

Fitness to Study Procedures

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Introduction

The College is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health and behavioural issues is critical to student learning and academic achievement. Additionally, the College has a duty of care to all within its community and a responsibility to take action to support those in distress, or causing significant concern or presenting a risk to self or others. This will include, for instance, 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.

These guidelines:

Clarify a suitable response by teaching and support staff in circumstances where it is not considered appropriate to apply disciplinary procedures. This may arise when a student's behaviour requires considered and sensitive management rather than disciplinary sanction.

Recommend a co-ordinated approach to the management of a situation where mental or physical functioning

- May not permit a student to benefit from the educational opportunities afforded to him or her at a particular time or
- Is adversely affecting the student experience of others or
- Requires support at a level that has extended well beyond that which can reasonably be expected of the College.

This procedure has three levels of concern. The cause or causes for concern can result in entering the procedure at any level although it is hoped that most situations can be remedied by action taken at stages 1 or 2.

Concerns about a student's health or behaviour should be acted upon promptly. Early action/intervention can often prevent a situation from developing into a crisis.

The procedure aims to ensure that:

- The best interests of the student are considered in relation to their personal situation, their health, wellbeing and/or any disability they may experience
- Students are supported to study to the best of their ability, and wherever possible to meet the required learning outcomes and complete their course
- Students who are experiencing difficulties in relation to their health, wellbeing and/or disability are supported to address their difficulties at the earliest appropriate point
- Students are able to make informed decisions regarding options available
- Any reasonable adjustments that the student may be entitled to are considered and where appropriate put in place

Staff from college curriculum areas and from Student Support Services work together where appropriate so that students experience a consistent and fair process. If staff are unsure about whether to implement this procedure, they should seek advice and discuss their concerns with the people listed below in section 9.

1 Stage One

Concerns emerge about a student's health and safety and ability to study based on deterioration in health, appearance or behaviour

- 1.1 A member of staff who knows the student (e.g. tutor, progress coach) should approach the student in a supportive way and indicate that there is a recognised concern about the student's wellbeing. The nature of the concern should be clearly identified and, if appropriate, information should be provided about support available through the College (e.g. Welfare) and the student reminded about external support such as the student's GP, CAMHS, IAPT etc. (NB counselling cannot be made mandatory for a student)
- 1.2 The student and member of staff should agree on actions to be taken and the actions recorded on ProMonitor. A review date should be agreed and included in the file note.
- 1.3 The staff member should explain to the student that the same or additional concerns for health, wellbeing or fitness to study may lead to their fitness to study being more widely considered in stage two.

2 Stage Two

Continued concern about a student's health, safety and ability to study related to a significant deterioration in appearance, health or behaviour or a significant initial concern about a student. For students under the age of 18 years of age, a parent or guardian will usually be informed

- 2.1 The student will be invited to attend a meeting with the Progress Coach/Lead Progress Coach/Safeguarding and Inclusion Managers/member of the safeguarding team and the member of staff expressing concern. The student should be made aware of the purpose of the meeting and advised of any documents they may need to bring as well as anyone who is invited in order to provide information pertinent to the situation. The student should be informed of the meeting at least 24 hours before the date of the meeting. The student may be accompanied by a friend or family member if requested. Students with disabilities may also be accompanied by a support worker or facilitator as appropriate to their needs.
- 2.2 The purpose of the meeting will be to outline concerns and ascertain the student's perception of the issues identified and also to ensure that the student clearly understands College expectations regarding fitness to study. It will be important to identify and agree an action plan (Appendix A) following the meeting. The consequences of not adhering to the action plan should be clearly outlined to the student. A short summary of the meeting, the agreed action plan and the consequences of non-compliance should be sent to the student within 3 working days of the meeting. The meeting must be documented and recorded centrally. Regular review meetings should be set up with the student and the agreed named staff member who will also be the central point of contact regarding the student. The frequency of these reviews should be agreed at the meeting.

3 Stage Three

The most serious level of concern can be reached either through progression from stages 1 and 2 or directly if there are significant concerns about the risk to the health and wellbeing of the student, safety of self, students, staff or to others. At this stage, parents or guardians would usually be informed if the student is less than 18 years of age

- 3.1 A hearing will be called by the Assistant Director of Curriculum, Assistant/Vice Principal, or by exception a representative, to ascertain the facts as known and to discuss an appropriate course of action. The Chair will be the Director of Student Support and Inclusion or representative. The Director of Student Support and Inclusion, the Safeguarding and Inclusion Manager and a minute taker will also attend. Others may be called to provide evidence or to provide written statements and notes from previous stages provided to the chair in advance of the meeting
- 3.2 During the hearing relevant staff, external professionals and the student if appropriate will be invited to outline their concerns.
- 3.3 The student will also be invited to attend at one point during the proceedings and may have a friend or family member or learning facilitator accompany them for support. Students with disabilities may also choose their support worker
- 3.4 The hearing may consider various options including a break from study, part time study, and study from home, the support needed by a student, a period of interruption or a recommendation for withdrawal or exclusion of the student.
- 3.5 The actions arising out of the hearing will be agreed, documented and circulated to all in attendance and to the student. All actions should have specific time frames where appropriate and adherence to such timeframes will be a condition of any re-entry to programmes of study.
- 3.6 If the case conference considers that withdrawal or exclusion is the best course of action this must be recommended by the chair to, and approved by the Fitness to Study Panel. The Fitness to Study panel should include the Assistant/Vice Principal, Director of Student Support and Inclusion or by exception a representative, the Curriculum Manager a member of the safeguarding team and the learner. Once withdrawal or exclusion is approved by the Assistant/Vice Principal, a letter should be sent via registered mail to all the student addresses known to the College. The same letter should be sent to all the student email accounts known to the College.
- 3.7 In the event that the student is unable to attend the hearing for whatever reason, the hearing may go ahead in their absence. If appropriate the student may be involved by phone or/ video call.
- 3.8 If an incident occurs where there is an immediate risk to self or others, safeguarding and duty Principal procedures should be followed.

