

Fitness to Study Policy

Review

Formal Review Cycle	Biennial		
Latest Formal Review (date)	February 2021	Next Formal Review Due (date)	February 2023
Policy Owner	Director of Student Services		
Policy Author	Director of Student Services		

Approvals

Board of Corp Y/N	N	Committee		Date Board approved	
SLT Y/N	Y	SLT date approved	February 2021	Additional committee	

Publication

Website Y/N	N	Intranet Y/N	Y	Student VLE Y/N	N	Other	N
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Change History

Version	Date Reviewed/ Revised	Description of Change	Reviewed by	Approved by
V1.00	February 2021	New Creation		Ruth Magnus

Fitness to Study Policy

1. Policy Statement

- 1.1. This policy is a policy of the City of Sunderland College, trading as Education Partnership North East (which includes Sunderland College, Hartlepool Sixth Form College and Northumberland College). These colleges will be referred to as “the College” throughout this document.
- 1.2. The College has a duty of care to its community and the wellbeing of its students is paramount. The college will undertake to support a student if they present a health concern, risk to themselves or a risk to others. A student’s fitness to student may be questioned if health problems are disrupting their own studies or the studies of others, or result in unreasonable demands being placed upon staff or other students.
- 1.3. The College understands the importance of *taking* early action to support students in distress or those who are at risk to themselves or others. This includes situations where students show visible signs of mental health difficulties or emotional disorders that may have a negative impact on the health, safety, learning and wellbeing of themselves and /or others.
- 1.4. The term ‘fitness to study’ as used in this policy and related procedure relates to the entire student experience, and not just a student’s ability to engage with their studies. Unless it is informed otherwise, the College assumes its students to be able to study independently and in harmony with others, and not conduct themselves in a way which has an adverse impact upon those around them.
- 1.5. Fitness to study relates to an individual’s capacity to engage satisfactorily as a student in relation to academic matters and life in general at College. This policy covers issues relating to a student’s wellbeing, physical and mental health, and health and safety, whilst also considering the impact on staff and other students.
- 1.6. This policy promotes supportive working practices with students in difficulty and provides guidance to ensure that situations are managed fairly, sensitively and consistently. Early intervention in Student health / behaviour and recommendations for support can help avoid a crisis situation.
- 1.7. The College will seek informed and explicit consent to share information with relevant professionals within this process. The College recognises that as a result of implementing the policy, it will receive personal sensitive data and data of a confidential nature in respect of the student and other third parties. The College will ensure that all such data is handled, processed and stored in accordance with the requirements set out in the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). that any information disclosed will constitute “sensitive data” and will be handled, processed and stored accordingly.
- 1.8. This Policy is intended to be used as an alternative to disciplinary procedures to agree a strategy of supportive action where there is sufficient reason to believe that concerns about a student’s behaviour could be as a result of disability, ill health or have an impact on the health and safety of the student or other people. This policy may also be applied if there are concerns about a student pre-admission to

the College, which may result in refusal of a place or application if it is identified that the College cannot meet the needs of the student concerned.

- 1.9. In responding to and managing situations where a student's fitness to study is a concern, the College remains committed to its duty of care to students, its commitment to fairness for all and its obligations under the Equality Act 2010, the Health and Safety at Work Act 1974, Keeping Children Safe in Education 2020 and the SEN Code of Practice including, in appropriate cases, its duty to make reasonable adjustments.

2. Aims of the Policy/Underpinning Principles

- 2.1. "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.
- 2.2. This policy covers issues relating to students' well-being, emotional and mental health, and health and safety, or the well-being and health and safety of other individuals.
- 2.3. 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 disciplinary matters.
- 2.4. The College's aim is to support students to enable them to handle their college life effectively by providing a positive approach to the management of physical and mental health issues and to act to support a student's learning, academic achievement and the enhancement of the student experience.
- 2.5. This policy is intended for use in cases in which the health and well-being or risk presented by the student is perceived to be in need of initial support, or of a serious or potentially serious nature.
- 2.6. Early intervention in student's 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 circumstances and the student's engagement with efforts to respond. Based on the perceived level of risk to the health, safety and mental well-being of the student or others, this policy may be invoked at any of its three levels.
- 2.7. 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 college.
- 2.8. Students should be involved in the management of their own mental and physical wellbeing wherever possible. 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.
- 2.9. 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. This policy will be initiated when a student poses a risk to their own health safety or wellbeing, or that of others or the student's behaviour is, or is at risk of, negatively affecting the experiences of other students. This process is not disciplinary in nature and is concerned with the wellbeing of the student and the College community. Disruptive behaviour which does not relate to an underlying physical or mental health problem should be dealt with through the Behaviour for Success Policy. Any decision made on a student's fitness to study will be made through a collective process of consideration of the ability to study, learn and complete their programme of study.

