

Fitness to Study Policy & Procedure

1. Introduction

- 1.1 South Thames College Group (the Group) is committed to providing a safe and healthy environment for all staff, students and those who visit the premises. The Group is also focused on supporting student wellbeing and providing a safe, inclusive and positive environment aimed at enriching and supporting learner development and success. The Group seeks to maximise learning opportunities for all students and to enable positive progression into jobs or further study. The Group will strive to ‘make reasonable adjustments’ and use the ‘best endeavours’ to meet the needs of students. In doing so the Group complies with Equality Act 2010 and the Children and Families Act 2014.
- 1.2 The Group ‘Admissions Policy and Procedure’ states that Students are expected to be “fit to study” which means that an applicant’s physical and/or mental health, taking into account such adjustments as the Group may reasonably agree to make, enables the applicant, if enrolled, to participate fully and successfully on their chosen course without significant adverse effect on their health, safety and wellbeing and/or that of other members of the college community. Applicants must declare any physical or mental health support needs, which may impact, on their learning on the application form to ensure the Group can assess and make appropriate support or adjustments for the potential student. All applicants must provide details if requested of any medical documentation that is relevant to ensure that the applicant is ‘fit to study’
- 1.3 All students enrolled within the Group are required to observe and follow the Group’s Student Code of Conduct and behave in an appropriate way. The Group also has duty of care to all within its community and a responsibility to act to support those in distress, or causing significant concern or presenting a risk to self or others. This will include:
- situations where students show visible signs of illness, mental health difficulties, or emotional or behavioural disorders that may have a negative impact on the health, safety, learning and wellbeing of the student and others.
 - serious concerns about the student being raised by a third party i.e. friend, another student, family member, placement provider or employer, member of the public or medical professional etc. which indicate that there is a need to assess the student’s fitness to study.
- 1.4 This document details the arrangements the Group uses to manage Fitness to Study concerns in a transparent and supportive way.

2. Scope and Purpose

- 2.1 The policy and procedures apply to all applicants and students irrespective of mode or location of study or age.
- 2.2 The purpose of the Fitness to Study procedure is to provide:
- a framework to guide decision making in complex applicant or student wellbeing cases
 - a series of stages for reviewing a student’s Fitness to Study
 - a process to identify an applicant’s Fitness to Study

- ensure students are supported to study to the best of their ability, and to meet the required learning outcomes and complete their course.

3. How and when should the procedure be used?

3.1 The procedure may be applied during the admissions processes or once a student has enrolled on a course and where an applicant's/student's fitness to study may be a cause for concern as a result of a range of circumstances, including (but not restricted to) the following:

- Where another relevant party raises serious concerns, which indicate that there is a need to assess the applicant's/student's Fitness to Study
- Where an applicant/student has raised a concern themselves with a member of staff that indicates that there is a need to address the applicant's/student's Fitness to Study
- Where a student is affected by medical conditions that require long periods of absence and treatment that will impact on their attainment
- Where there are doubts from staff regarding a student's fitness to study due to a pre-existing medical condition
- Where participation in a programme related activity or assessment would jeopardise the long-term health and wellbeing of a student due to a pre-existing medical condition
- When there is a disruption to teaching, learning and support of other students or where unreasonable demands are being made on staff or students due to a critical deterioration in the physical or mental health of a student
- Where there is a potential risk to a student or others due to a serious and critical deterioration in the student's physical or mental health
- Behaviour which would usually be dealt with as a disciplinary matter, which may be known to be or suspected to be the result of a critical underlying physical or mental health difficulty
- The student's academic performance or personal conduct is not acceptable and may be known to be or suspected to be the result of a serious underlying physical or mental health problem

3.2 Concerns should be acted upon as promptly as possible as early intervention and support can result in better outcomes for the applicant/student and may avoid the situation becoming more complex.

