

Title: Fitness to Study**Type:** Policy

Purpose: To inform staff, students and applicants of the Solihull College & University Centre and Stratford upon Avon College approach when an applicant or student is unable to meet course requirements or standards of behaviour due to a health or mental health condition or personal circumstances, which place the applicant, student, or others at risk.

Scope: This policy applies to students and applicants

Responsibility: The Vice Principal HR & Student Services is responsible for this policy. The Director of Student Services is responsible for the monitoring of the policy.

Note: Legal Context Equality Act 2010**1. Introduction**

The College is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement. Fitness to study relates to an individual's capacity to participate fully as a student, in relation to academic studies and life generally at college.

This policy is in place to ensure that Solihull College & University Centre and Stratford-upon-Avon College (hereafter referred to as the College) takes a fair and consistent approach where students are unable to meet course requirements in terms of attendance; participation in class; adherence to targets and academic deadlines or meet expectations within the College's Student Code of Conduct, due to:

- a medical condition;
- a mental health concern;
- aspects of the student's personal life significantly impacting on participation; and / or
- behaviour(s) reported and/or observed which are considered to be putting the student or others at risk.

2. Scope

This Policy applies to all students at the college. The Fitness to Study Policy can be implemented at pre-entry, transition and on programme. It applies to students on work experience or representing the College in the wider community.

The Fitness to Study Policy supports the Disciplinary Procedure. The College recognises that there may be circumstances where a student is unable to determine that they are placing unreasonable demands on themselves, staff, resources or the learning of others and are endangering their own wellbeing or success. This Policy will, therefore, come into effect in circumstances where usual support, actions undertaken via student review, reasonable adjustments, referral to Student Services Support and the curriculum team have exhausted appropriate avenues to maintain the student's attendance and academic targets.

Measures under consideration at Stage 1 are temporary and SMART and are considered 'reasonable adjustments'. Stage 2 is implemented to monitor interventions and review progress and participation. If after consideration, there is no change or prospect of change in circumstances then Stage 3 will be implemented. At this point the student will be advised to consider interrupting their study temporarily or voluntarily withdrawing from study with a view to possible re-enrolment in the future.

In situations of significant concern or when emergency interventions appear necessary, the student may be asked to suspend attendance and Stage 3 is immediately implemented.

It is important to make the distinction between the Fitness to Study process and the College's Disciplinary Policy. In the majority of cases, the student disciplinary policy should be used to support students to meet the student code of conduct. Where there are significant concerns that a medical or health problem are preventing the student from meeting the code of conduct and all other usual support, referrals, reasonable adjustments and actions have exhausted appropriate avenues, the Fitness to Study procedure can be considered.

The College reserves the right to revert to the Disciplinary Policy where appropriate.

3. Emergencies

The Fitness to Study Policy should not distract from acute situations where it is believed a student's behaviours or health presents an immediate risk to self or others.

In such circumstances the DSL/Deputy DSL, Safeguarding Officer, Mental health Lead or the Disability Officer must be informed immediately. If none is available a member of the Senior Leadership Team must be contacted by phone or in person.

Examples include:

- Unreasonable or dangerous behaviours;
- Suicide intent; and / or
- Significant issue relating to immediate wellbeing.

4. Fitness to Study Policy Panel, Chair and Designated Panel Members

The Director of Student Services is the Chair of the Fitness to Study Panel and will invite appropriate members of staff to act on behalf of the Chair to implement, monitor or advise during the actions instigated in the Fitness to Study Policy process. On occasions when the Director of Student Services is not available to Chair a Fitness to Study Panel, this role can be conducted by the Vice Principal Student HR & Services or the Caring Services Coordinator for Stratford College.

Fitness to Study Panel members can include:

- Additional Needs Manager
 - Caring Services Manager/Coordinator
 - Head of School/ Programme Manager
 - Assistant Principal
 - Dean of HE & Curriculum Innovation
 - Disability Officer/Safeguarding Officer/Student Support Officer/Learning Coach/College Nurse/Mental Health Lead
- or
- Other relevant and designated member of staff as assigned by the Fitness to Study Chair, i.e. Additional Needs Support Tutor.