- 2.10. The appropriate College staff will be kept informed of the outcome of these processes whilst keeping in mind the legitimate concerns around confidentiality, data protection and professional codes of ethics.
- 2.11. This policy may also be applied if there are concerns about a student prior to admission to the College, which may result in a refusal of a place on application or during the induction period if it is identified that the College cannot meet the needs of the student concerned.
- 2.12. Staff who have any level of concern about a student's health or behaviour should consider referral to Intensive Support. If there is a concern of this nature, it is appropriate for the Intensive Support Team to explore the student's health/behaviour and agree supportive action, rather than enter into a disciplinary procedure. It is hoped that in most cases issues can be resolved at this level, and that students will respond positively, co-operating fully with the process and taking advantage of the support available.

3. Responsibilities

3.1: Governors. It is the responsibility of Governors to:

- Ensure the College's compliance with the Equality Act and to have awareness of the Fitness to Study Policy.

3.2 Leadership: It is the responsibility of all members of the leadership team to:

- Approve and oversee the Fitness to Study Policy ensuring that it complies with the Equality Act and is transparent and fair for students.
- Vice Principal Student Services and Registry is the named SLT member with overall responsibility for this policy and associated processes.

3.3 Director of Student Services. It is the responsibility of Director of Student Services to:

- promote the policy to all staff
- review and apply the requirements of this Policy.
- monitor and assess the impact of the policy.

3.4 Head of Student Services. It is the responsibility of Head of Student Services to:

- ensure the policy and associated processes are clearly communicated to all students.
- promote positive processes with Student Experience and wider college teams in relation to Fitness to Study and provide advice and support on aspects of the policy.

3.5: College Workforce. It is the responsibility of all college employees, including managers to:

- Promote positive student behaviour and to have understanding and awareness of the Fitness to Study Policy and mechanisms for implementation.

3.6: Students. It is the responsibility of all students to:

- be familiar with and follow the policy and associated processes.
- report any concerns or complaints of discrimination, based upon the provisions outlined in this policy.

4. Implementation

4.1 Indicators of concern regarding fitness to study

4.1.1 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:

4.1.2 Serious concerns about the student emerge from a third party e.g. peer, colleague, placement provider, member of the public, employer, multi-agency partner, parent/carer, which indicates that there is a need to address fitness to study.

4.1.3 A student has told a member of the College's staff that they have a problem and/or has provided information which indicates that there is a need to address their fitness to study.

4.1.4 The student's disposition is such that it indicates that there may be a need to address an underlying mental 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.

4.1.5 Behaviour, otherwise dealt with as a disciplinary matter, which is considered may be the result of an underlying physical or mental health problem.

4.1.6 The student's academic performance, physical behaviour or demeanour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

4.2 Initial support and guidance to students

4.2.1 In advance of this policy being invoked, informal discussion(s) between the student and their Tutor may be initiated by either the student or the member of staff, where initial emerging concerns about the student's behaviour and/or health warrants this. The informal discussion(s) should give the student the opportunity to explain their perception of the matter.

4.2.2 The student should be referred to one or more of the support services offered by the College, as appropriate. It should be made clear to the student that concerns relating to their mental and/or physical health may need to be referred onto specialist support as appropriate (including multi-agency partners).

4.2.3 It is hoped that in most cases issues can be resolved at this informal stage, and that students will respond positively, taking advantage of the support available.

4.2.4 Where it is suspected that a student's behaviour may be related to an ongoing or emerging mental health problem, the Intensive Support Manager or Head of Student Services must be consulted. In cases of emergency, the colleges Safeguarding processes must be implemented.