3.3 In the case of a student who is under 18 or is an Adult at Risk a parent/carer should be notified of any Fitness to Study Concerns (unless it is believed that this would place the student at risk of significant harm in which case the Deputy/Designated Safeguarding should be consulted). In the case of a Child Looked After the carer and social worker should be notified.

4. Procedure for responding to concerns raised during the Admissions Process

4.1 The procedure for responding to concerns during the admissions of an applicant will be applied when the applicant meets the general admissions requirements for the course they wish to join but where concerns, as set out in 3.1, arise about an applicant's Fitness to Study.

4.2 The applicant will be invited in for an Admission Review Meeting, the purpose of which will be to determine:

- the required support to enable the applicant to complete the course they have applied for and whether that support can be provided and/or;
- whether they are student is Fit to Study

4.4 The Meeting will normally be convened by a Head of Inclusive Learning who will be accompanied on the panel by at least one other relevant member of staff.

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- 4.5 At the Meeting the concerns raised at the admissions stage will be identified and discussed together with any additional documentation provided and/or information supplied by the applicant, Group /staff members/family or professionals working with the applicant. The demands of the course e.g. attendance, working with others assignments, work placement will be discussed with the applicant and the applicant will be invited to respond to any concerns raised.
- 4.6 Following the conclusion of the Meeting the Admission's Review panel will decide if the applicant is:
- Fit to Study and may be enrolled without any additional support
 - Fit to Study but with support and/or reasonable adjustments that the Group is able to offer
 - At this point, deemed not Fit to Study because there is evidence that, if the applicant is enrolled, there is serious risk to the health and safety of the student/others or the learning of the student/others may be severely disrupted and the Group is unable to put in place sufficient support or controls to manage these risks sufficiently
- 4.7 The outcome of the Admissions Review Meeting will formally be notified to the applicant normally within five working days of the Admission Review Meeting. The outcome applies only to the application considered at the Admission Review Meeting and does not mean that the applicant may not apply for a course in the future

5. Procedure for responding to emerging or ongoing concerns on programme

- 5.1 The Fitness to Study procedure for enrolled students has three stages that are designed to support the student and provide every appropriate opportunity for engagement with the Group's services to address concerns in order for the student to successfully achieve their course.
- 5.2 Relevant staff will be involved in each stage of the process. Support will be tailored to the unique needs of each individual student and the Group may act to ensure student safety in line with any of the three stages of the policy and procedure.

6. Stage 1 – Informal action

- 6.1 Stage 1 of the Fitness to Study procedure is an opportunity to explore support processes and any emerging Fitness to Study concerns.
- 6.2 Normally a member of staff within the school with primary responsibility and/or knowledge of the student concerned will discuss the concern that has been raised with the student. This would normally be a Tutor, Course Leader, or Team Leader.
- 6.3 The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised, including, if appropriate, reference to the level of perceived risk presented by the student. The member of staff will attempt to resolve the matter through discussions with the student. The student should 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 Group or available outside the Group.
- 6.4 Notes of the discussion and any agreed actions will be recorded on the student's computerised record by the Tutor/Curriculum Manager and a date set to review progress with student. At the review meeting if the concerns have been satisfactorily addressed the matter will be closed. If the concerns actions and concerns have not been addressed either a further review period can be agreed or the case will move to the next stage of the procedure.

