

DOCUMENT DETAILS

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Summary	The purpose of this document is to set out the College's approach to assessing student's fitness to study.

DOCUMENT CONTROL

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1. INTRODUCTION

Nottingham College is committed to supporting students and recognises the importance of their health and wellbeing in relation to their academic progress and College experience. Students are expected to take a proactive part in the process, by managing their own health and wellbeing and engaging with any support, in order to fulfil their academic potential.

2. OBJECTIVE

The Fitness to Study policy relates to a student's capacity to participate fully and satisfactorily as a student in relation to their studies and student life generally at the College.

This Policy will apply in situations where a student's health, wellbeing and/or behaviour is having (or will have in the case of applicants) a detrimental impact on their ability to progress academically and function effectively at College. It is intended to ensure an appropriate and co-ordinated response in situations where:

- Concerns arise over a student's perceived fitness to study, and
- Prompt action/intervention is deemed necessary, and
- Other internal procedures (e.g. Student Disciplinary Procedure, safeguarding procedures) are deemed less appropriate or have already been exhausted.

The Policy is not designed to be used to address academic performance issues or with issues relating to attendance or behavioural issues UNLESS the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature AND they are displaying visible signs of illness, mental health difficulties, psychological, personality or emotional disorders. See Appendix 1 for a comparison with the Student Disciplinary Policy.

3. RESPONSIBILITIES

3.1. Senior Leadership Team

The Senior Leadership team are responsible for ensuring the policy and procedure is adhered to, and providing support guidance and advice in relation to its application.

3.2. College Staff and partners

Staff and partners are responsible for ensuring that the policy and procedure is followed where they have concerns about a student's fitness to study. They should ensure processes are properly followed in order to ensure the best and most appropriate outcome for the student and College.

4. POLICY STATEMENT

The scope of this policy applies to students and prospective students who may be affected by conditions or illnesses that may prevent academic progress from being maintained.

In the context of this policy, health and wellbeing refers to the physical, mental and emotional health, attitudes, behaviours and lifestyles that enable students to meet the academic, social and emotional demands of College life. There may be occasions where the health or wellbeing of a student is such that

they may experience problems in meeting these demands and hence there may be concerns over their fitness and suitability to continue their studies in the long or short term. If staff consider there is an immediate risk they should refer to the safeguarding team and policy.

This Policy will be used to support staff in all areas of the College to manage instances where concerns have been expressed over a student's health or behaviour, which have led to:

- concern from staff about a student's fitness to study and/or ability to meet the learning outcomes of the course, notwithstanding reasonable adjustments;
- concern from staff about a student's fitness to undertake their work placement, 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.

Problems may manifest themselves in a variety of different forms including long-term damage to the student's health; disruption of the studies of other students; unsustainable demands being made of staff; detention under the Mental Health Act.

This Policy will normally be applied in relation to concerns which arise on the College premises or whilst engaged in a course activity whether at the College, an approved partner organisation and/or placement provider. However, incidents which occur outside the College which raise concerns about a student's fitness to study and where it is considered necessary to protect the safety, interests and reputation of the College, its staff or students, may also be considered under this Policy.

This Policy will also apply to prospective students who have declared issues or difficulties as part of the application process which raise concerns about their ability to join the College and fully participate in College life. The most appropriate stage of the procedure will be invoked in this instance, dependent on the circumstances. Advice and support should be sought from Head of Customer Support or Director of Customer Experience when considering using the Policy in relation to applicants.

This Policy will apply where students present with difficulties due to their physical or mental health or wellbeing. However, the College reserves the right at any stage in the Procedure, to invoke the Disciplinary Policy where students do not engage positively with supportive interventions.

The Fitness to Study Procedure has three stages, based on the level of support needed by the student and/or the seriousness of risk posed by the health or behaviour of a student. Depending on the concern raised, it may be appropriate to move straight to a higher level. Students are encouraged to engage with the College and access all support available to them, if they choose not to do so, then this Procedure may continue without their involvement. Students will be entitled to an advocate if this procedure has been invoked.

5. EQUALITY AND DIVERSITY

In responding to and managing situations where a student's fitness to study is a concern, the College remains mindful of its duty of care and of its obligations under the Equality Act 2010, including its duty to make reasonable adjustments to teaching and learning, assessment and other activities, as appropriate.