5. Equality and Diversity

In responding to and managing situations where a student's fitness to study is a concern, the College remains mindful of its duty of care and of its obligations under the Equality Act 2010, including its duty to make reasonable adjustments to teaching and learning, assessment and other activities, as appropriate.

In implementing the procedure the College will ensure that it offers and encourages students to seek appropriate support from the outset for example by referring students to Student Support Services.

When implementing this procedure, each matter will be dealt with in a supportive manner and on an individual basis. Any decision reached about a student's fitness to study will be made, wherever possible, through a process involving the student and other relevant parties such as academic staff, parents or carers and internal and external agencies, such as social workers and local authorities, as appropriate in the circumstances.

The College is committed to equal opportunities and our aim is to make our procedures easy to use and accessible. We will take reasonable steps to accommodate any reasonable adjustments to enable access to this procedure or receive responses in other formats, and provide such assistance, as may be reasonably required.

6. Implementation of the Fitness to Study Policy

6.1. On Programme

Any member of staff who has a concern about a student's fitness to study, or has had a concern reported to them, should discuss those concerns with the student services team, remaining mindful of the confidential and sensitive nature of the matter being discussed.

All members of staff must ensure that they consider the college safeguarding procedures alongside this procedure. If an incident occurs where there is critical concern regarding immediate risk to self or others, a Safeguarding Officer or the Disability Officer must be informed immediately. If neither is available, the Director of Student Services or a member of the senior Leadership Team must be contacted by phone or in person.

Where there is no critical concern of immediate risk to self or others, this fitness to study procedure has 3 stages. The student would usually enter the process at stage 1. However, if the College considers the level of concern to be serious and immediate it may decide that the student needs to immediately enter the process at stage 2 or 3, as appropriate.

In all cases, the initial consideration to implement the Fitness to Study Policy will be as a result of a significant cause for concern. The arrangements of the Fitness to Study Policy should be explained clearly to the student and a copy of the Fitness to Study Policy given. Staff raising the cause for concern must ensure that it is made clear that this is a supportive measure to:

- ensure that the demands of study are not impacting negatively on overall wellbeing or recovery from ill health;
- ensure that changes are made and the student is supported, to adjust behaviours that are negatively affecting their own success or that of others;
- assist the student to significantly improve attendance, and
- assist with changes regarding personal life, which are affecting the success, participation and wellbeing of the student and intervention is required.

6.2. Admission Processes, Interviews and Selection to the College

The College recognises that for certain courses there is a need to ensure that learners are emotionally and physically fit and able to undertake all aspects of study and relevant work placement.

The interview and selection process takes every reasonable step to ensure that learners are supported and given appropriate information regarding the demands of the course and the support available. However, in doing this the College must also consider its duty of care in relation to Health and Safety and Safeguarding.

Where a member of staff has concerns that, by making an offer to study, the course demands may have a detrimental effect on either the applicant and/or others, then a referral will be made to the Director of Student Services directly, to determine whether the Fitness to Study Policy needs to be implemented.

Where there is insufficient information to make a decision then the Director of Student Services will request further evidence in writing from the GP, health professional or relevant external agency. The applicant will be asked to provide historical details of relevant support services that can be contacted, current medical status and external support the applicant accesses. If the applicant declines to co-operate, or after investigation, information is not available to enable risk management procedures to be put into place, then a decision may be made to withdraw the offer of study. The applicant will be formally advised of the decision and the applicant may be offered the opportunity to apply for a different course or offered a careers advice and guidance appointment, arranged with the Careers team at the College to assist the applicant in making an informed choice.

Where after consideration of all the information available, it is considered that an Individual Support Plan (outlining reasonable adjustments), an assessment of risk and in some instances capacity to study are deemed not viable then reasons for the decline or referral of the offer will be explained.

6.3. Fitness to Study Stages

6.3.1 Stage 1 - Initial Concern

Concerns at this stage may include deterioration in health, appearance, behaviour, attendance, or the ability to meet deadlines, succeed academically or participate in normal student life.