4 Appeals

- 4.1 The only sanctions against which a student may appeal are withdrawal or exclusion. Written notice of the appeal and grounds of the appeal must be given to the Assistant Principal/Vice within five working days of the date upon which the student received written notification of withdrawal or exclusion.
- 4.2 Appeals can be considered on one or more of the following grounds:
- The decision was irrational;
 - The sanction was disproportionately severe;
 - There have been procedural irregularities in the handling of the matter.
- 4.3 Appeals relating to withdrawal and exclusion will be heard by convening an Appeals Panel. This is comprised of two Senior Postholders – The Assistant/Vice Principal and the Deputy Principal: Finance & Resources, and the Director of Student Support and Inclusion. The panel will make a recommendation to the Principal. This decision will be final.
- 4.4 The appeal will be heard as soon as possible, but the student is entitled to five working days' notice of the date, time and venue of the appeal hearing, unless an earlier date has been mutually agreed. The Appeals Panel has access to all the reports and statements used in the hearing.
- 4.5 At the appeal hearing, the student and his/her representative will be given the opportunity to set out their representations.
- 4.6 The decision will be communicated to the student in writing, as soon as practicable. The decision is final.
- 4.7 The decision will be communicated in writing, normally within 10 working days of the date the request for review was received.
- 4.8 If the appeal is upheld, Higher Education complainants are entitled to request a Completion of Procedures letter, under OIA rules, within one month following receipt of the complaint response.

If the appeal is not upheld, Higher Education complainants will receive a Completion of Procedures letter, which will be issued within 28 days after completion of the internal processes.

Higher Education complaints can be pursued with the Office for the Independent Adjudicator (OIA) <http://www.oiahe.org.uk> who will identify if the complaint is eligible for their review. Escalation to the OIA must be made within 12 months from the date of the Completion of Procedures letter.

5 Returning to Study

- 5.1 Students should be informed of the procedures to be followed for returning to study as soon as possible.
- 5.2 Each student's case will vary depending upon the context and specific circumstances out of which the original concern arose. In all cases return to study will be dependent upon evidence of fitness to study such as a GP's letter and of appropriate support systems. Evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of the student and the demands of education in order to make an informed decision regarding return to study. In particular, specific reference should be made to the student's capacity to return to study.
- 5.3 The decision to allow return to study will be made by the Director of Student Support and Inclusion in consultation with appropriate professional colleagues from the student's curriculum area, if applicable. The Director of Student Support and Inclusion must be assured of fitness to study, compliance with any conditions imposed, regulatory requirements, and the availability of support upon return.
- 5.4 Regular 1:1 review meetings should be arranged with the Progress Coach/Lead Progress Coach so that student progress can be monitored and student support modified if necessary.
- 5.5 When return to study is not deemed to be an option and the student wishes to challenge this, the existing complaints and appeals policies and processes should be followed.

6 Consent, confidentiality and data protection

6.1 GDPR

- 6.1.1 All data relating to a person's physical or mental health is regarded as sensitive, personal data. The College's policy on Data Protection contains guidance on the use of sensitive information. You can view the Student Privacy notice on the college website.

6.2 Confidentiality

In all cases where, in the member of staff's judgement, it would be in the student's best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the student's informed consent should be obtained where possible. It will be necessary to inform the student why there might be a need to disclose sensitive information, who will have access to this information, and the likely consequences of giving or withholding consent (e.g. additional support strategies such as reasonable adjustments including additional examination arrangements).

There are rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

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- When the student's mental health has deteriorated to the extent of threatening his/her personal safety or the safety of others
- When the student's behaviour is adversely affecting the rights and safety of others
- When the student is at risk of serious abuse or exploitation
- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed).

Staff should consult with the Director of Student Support and Inclusion if they believe there is a need to break the commitment to confidentiality.