In dealing with cases the College also remains mindful of its duties under the Data Protection Act 2018 and the College's Data Protection Policy.

In implementing the Policy the College will ensure that it offers and encourages students to seek appropriate support from the outset, for example by referring students to their medical practitioner or the College's Pastoral team or the College Learning Support Services.

When implementing this Policy, each matter will be dealt with in a supportive manner and on an individual basis. Any decision reached about a student's fitness to study will be made, wherever possible, through a process involving the student and other relevant parties such as academic staff, parents or carers and internal and external agencies, such as social workers and local authorities, as appropriate in the circumstances.

The College is committed to equal opportunities and our aim is to make our procedures easy to use and accessible. We will take reasonable steps to accommodate any reasonable adjustments to enable access to this procedure or receive responses in other formats, and provide such assistance as may be reasonably required.

6. FITNESS TO STUDY PROCEDURE

In advance of this procedure being invoked, informal discussion(s) between the student and their Tutor/Achievement Coach may be initiated by the student or the member of staff, where initial concerns about the student's behaviour and/or health became apparent. This should provide the student with the opportunity to discuss their perception of the matter. It is hoped that in most cases issues can be resolved at the informal stage and that students will respond positively.

Where it is suspected that a student's behaviour may be related to an ongoing or emerging mental health issue the Wellness Coordinator/Achievement Coach must be consulted.

Any informal discussions, advice and actions should be recorded on Safeguard.

6.1. Formal intervention: Stage 1 – emerging or initial concerns about a student's health, behaviour or mental wellbeing are raised.

A member of staff from the department with primary responsibility and/or knowledge of the student (e.g. Faculty Area Manager or Personal Tutor) should talk to the individual in a sympathetic and understanding manner, indicating that there are concerns about the student's fitness to study, clearly identifying the nature of the concerns. The student should be encouraged to discuss the issues, including the potential impact on themselves and others.

It should be made clear to the student that, whilst the College has a duty of care to support students, ultimately the student is responsible for their own health and wellbeing and fitness to study.

Key points, agreements and targets arising from this discussion should be recorded on Safeguard and communicated to the student, including a date set to review progress.

Information should be provided on other sources of support the student can access, and if necessary, the student supported in making initial contact.

Where a student discloses a disability (including mental health condition and specific learning need such as ADHD, ASD) to any member of staff, the member of staff must ask the student if they would like support and if so direct them to the Customer Support Manager so that support can be arranged. If the student does not want to share this information they should be advised that the College will find it difficult to make reasonable adjustments to their needs. If the member of staff is one of the student's tutors, they should make any reasonable adjustments that they can in their sessions.

Students should be advised that if the concerns continue or any additional cause for concern arises, or they refuse to engage in the process, this could result in consideration of their fitness to study being taken to the next stage (stage 2).

6.2. Stage 2 – continuing and/or significant concerns.

If there is no improvement in the situation and/or the student continues to exhibit behaviour that is causing significant concern they will be called to a referral meeting with the Designated Safeguarding Lead and/or Wellness Co-ordinator. This meeting is mandatory so refusal to attend may result in escalation through the stages of the process.

During the meeting the student's perception of the issues and impact will be discussed and an agreed action plan put in place with formal expectations for the student to observe. Where academic adjustments are required, these will be communicated to the appropriate staff. Examination/Assessment adjustments must be referred to the Customer Support Team for assessment of need.

The action plan must be recorded on Safeguard and will have a specific review date, and the consequences of not meeting the agreed actions must be clearly outlined to the student. This may include moving to stage 3 of the process, where the suspension or cessation of studies may be considered.

6.3. Stage 3 – Serious or persistent concerns.

Where an individual's actions or behaviour are putting the health, safety, wellbeing or academic progress of him/herself or other members of the College community at significant risk, stage 3 of the process will be invoked and a case conference called to discuss the situation. The student will be advised of the case conference in writing.

