

Policy Name	Fitness to Study Policy
Department	Student Services
Created by (Job Title)	Director, Student Services
Date Reviewed	June 2015
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Pathway	https://staffnet.bedford.ac.uk/studentservices/Pages/Policies-Procedures.aspx
E & D Policy Disclaimer	<p>This policy has been reviewed in line with the Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation and Disability. We will continue to monitor this policy and to ensure that it has equal access and does not discriminate against anyone, especially any person/s listed under any protected characteristic.</p> <p>(For the E&D statement to be included the policy must be reviewed using the Equality Impact Assessment process as outlined on staff intranet https://staffnet.bedford.ac.uk/equdiv/Pages/Policies-and-Procedures.aspx)</p>

Fitness to Study Policy

Staff Guidelines

Bedford College is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his/her progression and wider College experience whilst ensuring the health, safety and wellbeing of others in the College community.

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

Students may also become unfit to study when prolonged or regular short term absence prevents them from attending their timetabled sessions, and arises out of a mental or physical health condition or a disability and persists despite all reasonable adjustments having been made to accommodate it.

The Fitness to Study Policy should only be used in exceptional cases where other college policies and procedures are inappropriate. If at any time in the opinion of the College it is more appropriate to proceed under the Academic Performance Procedure, Student Misconduct Disciplinary Procedure or other associated policies the College shall have the right to do so.

1. Scope and Purpose

- 1.1 This policy and procedure applies to all full-time and part-time students of the College when they are at the College, and when they are travelling to and from the College on College transport, or on a College organised trip, work placement or event. They also apply when behaviour outside of the College has a detrimental impact on other members of the College community, e.g. cyber-bullying, or damages the College's name and reputation.
- 1.2 Pupils from local schools attending school link programmes will be subject to the relevant procedure of their own school
- 1.3 These procedures apply to Higher Education students but may be amended for those students who are subject to relevant University procedures
- 1.4 For apprentices action will be taken in liaison with the relevant employer wherever possible
- 1.5 The purpose of the procedures is to -

- Support students for whom a mental or physical health condition or a disability may make them unfit to study at the time the procedures are instituted.
- Ensure consistent and fair treatment in relation to action taken in response to allegations of unacceptable conduct or performance, in cases where it may not be fair or appropriate to use the Academic Performance or Student Misconduct Disciplinary Procedure.

2. General principles

- 2.1 No decision regarding a student's fitness to study will be taken until the circumstances have been investigated. Each case will be considered on its merits and parents or guardians will be informed, as appropriate for students under the age of 19 at the start of their course. A student who has withdrawn consent for parental/guardian involvement in their education will be interviewed by the Student Wellbeing Manager to investigate how the student will be supported throughout the procedure.
- 2.2 At any stage during the procedure the relevant Director, Vice Principal or Director of Student Services (or staff acting with the authority of the Principal), may ask a student not to attend college while an investigation is being carried out.
- 2.3 The Health and Safety Manager will be available throughout the process, should any staff need to seek clarification over risks or the nature of first aid support and will work with Personal Tutors and Course Managers regarding the health needs assessment process.
- 2.4 At every stage, a student has the right to be advised of the reason for these procedures being operated. If a student fails, without good reason, to attend a meeting which he/she has been advised to attend, the meeting can take place and a decision may be made in his/her absence.
- 2.5 Written records will be kept of all stages of the procedure.

3. Indicators of Concern regarding Fitness to Study

A student's fitness to study may be brought into question for many reasons and in a wide range of circumstances. These include (but are not restricted to) the following:

- Serious concerns about the student are reported by a third party (i.e. friend, colleague, placement provider, member of the public, medical professional etc) which indicates that there is a need to question their fitness to study.
- The student has told a member of the College that they have a mental and/or physical health problem and/or provided information which indicates that there is a need to question their fitness to study.
- The student's disposition is such that it indicates that there may be a condition which is having a significant adverse impact on their health or which causes them to have difficulty making adjustments of a reasonable nature that may indicate a need to address an underlying mental health problem. For example if they have demonstrated mood swings; shown signs of depression; become withdrawn.
- The student exhibits behaviour which would otherwise be dealt with as a disciplinary matter, but which it is considered may be the result of an underlying physical or mental health problem.

- The student's academic performance, personal or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.
- The student has refused professional medical intervention despite a diagnosed need or is not accessing appropriate support where the outcome of a risk assessment suggests support could help the student stay on the course.

4. Initial Support and Guidance to Students

- 4.1 In advance of this policy being invoked, informal discussion(s) between the student and their Personal Tutor 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. If health needs are identified that were previously not disclosed, a health needs assessment needs to be completed with the Course Manager. The discussion(s) should give the student the opportunity to explain their perception of the matter.
- 4.2 The student should be referred to one or more, if appropriate, of the support services offered by the College (e.g. Additional Support; Counselling). It may be appropriate to look into the possibility of applying special academic arrangements to enable the student to study effectively (e.g. additional support arrangements). It should be made clear to the student where there are concerns relating to their mental and/or physical health and the impact upon the individual and/or other members of the College community, that such concerns exceed any usual pastoral role and will need to be referred onto specialist support (including external/multi agency partners).
- 4.3 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.
- 4.4 Where it is suspected that a student's behaviour may be related to an on-going or emerging mental health problem the relevant member of the Student Wellbeing team must be informed.
- 4.5 Any informal discussions, advice and undertakings made by the staff concerned and/or the student should be documented on Intuition. In order to maintain sufficient levels of confidentiality, it may be appropriate to keep only minimal details on Intuition, with reference to a locally held or password protected file document.