4.2.5 Any informal discussions, advice and undertakings made by the staff concerned and/or the student should be documented and recorded on Pro monitor in meetings. All additional notes and records should be added to MyConcern.

4.3 Level 1

4.3.1 The student's Tutor (or another staff member with primary responsibility for the student) should in the first instance approach the student in a sympathetic and understanding way, and indicate that there are concerns about their fitness to study and explain the college fitness to study policy.

4.3.2 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 the College. It should be made clear to the student that it is their responsibility to be fit to study, and that there is a recognised concern about this within the College. If at this point, the student wishes to be referred to a support team within the College, the student should be encouraged to approach the team directly or the Tutor should make the referral.

4.3.3 The student and the Tutor involved should agree an initial plan of support strategies and agree a meeting date within 5 to 7 days to review the situation and address any concerns. The discussion points and action plan should be recorded and communicated to the student and parent/carer.

4.3.4 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 to support the student by moving to Level 2.

4.3.5 The Tutor should inform the Faculty Director/Curriculum Manager/Student Progress and Development Manager/Work-based Learning Manager that the policy is being invoked and that they are supporting the student at level 1 and providing support strategies as per the action plan. A member of the Intensive Support Team will meet with the Tutor to discuss the support needs and review the case. This case conference will advise or make recommendations on how best to support the student.

4.3.6 It is expected that meetings between the Tutor and the student will take place in a supportive and understanding manner.

4.4 Level 2

4.4.1 Continuing or significant concerns about an individual student's health, safety, mental wellbeing and/or ability to study as evidenced by a significant deterioration in health, appearance, attitude and/or behaviour might require a further/initial response from the College and will be noted as a Level 2 case under this policy. The concerns should be recorded confidentially on the student's file by the Curriculum Manager/Student Progress & Development Manager/Work Based Learning Manager who will now have the primary responsibility for the student at level 2.

4.4.2 The relevant Manager should inform the Safeguarding team that Level 2 of the policy is being invoked. The Manager will convene a case conference inviting to attend those who can best provide expert and specialist advice on the student 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 best support the student, and confirm who the member of staff with primary responsibility for managing the case going forward will be.

4.4.3 The student will be asked to authorise full disclosure to the College of the results of any relating medical history.

4.4.4 It is expected that, following the initial case team meeting, the student and parents/carers will be invited to a follow-up meeting to discuss and agree the implementation and support recommended at the case conference meeting.

4.4.5 The purpose of the meeting will be to ensure that:

- a) The student is made fully aware of the nature of the concerns which have been raised.
- b) The student's views are heard and taken account of.
- c) The best way to proceed is agreed upon.
- d) The student is fully aware of the possible outcomes if difficulties remain.
- e) The parent(s)/carer(s) will be fully informed about the concerns, support process, procedures and likely outcomes.

4.4.6 An Action Plan should be negotiated and agreed, to include:

- a) Support for the student, where appropriate.
- b) Agreed academic/conduct related expectations for the student to observe.
- c) Agreed review of study programme to support the student to achieve parts or all of their studies.
- d) Agreed actions with review dates.
- e) Consequences of not adhering to the agreed actions.
- f) Consequences of continuation of the causes for concern.

4.4.7 A record of the meeting and its outcomes, recording actions agreed, including the action plan, must be made and stored on Pro-monitor. Confidential and sensitive information must be stored on MyConcern.

4.4.8 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.

4.5 Level 3

4.5.1 Level 3 may be initiated due to:

- a) Serious or unresolved concerns about a student's actions, behaviour, health, safety, mental wellbeing and/or ability to study that have not been resolved via Level 2.
- b) 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 themselves 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.

4.5.2 A referral relating to significant concerns about a student's actions in relation to mental wellbeing/behaviour or safety must be made to the Safeguarding/Intensive Support team, and recorded on MyConcern.

4.5.3 A case conference will be convened by the identified Safeguarding team member, 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 make recommendations on the most appropriate course of action.

4.5.4 Exceptionally, where it is felt that a student's behaviour is deteriorating quickly, immediate emergency action may be taken. An emergency case conference with the Designated Safeguarding Lead must take place, and immediate action agreed. 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.