6.3.1. The Case Conference will typically comprise:

- Director of Customer Experience (Chair)
- Head of Customer Support
- Curriculum Director

The following staff may also be invited to attend, as appropriate:

- Faculty Area Manager
- Wellness Co-ordinator
- Designated Senior Person for Safeguarding who has been monitoring the case, if applicable (if not one of the staff above)
- Other relevant Department staff e.g. Personal Tutor, Achievement Coach, EBD Specialist
- Any relevant external professional working with the student
- The student and any representatives (parent, guardian, enabler, partner)

The case conference will determine and agree the outcome:

- An enhanced action plan, which may include a suggested change in mode of study (e.g. location, times). This must be recorded on Safeguard.
- Suspension of studies on health and wellbeing grounds to allow for remedial actions to take place (e.g. stabilisation of medication)
- Cessation of studies on health and wellbeing grounds, where it considered that the limits of reasonable adjustments have been reached at that time.

The consequences of not adhering to the enhanced action plan will be either suspension or cessation of studies on health and wellbeing grounds.

Provision will be made for a student who has been suspended from studying to continue their studies from home, where it is appropriate and practicable to do so.

A student who is suspended should not attend College without permission. Permission may be granted to review work carried out at home and to attend examinations.

The suspension will not be lifted until the student has provided appropriate evidence from their GP or other medical professional that the student is fit to return to study.

A decision to end studies will only be recommended in the most serious of cases, and when all avenues of support have been exhausted, or the student has declined to take up support. No student's studies should be ended unless deemed to be the only remaining option and demonstrably in the best interests of the student and/or other members of the College community.

The College will make every effort to allow the student to enrol at the College again at a suitable future date. The ability to return to a new or to repeat a course of study will depend upon the feasibility and will be decided on a case by case basis.

6.4. Appeals against suspension or cessation of studies

A student wishing to appeal the decision of the case conference must make their appeal in writing to the Vice Principal - Curriculum within 10 days of the date of the case conference specifying the ground on which it is based. An appeal may only be lodged on one or more of the following grounds:

- that evidence is available, which for good and reasonable cause has not been brought to the attention of the Chair of the case conference, or
- that there has been a relevant and significant error in the operation of the fit to study process.

An appeal can be rejected if it is out of time, or not lodged in accordance with the allowable grounds.

Upon receipt of the letter of appeal, a response will be sent to the student within 10 working days, and a fit to study appeal panel will be convened within 21 working days.

No College personnel from the original case conference shall take part in the fit to study appeal panel (except for the purposes of presenting a report)

The fit to study appeal panel can decide to uphold or withdraw the original decision. The appeal panel's decision is final.

7. RETURN TO STUDY

Where the outcome of the application of the policy is to cease studies, the decision as to whether to permit the student to return to study shall be made by the Director of Curriculum, who may request a further assessment by the Wellness Co-ordinator, or convene a case conference.

Each student's case will depend on specific circumstances and context out of which the concerns arose, and in some cases, return to study will be dependent upon satisfactory medical evidence and evidence of fitness to study and the provision of information about appropriate support services with a recommendation of the benefit of continuing to study with support.

In any case where the student returns to study following the implementation of the Fitness to Study Policy, there will be regular review meetings with the student that can be used to support and monitor a return to study plan and provide staff with an agreed context in which to provide on-going pastoral care. The student must provide their on-going co-operation in this respect and such review meetings may continue for all or part of their remaining time at College.

8. EQUALITY AND PRIVACY IMPACT ASSESSMENT



NC EQUALITY
IMPACT ASSESSMEN'



NC DPIA Initial
Screening Tool Fitness:

APPENDIX 1

Comparison of Student Disciplinary Policy and Fitness to Study Policy

	Student Disciplinary Policy	Fitness to Study Policy
Purpose	To deal with breaches of the Student Agreement, such as attendance, punctuality, behaviour and standard of work.	To manage circumstances when a student’s mental health or emotional wellbeing is preventing them from meeting the demands of their studies.
Stage 1	Cause for Concern - Where academic performance is causing concern. Verbal warning issues on eLLP	Formal intervention – emerging or initial issues impacting on student’s fitness to study. Action plan and review dates
Stage 2	Case conference – required improvement not achieved. Written warning issued	Significant concerns – referral meeting with Wellness Co-ordinator & DSL. Formal action plan with expectations and clear date of compliance/review
Stage 3	Formal Disciplinary Interview – no improvement from Stage 1/Stage 2 OR conduct which constitutes a serious breach. Temporary or Permanent exclusion	Serious or persistent concerns – case conference. Enhanced Action Plan, temporary or permanent cessation of studies