

Issue Date:	August 2019
Approved by:	Approved by the Executive on 5 September 2019
Review Date:	August 2021



POLICY STATEMENT NO. 14b

TITLE:	Fitness to Study Policy
---------------	--------------------------------

INTRODUCTION/OVERVIEW:

The College has a duty of care to its community and takes the well-being of its students very seriously. The college will undertake to support a student if he/she/they present a health concern, risk to themselves or a risk to others. A student’s fitness to study may be questioned if health problems are disrupting their own studies or the studies of others, or result in unreasonable demands being placed on staff or other students.

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 his/her/their studies. Unless it is informed otherwise, the College assumes its students to be able to study both independently and in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them.

This procedure is not designed to be used to address academic performance or issues relating to attendance, poor behaviour or individual mitigating circumstances.

STATEMENT:

1.Scope and purpose

1.1. “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.

1.2. 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.

1.3. 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.

1.4. 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.

1.5. 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.

1.6. Early intervention in student 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.

1.7. 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 institution. This process will be led by the Safeguarding and Welfare team and in close collaboration with Student Advisors, Lead Learning Support staff, tutors and multi-agency staff who will play a key role in identifying the specific evidence and support opportunities to underpin concerns.

1.8. Students should be involved in the management of their own mental and physical well-being 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.

1.9 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. 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.

1.10 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.

1.11 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 learner concerned.

1.12 Staff who have any level of concern about a student's health or behaviour should consider referral to the Student Advisor & Welfare teams. If there is a concern of this nature, it is appropriate for the Student Advisors & Welfare teams 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.

1.13 This policy applies to both FE and HE students. If an HE student indicates concerns regarding fitness to study, the Programme Leader should inform the Student Advisor/Welfare Team associated to their department who will then deal with the matter in the same way as they would for an FE Student.

2. Indicators of concern regarding fitness to study

2.1 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:

- 2.1.1 Serious concerns about the student emerge from a third party e.g. friend, colleague, placement provider, member of the public, employer, multi-agency partner, parent, which indicates that there is a need to address fitness to study.
- 2.1.2 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.

- 2.1.3 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.
- 2.1.4 Behaviour, otherwise dealt with as a disciplinary matter, which is considered may be the result of an underlying physical or mental health problem.
- 2.1.5 The student's academic performance, physical behaviour or demeanour is not acceptable and this is thought to be the results of an underlying physical or mental health problem.

3. Initial support and guidance to students

3.1 In advance of this policy being invoked, informal discussion(s) between the student and their Student Advisor (Programme Leader in the case of HE students) 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. In the case of HE Students the Programme Leader will inform the Student Advisor for their department at this stage.

3.2 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).

3.3 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.

3.4 Where it is suspected that a student's behaviour may be related to an on-going or emerging mental health problem, the Welfare team must be consulted. In cases of emergency the colleges Safeguarding processes must be implemented.

3.5 Any informal discussions, advice and undertakings made by the staff concerned and/or the student should be documented and recorded on Pro monitor.

4. Level 1

4.1 Student Advisor/Course Coordinator 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 fit to study policy.

4.2 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 his/her/their responsibility to be fit to study, and that there is a recognised concern about this within the College.

4.3 The student and the Student Advisor 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, as the implementation of level 1 of the procedure. A copy of this should be issued to the student and copied to the Course Coordinator and team via Pro-monitor.

4.4 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 the next level, Level 2.

4.5 The Student Advisor should inform the Course Coordinator/ Welfare team and Lead Learning Support staff 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 Welfare team will meet with the Student Advisor to discuss the support needs and review the case. This case conference will advise or make recommendations on how best to support the student.

4.6 It is expected that meetings between the Student Advisor (with primary responsibility for managing at level 1) and the student will take place in a supportive and understanding manner.

