

# Fitness to Study Policy & Procedure

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## Fitness to Study Policy

### 1 Purpose

- 1.1 The College is committed to providing learners with individualised academic, pastoral and welfare support that enables them to make progress and build resilience. The purpose of this procedure is to provide a supportive and coordinated response to dealing with matters when a student's health or wellbeing is having a detrimental impact on their (or others') ability to progress academically and/or function in the college community effectively and all other avenues have been exhausted.
- 1.2 The procedure will only be utilised in circumstances which are deemed to be urgent and when other internal procedures such as the Student Behavioural Policy Student Performance Procedure or Student Disciplinary Procedure are deemed not to be appropriate to address the issues identified. However, the College reserves the right to suspend action under this procedure if matters come to light which would more appropriately be dealt with under one of these procedures.

### 2. Scope

- 2.1 This policy and procedure applies to all students enrolled on all programmes across all College campuses.
- 2.2 This policy does not relate to fitness to practise. Certain professional programmes have fitness to practise procedures which operate outside the scope of this policy.

### 3 Fitness to Study

- 3.1 Fitness to Study relates to an individual's capacity and ability to engage safely and satisfactorily as a student, in relation to academic, social, work-based learning, and enrichment **activities** whilst at the college. The College has a 'duty of care' to respond appropriately to situations where there are severe or serious concerns relating to a student's mental health and the impact that it may have upon that individual and other members of the College community.
- 3.2 This Policy will be used to support students when there have been incidents which have led to:
  - Concerns that a student presents a risk to themselves and / or others.
  - Concerns about a student's fitness to study and meet the learning outcomes of the course, notwithstanding reasonable adjustment.
  - A concern that the student's conduct or behaviour is having a negative impact on the health, safety, wellbeing and or learning of the student and or others with whom they have contact.
- 3.3 A student's fitness to study may be brought into question for many reasons and in a wide range of circumstances. These include (but are not restricted to) the following:

- serious concerns about the student from a third party (i.e. friend, colleague, placement provider, member of the public, medical professional etc.)
- the student has informed a member of the College and/or provided information which indicates that there is a need to question their fitness to study
- the student's disposition is such that it indicates that there may be a condition which is having a significant adverse impact on their health or which causes difficulty making adjustments of a reasonable nature.
- the student exhibits behaviour, which would otherwise be dealt with as a misconduct matter, but which may be the result of an underlying physical or mental health problem
- the student's academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

## 4 Principles

- 4.1 The Behaviour Policy and Student Code of Conduct set out the standards and expectations of behaviour for all students. Concerns about a student's performance in respect of attendance, punctuality and readiness to learn will be dealt with through the College's Student Performance Policy. However, it is recognised that the cause of misconduct may include issues relating to a student's health and general well-being, where disciplinary action may not always be appropriate.
- 4.2 Students with a mental health condition and/or physical disability are entitled to reasonable adjustments and appropriate support in relation to relevant legislation e.g. the Equality Act 2010 and the SEND Code of Practice. Reasonable adjustment means ensuring that there are steps to ensure students are not placed at a 'substantial disadvantage' due to their disability / difficulty or additional need.
- 4.3 All personal and sensitive information will be managed in accordance with the Data Protection Act 1998 and the common law of confidentiality. There may be occasions where the College is obliged to disclose information, notwithstanding that the student has refused consent. Where the student's behaviour threatens their safety/safeguarding of others or where the College would be liable to civil or criminal liability for failure to disclose
- 4.4 When dealing with matters under this policy, the College will make non-judgemental/non-discriminatory decisions whilst being consistent and sensitive, with the appropriate level of intervention. The College may refer a student to external professional support and written confirmation may be requested regarding the student's fitness to study.
- 4.5 If concerns are raised while a student is on placement, where the College's ability to engage with the student may be limited, the College will discuss with the placement provider alternative arrangements that might address any concerns.

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<sup>1</sup> Or equivalent role within maths & English, HE or South Sefton Campus  
<sup>2</sup> Assistant Director or equivalent role within HE or South Sefton Campus  
<sup>3</sup> Curriculum Director/Assistant Principal or Dean of Higher Education & Access

- 4.6 In cases where Stages 2 or 3 of the Fitness to Study Procedure have been invoked, the manager chairing the meeting will make a decision about whether the student's emergency contact/next of kin should be informed, and discuss with the student whether any statutory services should be contacted.
- 4.7 In determining whether action should be taken under this policy and procedure reference will also be made to the following Policies and Procedures;
- Health and Safety Policy
  - Safeguarding of Children, Young People and Vulnerable Adults Policy and Procedure
  - Admissions Procedure
  - Equality and Diversity Policy Student Disciplinary Policy & Procedure
  - UCLan Fitness to Study Procedure
  - UCLan Fitness to Practice Procedures

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## Fitness to Study Procedure

There are three stages at which a student's Fitness to Study may be considered. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three stages.