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7. Stage 2 – Support Panel

- 7.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is, or becomes too serious, to be dealt with informally, Stage 2 of the policy will be invoked. A meeting of a Support Panel shall be convened by a Deputy Head of School, Head of School or Vice Principal (VP) and other staff involved such as staff from Student Services or Inclusive Learning. The students will normally be given five working days' notice of the Panel meeting. In emergency situations it may be necessary to hold a meeting with less than five days' notice.
- 7.2 The student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) will be informed in writing of the date, place and time of the meeting. In emergency situations it may be necessary to hold a meeting with less notice.
- 7.3 The student will be invited to provide any additional information that would be helpful for the Panel to consider, for example, an opinion from a suitably qualified person e.g. GP, specialist physical or mental health professional. They will also be provided with any documents which will be considered by the Panel and asked to provide any documentation they may wish the panel to consider within three days prior to the meeting.
- 7.4 The student is not obliged to disclose personal or private information however, the more information the Group has, the more help, assistance and support may be provided. If it is felt necessary, the Group can request, with the student's or parent's written permission (if the student is under 18), an assessment from an appropriate health professional.
- 7.5 If the Stage 2 intervention has been proceeded by a Stage 1 intervention the course tutor or appropriate other who is aware of the background to the case will present the panel with information of previous actions taken and outcomes achieved.
- 7.6 The student may be accompanied at the meeting by a supportive representative of their choice. The role of the supporter is to provide advice and emotional support, but is not normally an advocacy role. A supporter cannot act both as a witness and as a supporter.
- 7.7 The purpose of the meeting will be:
- (a) To make the student aware of the nature of the concerns that have been raised
 - (b) To hear and consider the student's views and to identify what support needs are present
 - (c) To agree the best way to proceed and to map out a supportive plan to ensure that the student is fully aware of the possible outcomes if risk remains
- 7.8 During the meeting the Chair (or appropriate member of staff designated by the Chair) will keep notes.
- 7.9 The Panel will communicate the outcome of the meeting in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within five working days of the meeting. A copy of this letter will be placed in the student file and noted on the student's computerised record.
- 7.10 The Stage 2 Support Panel may decide:
- (a) 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, 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

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provided). The student will also need to be informed of the consequences of any breaches of the action plan, which will normally involve their fitness to study being escalated to Stage 3 review

- (b) With the consent of the student, to agree that their studies be interrupted or suspended for a mutually agreed period of time
- (c) To refer the case to a College Principal, Vice Principal or an equivalent delegate to be considered under Stage 3 of this procedure. This will only be appropriate in the most serious of cases, where, for example, evidence of a serious risk to either the health and safety of the student or others has been identified, and it is thought that temporary or full exclusion of the student may be the appropriate course of action, or where a particular course of action has been recommended such as a period of temporary exclusion but the student does not agree

8. Stage 3 – Formal Review Panel

- 8.1 This stage of the procedure will normally be implemented following a referral from a Stage 2 Support Panel, but Stage 3 could also be triggered in exceptional circumstances where there is significantly heightened risk or urgency. In some exceptional circumstances the College Principal, or in their absence another Senior Postholder, will consider if the concerns raised are of a nature sufficiently serious to warrant the student's suspension or exclusion (e.g. if they pose a potential threat to the health and safety of themselves or others, or disruption to the working of the College concerned).
- 8.2 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns, and for the panel to reach an appropriate decision, action plan or other outcome.
- 8.3 A Formal Review Panel will be convened which shall be chaired by the College Principal or a Vice Principal or in their absence another senior postholder . The panel will normally also include the Vice Principal (Student Services) or Vice Principal (Curriculum & High Needs). Panel members should not include any members that were involved in earlier stages of this Fitness to Study Procedure.
- 8.4 The student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) will be informed in writing of the date, place and time of the meeting at least five working days before the meeting. In emergency situations it may be necessary to hold a meeting with less notice.
- 8.5 The student may be accompanied by their parent/guardian, a student representative, or a fellow student.
- 8.6 If the Stage 3 Formal Review Panel meeting has been preceded by a Stage 1 and/or 2 support meeting the course tutor or appropriate other who is aware of the background to the case will present the panel with information of previous actions taken and outcomes achieved.
- 8.7 Any evidence relevant to the case will be provided to the student at least 24 hours before the meeting together with any documentary evidence that will be referred to at the meeting.
- 8.8 If the student wishes to call any relevant person to provide information to support the student or any documentary evidence, to be considered at the meeting, this should be notified and/or provided to the Chair at least 3 working days before the meeting.
- 8.9 During the meeting the Chair (or appropriate member of staff designated by the Chair) will keep notes.
- 8.10 The meeting may include attendance of other relevant persons who can offer evidence to support the deliberations. All parties will have an opportunity to ask questions of those called to provide evidence. Attendees will withdraw from the hearing once they have given their evidence.