4.5.5 Following either the immediate emergency action or the initial referral to Level 3 case conference, the student and parent(s)/carer(s) will be invited to attend a meeting to discuss options of support in relation to their study programme and review:

- a) Agreed academic/conduct related expectations for the student to observe.
- b) Agreed review of study programme to support the student to achieve parts or all of their studies.
- c) Agreed actions with review dates.
- d) Consequences of not adhering to the agreed actions.
- e) Consequences of continuation of the causes for concern.

4.5.6 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 being communicated to the student subsequently.

4.5.7 The contribution of representatives will be subject to Data Protection legislation and/or professional codes of confidentiality (e.g. for medical/counselling).

4.5.8 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 line with current legislation, a decision will be made that the student should be required to withdraw from full-time studies, subject to review on a specified date. The student and parent/carer will be invited to discuss the situation and options. The case 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 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.

4.5.9 The Chair of the meeting will notify the Vice Principal Student Services and Registry of the decision reached by the members of the case conference.

4.5.10 The outcomes and actions arising out of the case conference will be documented and sent to the student/parent/carer, if not in attendance. 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.

4.5.11 The College recognises that in a small number of cases this policy may result in a student's eventual withdrawal.

4.6. Returning to study

4.6.1 After a period of suspension on health grounds reached by mutual consent, the decision as to whether to permit the student to return to study will be made by the Director of Student Services, Director of Inclusive Learning and Faculty Director for the curriculum area. Each student's case will depend upon the specific circumstances and context out of which the concern arose and, in some cases, return to study will be dependent upon satisfactory medical advice/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.

4.6.2 In any case where a student returns to study following the implementation of the fitness to study policy, there will 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 ongoing pastoral care. 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.

4.7. Appeals Procedure

4.7.1 Students and prospective students have the right of appeal within 10 working days following receipt of written notification of the outcome of a Stage 2 or Stage 3 formal meeting.

4.7.2 If a student wishes to appeal about the outcomes of an intervention at any stage or their withdrawal from the College, they should address their appeal, in writing, to Vice Principal Student Services and Registry.

5 Policy Monitoring and Review

Process for Monitoring Compliance and Effectiveness of Policy:

Monthly: Review of case conferences and impact of interventions at Intensive Support meetings.

Termly: Feedback on activity and case reviews at Safeguarding Committee.

Annually: Review policy and associated procedures.

6 Associated Policies and Procedures

- 6.1 Mental Health Policy
- 6.2 Fitness to Reside Policy
- 6.3 Student Discipline (Positive Behaviour) Policy & Procedures
- 6.4 Safeguarding Policy & Procedures
- 6.5 Learning Support Procedures
- 6.6 Health & Safety Policy

7 Equality Impact Assessment

Have you sought consultation on this policy?		Director of Student Services (Sunderland) Director of Student Services (Northumberland) Student President		
Details:		Intensive Support Manager Director of Inclusive Learning Vice Principal Student Services and Registry Head of Student Services		
Could a particular group be affected (negatively or positively)?	Impact Y/N	Description of Impact	Evidence	Mitigation/Justification
Protected characteristics[under the Equality Act 2010				
Age	N			
Disability	N			

Gender Reassignment	N			
Marriage and Civil Partnership	N			
Pregnancy and maternity	N			
Race	N			
Religion or belief	N			
Sex	N			
Sexual Orientation	N			
Additional characteristics to consider				
Young Persons in Care & Care Leavers	N			
Young Carers & Care Givers	N			
Young Parents	N			
Youth Offenders	N			
Those Receiving Free School Meals	N			
If there is no impact, please explain:				

8 Appendices

Appendix 8.1 – Procedure Flowchart

Appendix 8.2 – Meeting Letter Template

Appendix 8.3 – Support Plan Template

Appendix 8.4 – Outcome Letter Template

Appendix 8.1 - FITNESS TO STUDY PROCEDURE

Procedure for:	Responding to and managing situations where a student's fitness to study is a concern.
To provide:	An alternative to student discipline (positive behaviour) procedures where there is sufficient reason to believe that concerns about a student's behaviour could be as a result of disability, ill health or have an impact on the health and safety of the student or other people.
This formal procedure follows the informal stage outlined in Section 3 of the policy: Initial support and guidance.	

