



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 and physical 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.

This procedure aims to ensure that early identification and collaboration with the college, students, support services and parents or guardians will ensure a robust assessment of needs, risks and support to avoid any need for disciplinary action however this may be required if there are serious risks to health, safety and wellbeing.

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

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.

1. 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 2019 and the SEND Code of Practice.

All personal and sensitive information will be managed in accordance with the Data Protection Act 1998 and the GDPR.

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.

2. The Procedure

This procedure has two stages (informal and formal). Depending on the concern raised, it may be appropriate to move straight to the formal stage. A student's willingness to engage with the process will also inform actions and decisions taken by the College. If a student chooses not to engage, then this procedure may continue without their involvement.

At any stage in Fitness to Study process, the student may be suspended from the College on an interim basis.

At each stage, the student is entitled to be accompanied by a person of their choosing, who may be a friend, family member, employer or a representative from the Students' Union, but who may not be a legal representative acting in a professional capacity.

If the student is under 18, the parent or guardian must be included in the process unless there are other known factors. In this case, the Director of Student Support will make a decision and record any information sharing decisions.

If the student is age 14-16 on a schools programme, the school must be involved in addition to the parent or guardian. The local authority will also need to be kept informed.

All declarations and disclosures relating to this procedure should also be referred to the Admissions and Support Advisory Panel for further consideration.

3.1 Informal Stage

When a concern about a student's health, safety or wellbeing is raised, the concerned member of staff should seek advice from the Student Support Services.

Once the Fitness to Study Procedure has been agreed as the appropriate way forward, an informal meeting should be arranged by the member of staff and/or representative of Student Support and /or Inclusive learning staff and/or employer with the student, to discuss the concerns and agree a way forward. It may be appropriate to involve parents or guardians at this time.

The outcome of the meeting should be confirmed in writing to the student, setting out agreed actions. The outcome of the informal meeting will be one of the following:

- Concerns have been addressed and the Fitness to Study process can be closed
- Concerns have not been addressed and an action plan with an agreed review date is required.
- Concerns have not been addressed and escalation to the formal stage of the Fitness to Study Procedure is appropriate.

Records should be completed appropriately on the student's EILP ensuring correct levels of confidentiality and sensitivity are maintained. If the student has an EHCP, notes and records should also be maintained in line with college processes.

3.2 Formal Stage

This stage will be invoked when significant or persistent concerns are raised about a student that are putting them or others at risk. These may be continuing concerns or a new significant concern which the College deems appropriate for immediate formal action.

The Fitness to Study panel will meet to review evidence prior to the meeting with the student. The panel will consist of the Director of Student Support, Inclusive Learning and Curriculum and or business support representative. If the student is a residential student, the Residential Support Manager will also be on the panel.

A meeting will be convened with the student and parent or guardian (if appropriate) to discuss the concerns and an appropriate course of action. The meeting will be chaired by the Director of Student Support or management representative and attended by appropriate members from other areas of the College (e.g. Course Leader / curriculum representative, Student Support and Wellbeing staff, Inclusive Learning and Residential Support Manager). The meeting will consider all reasonable options to enable the student to continue with their studies.

The student will be invited to attend the meeting. The student may submit any documents they wish to the meeting for consideration. College representatives will present relevant information to the meeting.

The panel will make a decision based on the evidence presented from the student and College representatives. The meeting may be adjourned to consider all evidence. Further information may be requested which may result in subsequent meetings. A decision will be made by the panel and shared with the student and their representatives.

The student will receive written confirmation of the outcome of the meeting and will be required to comply with any actions agreed by the meeting.

The outcome of the meeting will be one of the following:

- That no further action is required and the Fitness to Study process can be closed.
- To agree an enhanced action plan with an agreed review date.
- To agree a voluntary interruption of the student's studies.
- To invoke a suspension of the student's studies for a specified period.
- To invoke a withdrawal of the student from the course and the College.
- Any other action considered to be appropriate and proportionate.

3. Appeals

Appeals will be investigated by a senior manager who has not previously been involved in the case. All appeals should be made in writing to the appropriate Assistant 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).

4. Documents Associated with this Policy

- Health and Safety Policy
- Safeguarding Policy and Procedure
- Admissions Policy
- Equality, Diversity and Inclusion Policy and Procedure
- Disciplinary Policy and Procedure
- Myerscough Code
- 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) | |
| Common Inspection Framework | | | |
| MATRIX | | | |
| QAA | | QAA UK Quality Code for Higher Education | |
| QIA | | | |
| SFA | | | |
| Key Changes to Document | | | |
| <ul style="list-style-type: none"> • Revised for HE in line with UCLan requirements. • Main change is to clarify procedure for informal and formal stages. • Policy now responsibility of Director of Student Support. | | | |

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.