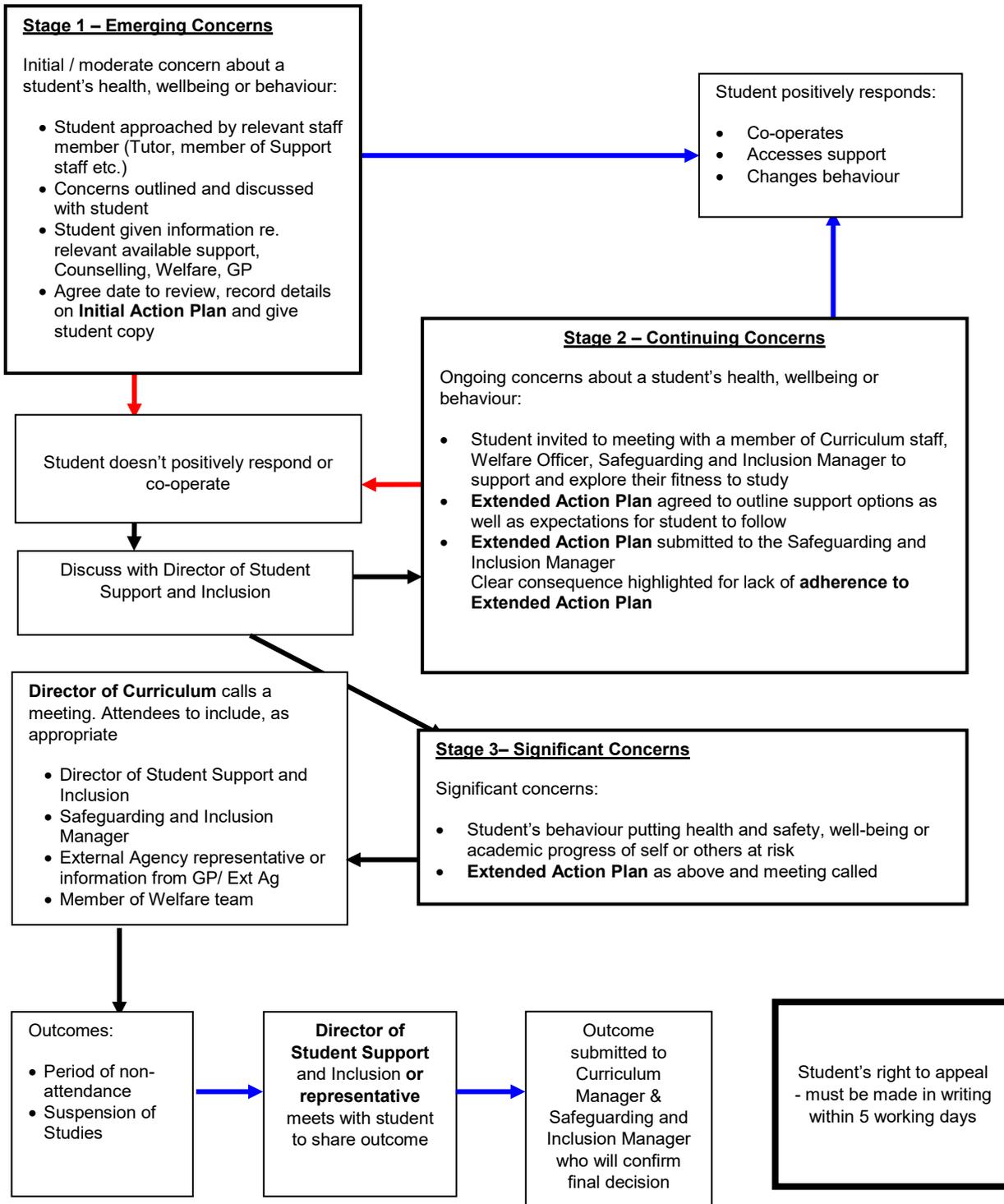
Help for staff

Director of Student Support and Inclusion
Curriculum Managers
Safeguarding and Inclusion Team
Line Manager
Health & Safety Manager

Help for Students

Director of Student Support and Inclusion
Curriculum Managers & team
Welfare Officers
Lead Progress Coach/Safeguarding and Inclusion Manager
Learning Support
Health and Safety Manager

Fitness to Study Procedures Flowchart



Fitness to Study Procedures

Fitness to Study Action Plan 2021-2022

Student name	
Age	
Student ID	
Study Programme/Course	

Reason for action plan:

- Attendance
- Motivation/Commitment
- Wellbeing concerns
- Impact on other learners
- Other (please specify):

Please outline concerns:

Review weekly						
Agreed actions for improvement and SMART targets	Week 1 w/c	Week 2 w/c	Week 3 w/c Review of progress against actions Intervention required	Week 4 w/c	Week 5 w/c	Week 6 – Outcome w/c
•			Met <input type="checkbox"/> Not met <input type="checkbox"/> Further action Yes No		Successful completion <input type="checkbox"/> Unsuccessful Completion <input type="checkbox"/>	

I understand the nature of the concerns raised and the potential impact this can have on me and other members of the College community. I understand that if I am unable or unwilling to carry out the Action Plan, the College will need to consider taking appropriate action, which could result in temporary or permanent withdrawal from my programme.

Deputy Director of Student Support	
Safeguarding & Inclusion Manager signature	
Student signature	
Date	

Copies to: Student, Parent/Guardian [if appropriate], Deputy Director of Curriculum

Recorded on Pro Monitor