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- 8.11 The Panel will communicate the outcome of the meeting in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within two working days of the meeting. A copy of this letter will be placed in the student file and noted on the student's computerised record.
- 8.12 The Stage 3 may have any of the following outcomes:
- a) **A Stage 3 Action Plan** developed with the student to address the concerns raised, with an agreed review date. If the actions and concerns have not been addressed by the review date a further Formal Review Panel will be convened
 - b) **Temporary exclusion/Study break** – the student will take a break in study to allow time for the student to address their physical or mental health or wellbeing. A study break may not be an option for all programmes / courses e.g. short courses, professional qualifications
 - c) **Withdrawal / Exclusion** – the Panel determines that the concerns raised are of a nature sufficiently serious to warrant the student's exclusion (e.g. if they pose a potential threat to the health and safety of themselves or others, or disruption to the working of the institution). Such an exclusion would not preclude the student from re-applying for the same or another course at the Group in the future should they wish to do so in the following academic year or at the next application point in the year

9. Crisis Management – Break in Learning and Attendance from the Group

- 9.1 A student may be temporarily be required to have a break in learning where a serious medical or mental health incident has occurred (or is alleged to have occurred) and there is a need for a 'cooling-off' period or where the student or educational environment is a potential risk to themselves or to others. During this period one of the Stages described above will be implemented with five working days.
- 9.2 In such circumstances it may be necessary for the relevant College protocols to be enacted and emergency services called.
- 9.3 Should a member of staff who is dealing with an incident feel that the student should have a break in learning they should contact one of the following members of staff:

- Head of School
- Vice Principal

And in the absence of any of the above:

- A College Principal
- Deputy Group Principal
- Group Principal

Only these authorised nominees have the authority to make this decision. No other member of staff has the authority to do so.

- 9.4 The student will be informed of why they are required to have a break in learning and that they must leave the College immediately. A letter confirming this decision will be sent to the student with copies to parents, employers and/or other relevant agencies within three working days of the notification of the incident.

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- 9.5 A student has the right to appeal the decision to have a break in learning to the Vice Principal. The Vice Principal will review the decision and decide whether to confirm or vary the decision. If the decision for the break in learning was made by the Vice Principal, a College Principal will hear the appeal.
- 9.6 The student will be informed of the outcome of this review in a letter. A copy of this letter will be placed on the student's file and noted on the student's computerised record.
- 9.7 The Fitness to Study procedure will be invoked should the student express a wish return to study following such an incident.

10. Data Protection and Confidentiality

- 10.1 Group staff are governed by the requirements of the 2018 Data Protection Act. Under this act, all data relating to a person's physical or mental health is regarded as sensitive personal data. In general, all personal data of a sensitive nature given to a member of staff by an applicant/student should be treated as confidential and should only be disclosed with the applicant's/student's consent.
- 10.2 However, there exist rare occasions when the student's consent is withheld, or it is impractical to try to obtain it, when confidentiality may be broken as outlined in the College's Safeguarding Children & Vulnerable Adults: Procedures. These include the following relevant occasions:
- when the student's mental health has deteriorated to the extent of threatening his/her personal safety
 - when the student's behaviour is adversely affecting the rights and safety of others
- 10.3 Staff may wish to consult a Safeguarding Officer or in their absence a Deputy Safeguarding Officer, if they believe there is a need to break the commitment to confidentiality. Initial discussions should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