### 1. Stage 1: Informal Action

- 1.1 If early intervention measures are put into place and recommendations for support followed, a crisis situation can be avoided. The Progress Coach<sup>1</sup> supported by a Safeguarding Officer will arrange to meet and discuss with the student the precise nature of the behaviour that has caused initial concerns about their fitness to study, explaining the support that is available through the POD.
- 1.2 The student will be given the opportunity to explain their own views on the matter, and be encouraged to access one or more of the support services offered by the College.
- 1.3 A record of the discussion will be made by the Progress Coach<sup>1</sup> setting out the agreed actions and a date to review progress. A copy of the record will be provided to the student within 5 working days and, for students under the age of 18, a copy will also be sent to the parents/carers. The Progress Coach<sup>1</sup> is responsible for recording the information on Promonitor.
- 1.4 At the end of review period the Progress Coach<sup>1</sup> supported by a Safeguarding Officer will hold a progress review meeting. If the concerns have been addressed satisfactorily, the matters will be noted as resolved on Promonitor. Where there are mitigating circumstances or some progress has been made in addressing the initial concerns, a further review period may be agreed.
- 1.5 It is anticipated that in most cases issues can be resolved at this level and that with support students will respond positively taking advantage of the support available. If a student is unable to participate with the above process at Stage 1 or modify their behaviour that has led to concerns being raised, Stage 2 of this procedure will be initiated.

### 2 Stage 2: Case Review Meeting (CRM)

- 2.1 Referral to a Case Review Meeting can be made by a Progress Coach<sup>1</sup>, Curriculum manager, Director<sup>2</sup>, Student Services Manager or Assistant Principal<sup>3</sup>.
- 2.2 The purpose of the meeting is to consider 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.
- 2.3 In advance of the case review meeting, it may be considered appropriate to obtain a medical assessment, usually from the student's GP or medical practitioner. In these circumstances, the Student Services manager will meet with the student to explain the background to the request and to obtain written consent.

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<sup>3</sup> Curriculum Director/Assistant Principal or Dean of Higher Education & Access

The College recognises that any such information disclosed will constitute “sensitive data” for the purposes of the Data Protection Act 2018 and will be handled, processed and stored accordingly. Should the student refuse to provide access to medical information, the College will continue this procedure based on all information already in its possession.

2.4 The medical assessment will be used to determine the following matters:

- the nature and extent of any medical condition from which the student may be dealing with
- 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 to enable the student to study effectively
- whether the student will be receiving any on-going medical treatment or support.

2.5 The Student Services manager will arrange a Case Review meeting inviting all relevant parties, including the student’s Progress Coach<sup>1</sup>, Curriculum Manager/Director and any other support services as is considered appropriate. In the case of a looked after student or a student with an Education, Health and Care Plan, the Case Review will be in consultation with the Local Authority.

2.6 The student will be given at least 7 days’ notice of the Case Review meeting and informed of the purpose of the meeting. They will also be provided with any documents which will be considered at the meeting, and asked to provide any documentation they may wish to be considered at the meeting.

2.7 The student may be accompanied at the meeting by a representative, a parent/family member, health practitioner or care/support worker if required.

2.8 The Case Review meeting may decide:

- that no further action is required
- to formally monitor the student’s progress for a specified period of time. In this case an action plan will be agreed with the student. The action plan will outline any steps the student will need to take and/or any support that has been agreed by the College. This action plan will normally detail different actions to any plan previously agreed as part of the informal action taken at Stage 1. Regular review meetings will be arranged with the student and a nominated member of staff.
- that regular review meetings with the student take place to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided. In these circumstances, the student will be informed of the consequences of non-compliance with the action plan, which will normally involve their fitness to study being considered at Stage 3.

- to recommend part-time study (where appropriate and available) or that special academic arrangements be put in place. The student will be informed that unless these arrangements remedy the concerns to the College's satisfaction, their fitness to study may be considered at Stage 3.
- where the student is on placement, to propose that the student suspends the placement.
- to make a recommendation, in agreement with the student, that their studies be suspended for a mutually agreed period of time. In the case of a HE student, any period of intercalation will be considered within the context of partner HEI/ Awarding Body guidelines.
- to refer the case to the Vice Principal for Quality, Learner Services and Human Resources to be considered at Stage 3 of this procedure. This will only be appropriate where there is evidence of a serious risk to either the health and safety of the student or others has been identified, or where a particular course of action has been recommended (such as part-time study or suspending a placement) but the student does not agree.

2.9 The outcome of the Case Review meeting will be recorded on the student record and the outcome, with any agreed actions and timescale, sent to the student within 7 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).

### 3 **Stage 3: Fitness to Study Panel**

3.1 This stage may be reached either through progression from Stages 1 and 2 or directly if the concerns identified are or have become critical i.e. the student's behaviour is putting the health and safety, well-being or academic progression of themselves or others at risk.

