



**AREA:** | **Student Services**

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**TOPIC:** | **Fitness to Study Policy**

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## **1 Introduction**

The College is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health and behavioural issues is critical to student learning and academic achievement. Additionally, the College has a duty of care to all within its community and a responsibility to take action to support those in distress or causing significant concern or presenting a risk to self or others. This will include, for instance, situations where students show visible signs of illness, mental health difficulties, emotional or behavioural disorders that may have a negative impact on the health, safety, learning and wellbeing of the student and others member of the college community.

## **2 Principles and Aims**

The procedure aims to ensure that:

1. The best interests of the student are considered in relation to their personal situation, their health, wellbeing and/or any disability they may experience.
2. Students are supported to study to the best of their ability, and wherever possible to meet the required learning outcomes and complete their course.
3. Students who are experiencing difficulties in relation to their health, wellbeing and/or disability are supported to address their difficulties at the earliest appropriate point.
4. Students are able to make informed decisions regarding options available.

Any reasonable adjustments that the student may be entitled to are considered and where appropriate put in place.

These procedures clarify a suitable response by teaching and support staff in circumstances where it is not considered appropriate to apply disciplinary procedures. This may arise when a student's behaviour requires considered and sensitive management rather than disciplinary sanction.

These procedures also recommend a co-ordinated approach to the management of a situation where mental or physical functioning:

- a) may not permit a student to benefit from the educational opportunities afforded to him or her at a particular time or
- b) is adversely affecting the student experience or safety of themselves and others or
- c) requires support at a level that has extended well beyond that which can reasonably be expected of the College.

This procedure has three levels of concern. The cause or causes for the concern can result in entering the procedure at any level although it is hoped that most situations can be remedied by action taken at stages 1 or 2. Concerns about a student's health or behaviour should be acted upon promptly. Early action/intervention can often prevent a situation from developing into a crisis.

### **3 Stage one**

Concerns emerge about a student's health, safety and ability to study based on deterioration in health, appearance or behaviour.

3.1 A member of staff who knows the student, usually the personal tutor should approach the student in a supportive way and indicate that there is a recognised concern about the student's wellbeing. The student support team should be informed and can offer advice and support at this stage. The staff member should ensure the nature of the concern is clearly identified and, if appropriate, information should be provided about support available through the College (e.g. Pastoral Services) and the student reminded about external support such as the student's GP, Kooth, NSPCC, Samaritans etc. (NB counselling cannot be made mandatory for a student)

3.2 The student and member of staff should agree on actions to be taken and the actions recorded on the support action plan and uploaded to My Concern. A review date should be agreed and included in the plan.

3.3 The staff member should explain to the student that if the same or additional concerns escalate for their health, wellbeing or fitness to study this may lead to their fitness to study being more widely considered in stage two.

### **4 Stage two**

Continued concern about a student's health, safety and ability to study, related to a significant deterioration in appearance, health or behaviour or a significant initial concern about a student will trigger stage 2 support.

For students under the age of 18 years of age, a parent or guardian will usually be informed.

4.1 The student will be invited to attend a meeting with the manager for the curriculum area and the member of staff expressing concern. The Head of Student Services or Safeguarding Officer will offer advice if deemed necessary. The student should be made aware of the purpose of the meeting and advised of any documents they may need to bring. The student should be informed of the meeting in writing at least 24 hours before the date of the meeting. The student may be accompanied by a friend or family member or by a member of Student Services if requested. Students with disabilities may also be accompanied by a support worker as appropriate to their needs.

4.2 The purpose of the meeting will be to outline concerns and ascertain the student's perception of the issues identified and also to ensure that the student clearly understands College expectations regarding fitness to study. It will be important to identify and agree an action plan at the meeting. The consequences of not adhering to the action plan should be clearly outlined to the student. A short summary of the meeting, the agreed action plan and the consequences of non-compliance should be sent to the student within 5 working days of the meeting. The meeting must be documented by the manager for the curriculum area and recorded centrally via My Concern. Regular review meetings should be set up with the student and the agreed named staff member who will also be the central point of contact regarding the student. The frequency of these reviews should be agreed at the meeting.

