

Fitness to Study Policy and Procedure Version 5

Introduction

This Policy and Procedure applies to all students on all programmes across College with the exception of the students in the 14-16 College for whom matters relating to fitness to study will be addressed through the 14-16 Behavioural Policy and associated Attendance procedures.

The College is committed to supporting students and recognises the importance of their health and wellbeing in relation to their academic progress and college experience. The Fitness to Study (FTS) policy is a supportive process used 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.

The purpose of this policy and procedure, which should only be used in exceptional cases, is to provide a suitable and co-ordinated response by academic and professional support staff in circumstances where:

- the situation is deemed to be urgent; and
- other internal procedures such as the Student Behavioural Policies, Student Performance Procedure or Student Disciplinary Procedure are not appropriate; and
- all other avenues within the College have been exhausted.

There is a potential overlap between this procedure and other College student policies. The College reserves the right to suspend action under this procedure if it considers that the matter would more appropriately be dealt with under another procedure.

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.

1. What is Fitness to Study

1.1 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 activity whilst at the college. The College will provide a positive approach to the management of students' physical and mental health issues and act to support their learning, academic achievement and enhancement of their college experience. The Policy can be used to support students when they present a risk to themselves and / or others. 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.

1.2 The Policy and Procedures will be used to deal with instances which have led to:

- Concerns about a student's fitness to study at the College and due to this their ability to meet the learning outcomes of the course, notwithstanding reasonable adjustment.
- A negative impact on the health, safety, wellbeing and or learning of the student and or others with whom that have contact.

The College will make non-judgemental/discriminatory decisions whilst being consistent and sensitive, with the appropriate level of intervention. The College may refer individuals to external professional support and they may be asked to supply written confirmation in relation to an individual's fitness to study.

If early intervention measures are put into place and recommendations for support followed, a crisis situation can be avoided.

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.

1.3 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.

1.4 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

1.5 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.

2 Triggers for use of Fitness to Study Procedure

- 2.1 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.

The Fitness to Study procedure detailed below has three stages. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three stages.

3 Stage 1 – Initial Concern: Informal Action within Directorates

- 3.1 The Progress Coach/Personal Tutor 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.
- 3.2 The student will 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.
- 3.3 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. The student's progress coach/personal tutor must record the one to one support and the agreed actions, with a review date, on the student record. The student's progress coach/personal tutor must send a record of the discussion with the agreed actions and review date to the student within 5 working days of the discussion.
- 3.4 At the end of this period a review meeting will be held, and if the concerns have been addressed satisfactorily, this will be noted as resolved. Where there are mitigating circumstances a further review period may be agreed. If, however,

the concerns have not been resolved, the case will escalate to Stage 2 of this the procedure.

- 3.5 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, they should be informed that the matter will commence at Stage 2 of this procedure.

4 Stage 2 – Continuing Concern Case Review Meeting (CRM)

- 4.1 Referral to the Case Review Meeting can be made by the Progress Coach/Personal Tutor, Assistant Director, or Assistant Principal.
- 4.2 The Student Services Manager will arrange a Case Review meeting with the student's progress coach and any other staff from the department and/or support services as is considered appropriate in the individual circumstances. 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.
- 4.3 The Case Review may seek a medical assessment, usually from the student's GP or medical practitioner. The student will be asked to provide written consent for this. 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 medical information, the College will continue this procedure based on all information already in its possession.
- 4.4 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.
- 4.5 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.
- 4.6 The student may be accompanied at the meeting by a representative, a parent/family member, health practitioner or care/support worker if required.

- 4.7 The purpose of the meeting will be 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.
- 4.8 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 by the directorate. Regular review meetings will be arranged with the student and a nominated member of staff.
 - that regular review meetings with the student will need to be arranged 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.
 - 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. Such recommendations would need to be agreed by the student's Directorate. 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.
 - in with agreement with the student, make a recommendation that their studies be suspended for a mutually agreed period of time. In the case of a HE student, any period of intercalation is to be considered within the context of partner HEI/ Awarding Body guidelines.
 - to refer the case to the Vice Principal for People, Organisational Development & Culture (PODC) 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.
- 4.9 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 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).

5 Stage 3 - Serious, persistent and/or critical concerns: Fitness to Study Panel

- 5.1 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 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.
- 5.2 The College will arrange a date for a meeting of the Fitness to Study Panel, chaired by the Vice Principal (People, Organisational Development & Culture)¹ and attended by two other college managers to hear the case and invite the student to attend to discuss the concerns and all relevant issues.
- 5.3 Wherever possible the student will be given at least 7 days' notice of the meeting of the Formal Review Panel. The student will be informed of the purpose of the hearing. Prior to the meeting the student 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.
- 5.4 The student may be accompanied at the meeting by a representative as described in 4.6 above. 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.
- 5.5 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns and to reach an appropriate decision, action plan or other outcome.
- 5.6 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.
- 5.7 The student shall be notified of the decision within 7 working days of the meeting of the Fitness to Study Panel. This may include one or more of the following:
 - to formally monitor the student's progress 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 need to take and/or any support to be provided to the student to address the concerns identified.
 - regular review meetings with the student will need to be arranged with a nominated member of staff (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). The student will also need to be informed of the consequences of any breaches of the action plan.
 - that, following consultation with the academic directorate, the student should convert from full-time to part-time study with support; special academic

¹ Another member of the Principalship team will act as Chair as and when required.

arrangements are put in place; or an interruption of studies occurs. The student should be advised to seek guidance regarding the implications of such a measure. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the colleges satisfaction.

- 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.

5.8 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.

6 Right of Appeal

6.1 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 which could not reasonably have been expected to have been submitted for consideration by the panel.

6.2 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.

6.3 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 from the appeal hearing.

6.4 The decision by the Principal or their nominee will be confirmed in writing to the student normally within 5 working days. The decision reached an appeal hearing will be final and binding and there is no further right to appeal.

6.5 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.

6.6 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.

7 Suspension during Fitness to Study Assessment

- 7.1 If it is considered, in very rare circumstances, that the risk to the student or the College is very high and a suspension is the most appropriate course of action the Vice Principal (People, Organisational Development & Culture) or another member of the Principalship may suspend a student whilst an assessment takes place. Any student who has been detained under the Mental Health Act will also be referred for a suspension.
- 7.2 A student who is subject to a suspension is not allowed to enter College premises nor 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
- 7.3 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 '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.

8 Return to Study

- 8.1 In all circumstances, when a suspension or postponement of studies has been recommended or agreed, the process for considering a return to study should be made clear to the student at the time of suspension.
- 8.2 The particular process to be followed will be at the discretion of the Vice Principal (People, Organisational Development and Culture) and will depend upon the context and specific circumstances of the original concern. In all cases, return to study will depend on evidence of fitness to study.
- 8.3 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.
- 8.4 A student will only be permitted to return if, after receiving medical advice, the College is satisfied that the individual is fit to study and able to comply with any conditions.
- 8.5 Where a student returns to study following the implementation of the fitness to study procedure, the Progress Coach/Personal Tutor will hold regular review meetings with the student to monitor and support a return to study 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 College.

9 General Matters

- 9.1 The impact of the policy and procedure will be measured by review of the number of times it is invoked, the actions taken in response and any concerns raised or complaints received. 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.
- 9.2 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.
- 9.3 The following documents are associated with this Policy and Procedure;
- Health and Safety Policy and Procedures
 - 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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