It is the responsibility of the student's tutor/course leader to discuss initial concerns with the student. The student should be encouraged to use one or more of the support services offered by the College, e.g. student support. Specific academic arrangements, or reasonable adjustments, should be considered.

Where initial discussions have failed to address the concerns The Director of Student Services must be informed of the continuing concern.

The Director of Student Services will assign a Fitness to Study panel member to review the concerns with the student's Personal Tutor and Student Support Officer/Learning Coach, if applicable, and determine whether it may be possible to offer further 'exceptional' support within Student Services.

The panel member will meet with the student to discuss concerns and establish whether there have been any changes in the student's medical condition, medication or personal circumstances. It may be possible to address concerns through this meeting and to further adapt the Individual Support Plan or Risk Assessment.

The designated panel member must record the one to one support and the agreed actions, with a review date. The designated panel member must send a record of the discussion with the agreed actions and review date to the student within 5 working days of the discussion.

Where the initial cause of concern has been allayed at Stage 1 no further actions under the Fitness to Study Policy are required.

6.3.2 Stage 2 - Continuing Concern / Sudden Deterioration

Stage 2 will be initiated where concerns are continuing or the review date agreed at the stage 1 discussion has passed and the student is still experiencing difficulties. It may also be initiated when there is a significant initial concern which is felt to be too serious to be handled at Stage 1.

The Director of Student Services must be informed of the continuing concern. It is their responsibility to ensure that Stage 2 of this procedure is followed.

The Director of Student Services will arrange a Stage 2 - Case Review meeting with the student's tutor and any other staff from the department and/or support services as is considered appropriate in the individual circumstances.

This meeting will usually include the student. For students under the age of 18 and under 25 for students with an Educational Health & care Plan (EHCP), their parents/guardians will be informed of the meeting. The student should be made aware of the purpose of the meeting and that they may be accompanied at the meeting by a relative, friend, student representative or support worker (but not by a legal or other professional adviser unless the College otherwise agrees). In the event that the student is unable or unwilling to attend, the meeting may go ahead in his or her absence, if the College considers it reasonable to do so.

The Director of Student Services must consider whether any others should also be informed and/or invited to attend based on their ability to best provide expert advice, or those who need to be there because of their relationship with the student. Depending on the circumstances this could include other members of the college staff, parents, carers, employers, social workers and local authorities.

In the case of a looked after student or a student with an Education, Health and Care Plan, the relevant Local Authority will be consulted.

The Case Review may seek a medical assessment, usually from the student's GP or medical practitioner. The student will be encouraged to consent to the assessment.

The Case Review meeting will consider any actions taken at Stage 1 and whether the student is able to participate as a student, in relation to academic studies and life generally at college and whether any support needs can be met by the College's support services.

If this is considered possible, an action plan will be agreed with the student detailing any steps the student will need to take and the support to be provided to the student. This action plan will normally detail different actions to any plan previously agreed as part of the informal action taken by the department. Regular review meetings will be arranged with the student and a nominated member of staff. The student should be made aware of what will happen if the action plan is breached, which will normally involve their case moving to stage 3.

If this is not considered possible, stage 3 of the procedure will be initiated.

The outcome of the Case Review meeting must be recorded on the student record and the outcome, with any agreed actions and timescale, sent to the student within 5 working days of the Case Review meeting (and if appropriate, his or her parent or carer and any external agencies, such as employers, social workers and local authorities).

In circumstances where all reasonable adjustments have been made and the support planned has failed, then the designated panel member will refer the concern to the Director of Student Services to implement Stage 3 of the Fitness to Study Policy or implement the Disciplinary Procedure, as appropriate.

6.3.3 - Stage 3 – Serious, Persistent and/or Continuing Significant Concerns

The most serious level of concern can be reached either through progression from Stages 1 and 2 or directly if the concerns identified by a member of staff are serious, persistent or have become critical i.e. the student's behaviour is putting health and safety, well-being or academic progression of self or others at risk.

