



## **Fitness to Study Policy and Procedure**

Fitness to Study relates to an individual's capacity and ability to engage safely and satisfactorily as a student, in relation to academic, social, enrichment and residential life at the College where appropriate. The College will provide a positive approach to the management of their physical and mental health issues and act to support a student's learning, academic achievement and enhancement of their College experience.

The Fitness to Study procedure should only be used in exceptional cases where other College policies or procedures are inappropriate, eg if at any time in the opinion of the College it is more appropriate to proceed under the Disciplinary Procedure or other associated policies the College shall have the right to do so. This would include during the application stage and the induction/satisfactorily completion of 42 day period, duration of the course.

This procedure has been drawn up in order to ensure that all students who may be subject to Fitness to Study procedures are dealt with in accordance with natural justice in a fair and equitable manner, providing an appropriate, proportionate, prompt and flexible response to serious concerns about a student's fitness to study.

These procedures apply to students on Further Education, Higher Education, 14-16 and Work-based Apprenticeships, studying either full-time or part-time, whilst attending a College centre or at a College approved placement.

## Procedure

The aim of this procedure is to promote and provide positive attitudes to students whose health or wellbeing is having a detrimental impact on their (or others') studies. This procedure 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 capacity and the impact that it may have upon that individual and other members of the College community.

This procedure will be used to deal with instances which have led to:

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

This procedure is intended to make decisions which are non-judgemental and non-discriminatory 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 in place and recommendations for support followed, a crisis situation can be avoided.

All students, parents/guardians, carers, external supporting agencies including feeder schools, local authorities and employers should be involved in the management of individual students' mental and physical wellbeing wherever possible. If students are unwilling or do not engage with support measures identified on care plans, behaviour plans or individual risk assessments this may lead to disciplinary procedures and possible exclusion from the programme.

The College will discharge its duty of care and legal obligations where there are serious or severe concerns.

### Legislation/Data Protection/Confidentiality

Students with mental and physical health conditions are entitled to reasonable adjustments and appropriate support in relation to relevant legislation e.g. the Health and Safety at Work Act 1974, the Equality Act, 2010, Keeping Children Safe in Education 2014 and the SEN Code of Practice. 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 occasion where the College is obliged to disclose information, notwithstanding that the learner has refused consent.

- Where the learner's behaviour threatens their safety or safeguarding, and that of others
- Or where the College would be liable to civil or criminal liability for failure to disclose

Reasonable adjustment means ensuring that there are reasonable steps to ensure learners are not placed at a 'substantial' disadvantage due to their disability/ difficulty or additional need.

The criteria for judging 'reasonable' includes consideration that they do not compromise academic standards, health and safety or the relevant interests of other people including other students. The College, as previously stated has a 'duty of care' to the College community and considers the health and safety of everyone to be paramount.

All reasonable adjustments should be financially reasonable and practical.

The funding of support for qualifying (funded) students is enabled through Additional Learning Support (ALS) or the Disabled Student Allowance (DSA) and aims to remove barriers to success and achievement by funding reasonable adjustments.

It is appropriate at the College to follow guidelines and procedures that promote order and fairness and allow the development of learners' abilities and skills, taking into account any conditions which would affect their ability to successfully complete their course of study.

In a small number of cases during their time at College/approved placement, learners may become unfit to study/work when, with or without their awareness of it, they may display inappropriate behaviour, endanger themselves or others, disrupt other learners or hinder the proper functioning of the College/organisations.

Learners may also become unfit to study/work when prolonged or regular short term absence prevents them from attending their timetabled sessions or normal working hours, and arises out of a mental or physical health condition or a disability and persists despite all reasonable adjustments and support in place.

### **Roles and Responsibilities**

Staff who have any serious or severe concerns about a learner's health or behaviour should consider the use of this procedure.

All declarations and disclosures relating to this procedure should be referred to the Admissions Panel for discussion. They will be added to the Student Support Register if the student enrolls. The Admissions Panel meets regularly throughout the year to review all applications from learners who may have additional needs and requirements; these include all serious or severe health declarations.

Referrals to the Admissions Panel can be made by a member of the Admissions or Inclusive Learning team, Course Tutor, Assistant Head or Head of Area or a member of the panel.

The College will follow all aspects of the SEN Code of Practice. Additionally the College will support any learner who has an Individual Educational Health Care Plan. Applicants are expected to declare any health conditions, failure to disclose may result in their applications being put in jeopardy.

Following panel decisions the Admissions team will communicate with individual learners. In regards to successful applications additional requirements or reasonable adjustments may be necessary. These may include, College individual risk assessments and/ or College health care plans and/or behaviour plans.

Health concerns may develop or become apparent throughout the year and these should be recorded on the Student Support Register; serious and severe concerns will be referred to the Admissions Panel via the Core.

Applicants, their parents/guardians, health professionals and other external representatives may contribute to these requirements.

When an applicant presents profound or complex needs in relation to their health, violent or sexual behaviour the panel may recommend that the College may not be an appropriate place for this applicant to study.

For higher education students on professionally regulated courses there will be consideration of any implications for professional practice and, if so, whether the Fitness to Practice procedure of the University of Central Lancashire should be invoked.

### **Health and Safety Implications**

There may be circumstances where there appears to be conflict between a student's fitness to study and the health and safety of that individual, other learners and employees. All cases will be reviewed on an individual basis.

### **Appeals**

All appeals should be made in writing to the appropriate assistant Principal/Vice Principal detailing the reason for the appeal, within five days of receiving a notification of a decision. The Assistant Principal or their nominee will investigate the appeal and consider any relevant supporting evidence and will provide an outcome within 15 working days.

For higher education students where the College and the University appeals procedures have been completed, the student will be issued with a Completion of Procedures advising of their entitlement of request for review by the Office of the Independent Adjudicator for Higher Education (OIA).

### **Documents associated with this Policy**

- Health and Safety Policy
- Safeguarding, Child Protection, Prevent and Missing from Education Policy and Procedure
- Admissions Policy
- Equality, Diversity and Inclusion Policy and Procedure
- Disciplinary Policy and Procedure
- Myerscough Code
- Student Support Register Guidelines
- UCLan Fitness to Study Procedure
- UCLan Fitness to Practice Procedure

| Document History  |   |  |  |
|---|---|--|--|
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| Quality Assurance   |   |  |  |
| This Policy and Procedure maps to the following external quality assurance frameworks |   |  |  |
| Framework   |   | Framework Section Reference(s)           |  |
| <b>Common Inspection Framework</b>  |   |  |  |
| <b>MATRIX</b>   |   |  |  |
| <b>QAA</b>  |   | QAA UK Quality Code for Higher Education |  |
| <b>QIA</b>  |   |  |  |
| <b>SFA</b>  |   |  |  |

**All Myerscough College Policies are subject to screening for Equality Impact Assessment**

Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex or sexual orientation

Myerscough College not only fulfils its legal position in relation to current and future equality legislation, but additionally goes beyond compliance in providing and promoting "Opportunities for all to succeed", free from any aspect of discrimination, harassment or victimisation.

All staff have a duty of care to look after the interests of and support their colleagues. *This policy takes account of our commitment to eliminating discrimination, identifying and removing barriers and providing equal opportunities for our learners, staff and visitors to ensure that no one feels excluded or disadvantaged.*

**Safeguarding, Learner Protection and Prevent**

All staff have a responsibility to support and promote the College's commitment to providing a safe environment for students, staff and visitors. Additionally, all staff have a responsibility to report any safeguarding or Prevent issues to the Designated Senior Lead for Safeguarding and Prevent.