand the impact that this/these concern(s) may have upon the community of staff and fellow students who are working and studying at the College, to which I belong.

I understand that if I am unable or unwilling to carry out the action plan, the College will need to consider taking appropriate or remedial actions or referral as my situation will require. Whilst I understand that the College has a duty of care to support me, ultimately I am responsible for my own health and wellbeing and it is my responsibility to be **fit** to study.

Students Name:**Signature:****VP (Behaviour and Students) and
Inclusive Learning Manager****Signature:****Date:****Review Date:**