## **5 Stage three**

The most serious level of concern can be reached either through progression from stages 1 and 2 or directly if there are significant concerns about the risk to the health and wellbeing of the student, safety of self, students, staff or to others. At this stage, parents or guardians would usually be informed if the student is less than 18 years of age.

5.1 A case conference will be called by the Assistant Principal for the curriculum area, to ascertain the facts as known and to discuss an appropriate course of action. The Chair will be the Assistant Principal, the manager for the curriculum area and a note taker will also attend, the personal tutor may attend dependent on the circumstances. Others may be called to provide information or to provide support, written statements and notes from previous stages provided to the chair in advance of the meeting. The student services or safeguarding team will support as is deemed necessary by the Assistant Principal.

5.2 During the case conference relevant staff, external professionals and the student if appropriate will be invited to outline their concerns and explain any mitigating points and previous actions taken.

5.3 The student will also be invited to attend at one point during the proceedings, they may have a friend or family member to accompany them for support. Students with disabilities may also choose their support worker as well.

5.4 The case conference may consider various options including a break from study, part time study, study from home, the support needed by a student, a period of interruption or a recommendation for withdrawal or exclusion of the student.

5.5 The actions arising out of the case conference will be agreed, documented, circulated to all in attendance and to the student and recorded on EBS and on My Concern. All actions should have specific time frames where appropriate and adherence to such timeframes will be a condition of any re-entry to programmes of study.

5.6 If the case conference considers that withdrawal or exclusion is the best course of action this must be recommended by the chair to the Deputy Principal for approval. Subject to withdrawal or exclusion being approved by the Deputy Principal, a letter should be sent via registered mail to the student.

5.7 In the event that the student is unable to attend the case conference for whatever reason, the case conference may go ahead in their absence. If appropriate the student may be involved by phone or TEAMS.

In exceptional circumstances and with the agreement of the Assistant Principal, a hearing may go ahead without the student being on campus, if they present a potential risk to themselves or others. In these circumstances all reasonable efforts must be made to ensure their opinion is fairly represented.

## **6 Returning to study**

6.1 Students should be informed of the procedures to be followed for returning to study as soon as possible.

6.2 Each student's case will vary depending upon the context and specific circumstances out of which the original concern arose. In all cases return to study will be dependent upon evidence of fitness to study such as a GP's letter and of appropriate support systems. Evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of the student and the demands of education in order to make an informed decision regarding return to study. In particular, specific reference should be made to the student's capacity to return to study.

6.3 The decision to allow return to study will be made by the Assistant Principal in consultation with the curriculum manager and Head of Student Services. The Assistant Principal must be assured of fitness to study, compliance with any conditions imposed, and the availability of support upon return.

6.4 Regular review meetings should be arranged with the student's personal tutor so that student progress can be monitored, and student support modified if necessary.

## **7 Appeals**

If the student is not satisfied with the outcome of the Fitness to Study process, including when safeguarding procedures have been invoked, he/she may appeal to the Principal in writing within 10 working days.

## 8 Confidentiality and consent

### 8.1 Data protection

All College staff are governed by the requirements of the Data Protection Act. All data relating to a person's physical or mental health is regarded as sensitive, personal data. All personal data of a sensitive nature given to a member of staff by a student should be treated as confidential and should only be disclosed with the student's consent. Sensitive data, for the purpose of this policy, is deemed to be information given in confidence concerning, for example, a student's ill-health or disability, including mental health issues.

### 8.2 Confidentiality

In all cases where, in the member of staff's judgement, it would be in the student's best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the student's informed consent should be obtained where possible. It will be necessary to inform the student why there might be a need to disclose sensitive information, who will have access to this information, and the likely consequences of giving or withholding consent. Once consent has been obtained, it is the responsibility of the person passing on the information to ensure it is done on the terms agreed with the student.

If the student chooses not to provide their consent this decision should be respected. However, there exist rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

- When the student's mental health has deteriorated to the extent of threatening his/her personal safety
- When the student is at risk of serious abuse or exploitation
- When the student's behaviour is adversely affecting the rights and safety of others
- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed).

Staff should consult with the Assistant Principal if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon. The policy and procedures will be subject to tri-annual review. The review will be initiated by the Head of Student Services.