4.7 It should be made clear to the student that it is his/her/their responsibility to be fit to study and that there is a recognised concern about this within the College. The nature of the concern should be clearly identified to the student including, if appropriate, reference to the level of perceived risk presented by the student, and they should be gently but firmly encouraged to discuss the issue. (It is possible that s/he/they will not have realised the impact of his/her/their actions). Information should be provided about sources of professional support and advice available within the College and through multi-agency support as appropriate.

4.8 The student and the member of staff involved should agree on actions to address the concerns and the review period of between 7 and 14 days. At the end of this period they should meet to review the situation and discuss steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation / progress and to help ensure that continued support is provided to the student to enable them to study effectively.

4.9 The review discussion(s) should be recorded and issued to the student. A record should be put on Pro-monitor and copied to the Course Coordinator and the Welfare team.

4.10 If a student is unable, or unwilling, to co-operate with the above process or to modify their behaviour, they 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 by moving to Support Level 2 of this Policy.

5. Level 2

5.1 Continuing or significant concerns about an individual student's health, safety, mental well-being 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 noted in the student's file by a member of the Welfare team who will now have the primary responsibility for the student at level 2.

5.2 The Welfare team member should inform the Safeguarding team that Level 2 of the policy is being invoked. The Welfare staff 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.

5.3 The student will be asked to authorise full disclosure to the College of the results of any medical history relating. The College recognises that any such information disclosed will constitute “sensitive data” for the purposes of current Data Protection legislation and it will be handled, processed and stored accordingly.

5.4 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.

5.5 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.

5.6 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.

5.7 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 under the Safeguarding tab on Pro-monitor.

5.8 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.

6. Level 3

6.1 Level 3 may be initiated due to:

- a) Serious or unresolved concerns about a student’s actions, behaviour, health, safety, mental well-being 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 his/her self or 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.

6.2 An urgent call relating to significant concerns about a student’s actions in relation to mental well-being/behaviour or safety must be made to the Safeguarding team.

6.3 A case conference will be convened by the identified Safeguarding team member in consultation with the support team, 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, including their personal tutor or designate. The case conference will make recommendations on the most appropriate course of action.

6.4 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.

6.5 Following either the immediate emergency action or the initial referral to L3 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.

6.6 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.

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

6.8 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.

6.9 The Designated Safeguarding Lead will notify the Student Services Manager, Director of Curriculum and the Vice Principal Partnerships and Skills of the decision reached by the members of the case conference.

6.10 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.

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

7. Returning to study

7.1 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 AP Curriculum or the VP Partnerships and Skills.

Each student's case will depend upon the specific circumstances and context out of which 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.

7.2 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 on-going 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.

IMPACT ASSESSMENT:

This policy has been assessed and considered for impact upon people who share the following protected characteristics and factors: race, gender and gender identity, disability (including learning difficulty), religion and belief, sexual orientation, age, pregnancy, maternity and marital status.

EQUALITY IMPACT ASSESSMENT SUMMARY:

This policy has been impact assessed and has identified the following:

- Negative impacts (N)
- Appropriate actions/mitigations to address the negative impacts have been put in place (N/A)
- Positive impacts (Y)

For further detail of the impacts and associated actions, please see the EIA which is attached to the filed copy of this document.

PRIVACY IMPACT ASSESSMENT:

NCS is committed to protecting the personal data of its students, employees and other stakeholders in accordance with the General Data Protection Regulation (GDPR). We have a variety of methods and controls to ensure we protect that data appropriately. Personal data processing activities are subject to a Data Protection Impact Assessment (DPIA) as a key component of a 'Privacy by Design' approach. The risks to the rights and freedoms of individuals resulting from the processing of personal data are examined, and appropriate measures are put in place to protect these rights throughout the processing lifecycle.

LINKED POLICIES:

- Safeguarding for All Policy
- Student Behaviour & Disciplinary Process

MONITORING PROCEDURE:

RESPONSIBILITY:

AP Curriculum and AP Quality