3.2 The Student Services manager or Assistant Principal for Learner Experience and Support will arrange a date for a meeting of the Fitness to Study Panel. The meeting will be chaired by the Vice Principal Quality, Learner Services and Human Resources, or another member of the Principalship, and he/she will be supported by two other College managers.

3.3 Wherever possible the student will be given at least 7 days' notice of the meeting of the Fitness to Study Panel. The student will be informed of the purpose of the hearing and prior to the meeting will be provided with any documents to be considered at the meeting and asked to provide any documentation he/she may wish the panel to consider.

3.4 The student may be accompanied at the meeting by a representative, a parent/family member, health practitioner or care/support worker if required. 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.

3.5 The purpose of the meeting will be to consider the evidence available, including the student's perception of the concerns which have been identified and to reach a decision on the appropriate way forward.

3.6 The Fitness to Study Panel will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, which may include requesting further medical assessments of the student's fitness to study.

3.7 The student will be notified of the decision reached by the Fitness to Study Panel. within 7 working days of the meeting. This may include one or more of the following:

- a direction that the student's progress will be formally monitored for a specified period of time. In this case the Panel will provide the student with an agreed action plan, outlining any steps which the student will be required to take and/or any support which will be provided to assist the student to address the concerns identified. The student will also be informed of the consequences of any breaches of the action plan. Regular review meetings with the student will be arranged to ensure that the action plan is being appropriately followed and that reasonable support to enable the student to study effectively is being provided.
- An agreement that changes are made to the student's study arrangements for a fixed period of time which could include, with the agreement of relevant academic directorate, a change from full-time to part-time study, the introduction of special academic arrangements for a specified period of time, or an interruption of studies. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the colleges satisfaction.
- to impose a period of suspension from study for a fixed term period.
- to permanently withdraw the student from their programme of study at the College
- any other action considered to be appropriate and proportionate. 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.

## 4 **Right of Appeal**

4.1 A 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 available which could not reasonably have been expected to have been submitted for consideration by the panel.

4.2 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 Principal. An appeal hearing with the Principal or their nominee will be arranged to take place normally within 21 working days of receiving notice of the request for an appeal.

4.3 The student will normally be given at least 5 working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative. At the appeal hearing the student or companion will explain their case and any

special circumstances which may exist. The hearing will review the case, taking into account the original fitness to study decision and the student's representations at the appeal hearing.

- 4.4 The decision by the Principal or their nominee will be confirmed in writing to the student normally within 5 working days. The decision reached at the appeal hearing will be final and binding and there is no further right to appeal.
- 4.5 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.
- 4.6 If, in the view of the Principal an Appeal Hearing is not justified a letter will be sent to the student explaining that this is the case, and the reasons why, concluding that the original decision stands.

## **5 Suspension during Fitness to Study Assessment**

- 5.1 In a very small number of circumstances, it may be determined that a student poses a very high risk, to themselves or the College. In these circumstances, the Vice Principal Quality, Learner Services and Human Resources or another member of the Principalship may suspend a student whilst an assessment of their fitness to study takes place. Any student who has been detained under the Mental Health Act will also be referred for a suspension.
- 5.2 A student who is subject to a suspension from study is not permitted to enter College premises or participate in any College activities. The suspension may, exceptionally, be subject to qualification, such as the permission to take an examination or to enter the College premises to attend a meeting with a support service, such as the Student Counselling.
- 5.3 The terms of the suspension will be individual to each case and will be notified to the student in writing, with a copy of such correspondence being sent to parents/carers if the student is aged under 18. A student will be marked as 'fitness to study: suspended' on their student record during the period of suspension. A stage 3 Formal Panel Review will be convened to consider the return to study of any student suspended under this procedure.

## **6 Return to Study**

- 6.1 In all circumstances, when a suspension or postponement of studies has been recommended or agreed, the process for considering a return to study will be made clear to the student at the time of suspension. The particular process to be followed will be at the discretion of the Vice Principal Quality, Learner Services and Human Resources and will depend upon the context and specific circumstances of the original concern.
- 6.2 In all cases, return to study will be subject to receipt of evidence which confirms fitness to study. The precise nature of the evidence required from the student will depend on the individual circumstances of each case, but in all cases it is expected that this will involve a report from a recognised independent health professional with sufficient knowledge about the health and wellbeing of the student during the period of suspension and, specifically, the student's capacity to return to study and ability to comply with any conditions.

- 6.3 Where a student returns to study following the implementation of the fitness to study procedure, the Progress Coach<sup>1</sup> will hold regular review meetings with the student to monitor and support their return and such meetings may continue for part or all of their remaining time at College. The student will be expected to positively engage with these meetings.

## 7 **Monitoring & Review**

- 7.1 This Policy will be monitored and reviewed annually by the Vice Principal, Quality, Learner Services and Human Resources.
- 7.2 The College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this Procedure has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) against any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. In monitoring the impact of this procedure, the College will have due regard to the College's Equality and Diversity Policy and its general Equality Duty.

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