Consideration will be made as to whether the student's behaviour, health or wellbeing cannot be accommodated in the interim and it serves the student's and the College's best interest for the Director of Student Services to recommend that the student be required to stay at home and not attend his/her course. It will be stressed to the student that this step is not a disciplinary action and will not be recorded as such.

Director of Student Services will call a Stage 3 Fitness to Study Panel meeting. The Fitness to Study Panel will be chaired by the Director of Student Services. On occasions when the Director of Student Services is not available to Chair a Fitness to Study Panel, this role can be conducted by the Vice Principal Student HR & Services or the Caring Services Coordinator for Stratford College. At the discretion of the panel Chair, the panel may include:

- The Student
- The Director of Student Services
- The relevant Assistant Principal
- The HOS/Programme Manager
- Disability Officer
- Professionals external to the college e.g. a CPN, Key Worker, Social Worker, if in place
- Someone to support the student e.g. Parent/guardian, family member, mentor, advocate, friend (NB for students aged under 18 and up to age 25 for students with an EHCP, the parent or guardian will be invited to attend).
- A minute taker

The College will not be prescriptive regarding who attends but reserves the right not to agree to a particular person's attendance.

In the case of a looked after student or a student with an Education, Health and Care Plan, the Fitness to Study Panel will be in consultation with the Local Authority.

The Panel may request medical evidence. The student will be invited to attend the meeting and informed that he or she may be accompanied by a relative, friend, student representative, support worker (but not by a legal or other professional adviser unless the College otherwise agrees). In the event that the student is unable or unwilling to attend, the meeting may go ahead in his or her absence.

At the Fitness to Study Panel, the student's support needs will be discussed and various options considered including a break from study, study from home, a period of suspension or postponement or a recommendation for withdrawal or exclusion of the student.

In cases where a suspension or postponement of studies is agreed, a clear time frame must be given to the student. The provision of appropriate documentation/medical evidence within that time frame will be a condition of re-entry to the programme of study.

The decision made by the Fitness to Study Panel will be notified to the student within 5 working days of the meeting. The student will be advised of his/her right to appeal against the decision and informed how that appeal should be lodged and in what timescale.

Whilst it is envisaged that such cases will be exceptional, the College reserves the right, at any stage and level of this procedure, to vary the process it follows in the interests of fairness and/or health and safety (for example, where there are concerns that the attendance of the student at a meeting or the provision of information to the student could have a detrimental effect on the student e.g. if the student is self-harming or the student is in hospital).

Should a student be unwilling or unable to take part at any stage of the procedure or to attend a meeting, the College may nonetheless follow the procedure where it is reasonable to do so. In addition, the College will consider any request from the student to proceed with a meeting in his or her absence on the basis of written reports and/or a written statement from the student.

6.4. Possible Outcomes of Fitness to Study Meeting

The desired outcome of all Fitness to Study meetings and actions is to promote wellbeing and success.

Initial actions, reasonable adjustments and support are implemented to enable the student to continue attendance, participate and succeed without affecting the wellbeing of themselves or others.

At Stage 3, the student may be asked to interrupt their attendance and studies until recovery is sufficient or behaviour improves. The Director of Student Services will make this decision and may seek advice from other Fitness to Study panel members. This may take the form of an agreed period of authorised absence to allow for recovery or a formal withdrawal from the course with a view to a possible re-enrolment on an appropriate course in a future academic year.

The decisions, effectiveness and outcomes of all stages of the Fitness to Study process will be formalised in writing and will, where possible, be with the agreement of the student. If the student declines to enter into the agreement, one of the following outcomes will apply;

- i. The disciplinary procedure may be invoked, for instance to address continuing behavioural or wellbeing concerns.
- ii. The Director of Student Services may decide that continuing study is not an option due to the welfare and wellbeing of the student or of other staff and students at the college.

A Fitness to Study Action Plan will be produced, covering the main points of investigations, observations and meetings, and will include interim support offered, further reasonable adjustments made, actions the student is required to undertake, the expectations for future behaviour and the consequences if the student fails to engage or the behaviour does not improve.