5. Fitness to Study cases

- 5.1 At all stages of the process, a sympathetic and supportive approach should be taken. All staff involved must be sensitive to the fact that the student's potential lack of fitness to study may not be entirely within their control. A collaborative approach should be attempted at all times, whereby the student is encouraged to take an active role in assessing and improving their fitness to study, if at all possible. Staff should be mindful of the fact that the student may be unaware of the concerns, or may wrongly assume that if the issues of concern are related to a disability or health condition then the College is obliged to allow their studies to continue regardless. They may therefore need help in understanding the concept of 'reasonable adjustment'.
- 5.2 The formal stages of the Fitness to Study procedures must only be invoked with authorisation from the relevant Director or Vice Principal, and following consultation with the Director of Student Services/Student Wellbeing Manager.

Stage 1

- 5.3 Should any previous informal action (e.g. pastoral support, advice or signposting to specialist services) be unsuccessful, a member of staff should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have emerged. This would ordinarily be the student's Personal Tutor or Course Manager. The Personal Tutor should arrange to meet with the student to discuss concerns. If appropriate, a member of support staff (e.g. Additional Support, Student Wellbeing Manager) may also be asked to be present in order to provide emotional support, or to support the student to understand the issue being discussed.
- 5.4 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 responsibility to be fit to study, and that the concerns raised are being addressed within the Fitness to Study procedures.
- 5.5 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 Student Services or available outside the College.
- 5.6 A review period should be determined as part of the health needs assessment (if possible by agreement between the member of staff and the student) to allow the student to consider their own behaviour and seek advice from the support services available. At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the procedure.

Stage 2

- 5.7 If concerns addressed at Stage 1 are not resolved, or if initial concerns are of a more serious nature, a Stage 2 Fitness to Study case conference may be held.
- 5.8 The Stage 2 Case Conference will be convened by the Director of Student Services (or her/his representative), and the Personal Tutor and other relevant staff involved in the case (e.g. Additional Support, Student Wellbeing Manager) will attend. The student may be accompanied by a friend or parent/carer for support. They may also be accompanied by a member of the Additional Support team as appropriate to their needs. If the student is unable to attend the case conference, the meeting may take place in their absence with the outcome communicated to the student.
- 5.9 The student will be given reasonable notice in writing of the areas of concern;
- 5.10 The student will provide notice in writing to the College of any documents or advocates he/she wishes to rely on at the case conference.
- 5.11 The student will be encouraged to give his/her point of view at the case conference, and to make suggestions as to the way forward
- 5.12 Depending on the circumstances, the chair may feel it helpful to seek medical evidence. The student will be encouraged to consent to this, as it will ultimately enable the College to address the student's difficulties in the most effective manner possible, and to make an accurate assessment of the situation. The medical evidence will be used to determine the following:
 - The nature and extent of any medical condition from which the student may be suffering;

- Their prognosis;
 - The extent to which it may affect his/her fitness to study and manage the demands of student life;
 - Any impact it may have or risk it may pose to the student or others;
 - Whether any additional reasonable adjustments can be made by the College, in light of the medical condition, to enable the student to study effectively;
 - Whether the student will be receiving any on-going medical treatment or support.
- 5.13 In such circumstances the student will be asked to authorise full disclosure to the College of any such medical report, which will then be handled, processed and stored as 'sensitive data' in line with the Data Protection Act 1998. Should the student refuse to provide any requested medical evidence, the College may either continue this policy based on the information already in its possession, or use another appropriate means to address the issue.
- 5.14 Possible outcomes from the Case Conference are:
- Resolution of all concerns within the case conference; no further action required
 - 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 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 considered at Stage 3;
 - To recommend part-time or distance learning study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the student's department and by the student, and be appropriately processed. The student should also be advised to seek guidance regarding the possible financial implications of moving to another mode of study and the implications before agreeing to this change. The student will be informed that unless these arrangements satisfy the College's concerns, their fitness to study may be considered at Stage 3;
 - Where the student is on placement, to propose to the student suspending the placement if necessary, or (if available) switching programmes to an equivalent that does not involve a placement element if this is possible.
 - To contact the placement and to share information with consent of the student or without consent if in the public interest
 - With the consent of the student, to agree that their studies be suspended for a mutually agreed period of time.
 - For the case to be considered by the Director of Student Services and the Health and Safety Manager 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 suspension or exclusion of the student may be the appropriate course of action, or where a particular course of action has been recommended (such as part-time study or suspending a placement) but the student does not agree.