11. Appeals

11.1 General Principals

- 11.2 An appeal can be made where a decision has resulted in an exclusion. Any appeal against a decision of this nature must state the full grounds of appeal and must be submitted in writing within ten working days of receiving confirmation of a decision.
- 11.3 Appeals under the above will only be considered on the following grounds:
- (a) that there is new evidence that was not earlier considered and could have been expected to have materially affected the decision
 - (b) that the original decision, interview or hearing was not conducted fairly
 - (c) that the findings were unreasonable in the light of the findings of fact
 - (d) that the outcome of the stage 3 was unreasonable or too severe in the circumstances
- 11.4 If the student is appealing on the ground that new evidence is available, then copies of that evidence and an explanation of why it was not made available earlier must be provided.

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- 11.5 The member of staff designated to hear the appeal must first consider whether there are enough grounds for appeal. If the member of staff is satisfied that there are not enough grounds for appeal, this decision will be communicated in writing to the student stating the reasons for the denial. The student will be advised that this decision is final.
- 11.6 There is no entitlement to a re-hearing of the case and any re-hearing would only be allowed in exceptional cases. Witnesses will not normally be called to an appeal hearing and only in support of new evidence that has become known since the original stage.
- 11.7 The appeal decision will usually be made within fifteen working days of receiving the notice of appeal, by a member of the Group community who has had no earlier involvement in the matter.

12. Appeals procedures

- 12.1 Appeals against exclusion will be heard by a College Principal, the Deputy Chief Executive or the Group Principal and Chief Executive (Appeal Officer).
- 12.2 The Appeal Officer will inform the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) of the date, place and time of the appeal hearing at least three working days before the meeting.
- 12.3 The Appeal Officer will also notify the member of staff who conducted the original meeting leading to an exclusion that they will be required to rebut the student's appeal (Rebutting Officer).
- 12.4 The Appeal Officer will ensure all parties are provided with the Grounds of Appeal from the student, statements from any witnesses and copies of any documents to be considered in connection with the appeal including any signed and dated statements.
- 12.5 The student may be accompanied by their parent/guardian, a student representative, or a fellow student
- 12.6 The Appeal Officer will decide whether to uphold or dismiss the appeal.
- 12.7 Where the appeal is upheld, the Appeal Officer can:
 - a) Expunge any record of the matter from the student's file
 - b) Reduce the original decision and re-instate the Stage 3 for the development of a further action plan
- 12.8 The Appeal Officer will communicate the outcome of the hearing in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within five working days of the hearing. This letter will record the nature of the appeal and whether it is upheld or dismissed, any change in penalty imposed and, normally, the reasons for the decision. A copy of this letter will be placed on the student's file and noted on the student's computerised record and where the appeal is dismissed.
- 12.9 The Appeal Officer is entitled to notify all staff and students involved in the appeal hearing, the outcome of hearing.
- 12.10 The outcome of the appeal is final, binding, and not subject to further appeal.

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13. Legal Representation

- 13.1 Legal representation will not generally be allowed. The Group will only consider requests for legal representation before to any hearing that may lead to exclusion. Where approval for legal representation is granted, the Group reserves its right to have legal representation itself.

14. Failure to attend

- 14.1 Students must make every attempt to attend any meeting arranged under the Fitness to Study process. If in the view of the member of staff conducting the meeting there are reasonable mitigating circumstances why a student is absent, the member of staff will make one further attempt to reschedule the meeting. If the student does not attend the rescheduled meeting or hearing, the matter may proceed in the student's absence.
- 14.2 Should a student fail to attend an appeal hearing without due course or mitigation, the appeal will be dismissed.

15. Reference to other relevant policies, procedures and guidelines:

- Admissions Policy and Procedure
- Policy for Children Looked After and Care Leavers.
- Safeguarding Children and Vulnerable Adults Policy
- Student Disciplinary Policy and Procedure
- Student Attendance, Behaviour and Commitment to Study Procedures (ABC)
- Alcohol and Drugs policy / procedure
- E-safety policy

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