7. Appeal

The student may appeal against a decision of the Fitness to Study Panel on the following grounds:

- The college has failed to follow its own procedure
- The decision is unreasonable
- There is further material evidence which could not reasonably have been expected to have been submitted for consideration by the panel.

Any request for an appeal should set out the grounds for appeal and be submitted within 10 working days of notification in writing to the Vice Principal HR & Student Services.

If the Vice Principal HR & Student Services has chaired the panel meeting, the appeal will be heard by another senior member of staff.

The Vice Principal HR & Student Services will review the information and consider the appeal and if necessary may wish to meet with the student to consider the appeal. Parents/guardian of a student under 18 are informed and invited to attend. The student (if over 18) will be informed that he/she can be accompanied by a representative or friend. The student is informed verbally and/or in writing of the outcome.

The right of appeal in the case of a looked after student or a student with an Education, Health and Care Plan will be in consultation with the Local Authority.

8. Returning to Study

At the point at which a return to study might be viable, the Director of Student Services may seek evidence regarding medical interventions sought, what external professional support is in place for the student and will determine what other reasonable adjustments are required.

A revised Individual Support Plan and/or Risk Assessment will be implemented to highlight what support will be provided by the College to enable the student to return to study.

Where appropriate the student may be required to agree to and sign a Behaviour Contract highlighting interventions and actions required for managing risks to self or others.

On the student's return, 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 is expected to take personal responsibility for fully engaging with this support.

If a return to study is not considered appropriate, or there is a lack of information regarding interventions undertaken by the student, the options will include postponing a decision pending the receipt of further information and extending the period of voluntary withdrawal to a later date.

9. Data Protection and Confidentiality

The College acknowledges that as a result of implementing this policy it will receive personal data of a confidential and sensitive nature and shall ensure that all such data is handled, processed and stored in accordance with the Data Protection Act 2018. Sensitive personal data and confidential information will only be disclosed to third parties with the express, informed consent of the student. However, there may be occasions where The College is obliged to disclose and/or request information, notwithstanding that the student has refused consent, these include:

- Where the student's behaviour threatens their safety or the safety of others; and / or
- Where a member of staff of The College would be liable to civil or criminal penalty for failure to disclose.

10. Safeguarding

The College will ensure that the Fitness to Study Policy processes promote safeguarding of young people and vulnerable adults.

| Author | Date Created | Approved By | Last Reviewed | Next Review Date |
|---------------------------|---------------------|--------------------|----------------------|-------------------------|
| Adam Thomas, Julie Barson | January 2015 | EMT | August 2021 | August 2023 |

Publication:

Staff Hub/Intranet: Y

Website: N

Student Hub: Y

Appendix 1

Fitness to Study Meeting Record

| | | |
|---|-------|--|
| Name of Student: | ID: | |
| Panel Stage: | Date: | |
| Attending Meeting: <i>(including role)</i> | | |
| External Services: Yes/No Contact Details: | | |

Issues discussed:

Fitness to Study Action Plan

| | | |
|------------------------------|----------|----------|
| Summary of actions required: | | |
| Action point: | By whom: | By date: |
| Action point: | By whom: | By date: |
| Action point: | By whom: | By date: |
| Action point: | By whom: | By date: |

| | | |
|--|--------------------|-------|
| | | |
| Planned Final Review Meeting Date: | Attendees: | |
| Final Review Notes: | Actions: | |
| <p>Declaration by student</p> <p>I understand the concerns raised and the possible impact that this/these have on my success at the College and my fitness to study.</p> <p>I also understand the impact that this/these concerns may have on the learning of others.</p> <p>I have agreed to work towards the targets in the Fitness to Study Action plan and will co-operate and engage with the support offered to me.</p> <p>Whilst I understand that the College has a duty of care to support me, I recognise that I am responsible, with the support of others, for my own health and wellbeing and it is my responsibility to engage with all activities to enable my success.</p> <p>I understand I have the right to appeal against any decisions made with regard to my Fitness to Study and the appeal process has been made clear to me.</p> | | |
| Student Name: | Student Signature: | Date: |
| Adam Thomas, Director of Student Services | Signature: | Date: |