- 5.15 A record of the Case Conference should be made, and distributed to all present, and a copy kept in a confidential file held by the Director of Student Services (depending on the nature and sensitivity of the content, and in agreement with the student).
- 5.16 Lack of engagement with any part of this procedure may lead to immediate escalation to Stage 3 of this policy, or to Academic Performance/Student Misconduct measures being invoked.

Stage 3

- 5.17 Stage 3 may be initiated due to:
- 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 Stage 2;
 - 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 him/her self or other members of the College community at significant risk will, exceptionally, cause Stage 3 to be initiated without reference to Stages 1 and 2;
- 5.18 The Stage 3 Case Conference will be convened by the Director of Student Services or her/his representative, and the Personal Tutor and other relevant staff involved in the case (e.g. Additional Support, Student Wellbeing Manager) will attend. The student may be accompanied by a friend or parent/carer for support. They may also be accompanied by a member of the Additional Support team as appropriate to their needs. If the student is unable to attend the case conference, the meeting may take place in their absence with the outcome communicated to the student. The relevant Vice Principal must be informed if a student is progressed to Stage 3 of this process.
- 5.19 The case conference will be conducted as per Stage 2 above.
- 5.20 Possible outcomes from the Case Conference are:
- Resolution of all concerns within the Case Conference; no further action required
 - The setting of an Action Plan (as per 6.16)
 - A defined temporary break in learning to enable medical treatment/recovery, where there is clear evidence that this would be beneficial. Any such break would need to be short-term, and this is only an option if it is expected that the student would realistically be able to catch up on their studies following the brief absence
 - A decision to withdraw the student from learning
- 5.21 The outcome of the Case Conference must be confirmed to the student in writing.
- 5.22 Any decision to withdraw a student due to Fitness to Study concerns must be reported to the relevant Vice Principal.

6. Returning to study

- 6.1 If a student has been withdrawn due to their fitness to study, they may re-apply for the same or a different learning programme at any point in the future subject to funding and meeting of normal entry criteria. In re-applying, the student must demonstrate that the concerns that led to their withdrawal have been adequately resolved. This may involve production of medical evidence, or other assessment (e.g. by a member of the College Additional Support team).

7. Admissions

7.1 Bedford College aims to be accessible for as many people as possible, and has a wide range of support services to enable access to learning.

However, there may be occasions where the College has concerns regarding the fitness to study of a potential student, e.g. due to information provided by the student, a parent/carer, their school, the Local Authority etc. Information about an individual's health condition, profound or complex needs, safeguarding issues, or social / emotional difficulties may raise concern as to whether the College is equipped to meet the individual's needs. In these cases there may be a need to conduct a more specialised interview or desk assessment to consider all factors

7.2 An appropriate multi-disciplinary College team will undertake the process with external involvement of the student, family, school or local authority as appropriate in each individual case.

7.3 A range of evidence may be utilised in the assessment which may include-

- Education, Health and Care Plan
- Medical evidence
- Reports from schools
- Physical, emotional and social needs
- Specialist treatments and therapies
- Vulnerability and safeguarding
- Level of attainment
- The level of support, special equipment and specialist environment
- Input from the applicant, the family or external parties.

7.4 The process will consider whether Bedford College can offer a suitable curriculum and support for the individual, and a decision will be made in consultation with the Director of Student Services or her/his representative. In cases where there are significant funding implications there will be consultation with the local authority. The College will make best endeavours to accommodate needs and enable applicants to enrol wherever reasonably practicable. Where this is judged not to be possible, the applicant will be informed of the reasons why.

8. Appeals

8.1 Wherever possible Fitness to Study decisions should be jointly agreed with the student. However, a student may wish to appeal the outcome of the process. If the student wishes to appeal, they must do so in writing to the Vice Principal within 10 working days of notification of the outcome.

8.2 An appeal hearing will be arranged within 21 days of the notice of appeal being lodged.

8.3 Grounds for appeal are:

- The concerns which led to the Fitness to Study procedure being invoked are not valid
- The decision made in the Fitness to Study Case Conference is not proportionate to the concerns raised
- Insufficient reasonable adjustment to the student's disability, health condition or other personal circumstance has been made
- The procedures have not been followed.

- 8.4 An appeal hearing will be arranged which will follow the same format as the original Case Conference, save that the student will start the hearing by explaining the grounds for his/her appeal, and that the appeal will be chaired by the Vice Principal
- 8.5 In the case of potential students where the decision has been made that the College is unable to offer a suitable curriculum or support, the applicant may also appeal this decision in writing to the Vice Principal. A meeting to consider the appeal will be arranged within 21 days of the notice of appeal being lodged. The applicant will be invited to attend, accompanied by a parent/carer if required. The applicant may provide further evidence of their fitness to study, and the Director of Student Services, or her/his representative, will present the case for the original decision.
- 8.6 Decisions made at appeal hearings shall be final.

9. Other Associated Policies

- Additional Support Policy
- Teaching and Learning Policy
- Student Disciplinary (Misconduct) Procedure
- Academic Performance Procedure
- Safeguarding Children and Vulnerable Adults Policy
- Confidentiality Procedure
- Equality and Diversity Policy

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