

## Fitness to Study Policy and Procedure

Version No	Purpose/Change	Lead	Review Date	Next Review Date
1.0	Introduction of policy and procedure	BW	Sept 2014	Sept 2015
-	Reviewed – no changes	BW	Sept 2015	Sept 2016
2.0	Reviewed and updated	BW	Sept 2016	Sept 2017
3.0	Reviewed and updated	BW	Sep 2017	Sept 2018
4.0	Reviewed and updated	BW	Sept 2018	Sept 2019
-	Reviewed – no changes	BW	Sept 2019	Sept 2020
-	Reviewed – no changes	BW	Jul 2020	Jul 2022

### Fitness to Study Policy

#### 1. Introduction

1.1 Wilberforce Sixth Form College recognises that the transition to College life involves developmental and cognitive challenges that for some students may become overwhelming. This can equally affect those students who have pre-existing recognised mental health problems and those who do not. Difficulties may manifest as psychological and/or physical illness preventing students from either partially or totally engaging in academic study and may result in a student exhibiting behaviour that causes concern for fellow students, academic or other College staff. Such behaviour may not be a direct contravention of the College's Student Code of Conduct and Behaviour for Learning Policy and pursuing this line of action may be counterproductive and potentially discriminatory. In such circumstances, the following Fitness to Study Policy will be invoked.

1.2 It should be noted that the Fitness to Study Policy and Procedure is not an alternative to the Student Code of Conduct and Behaviour for Learning Policy. The College reserves the right to use the disciplinary procedure to deal with behaviour which is the result of physical or mental health issues.

1.3 Where possible, the support services available to students should be used as the first port of call prior to taking any formal action. It should be remembered that mental health difficulties are legally defined disabilities and it is therefore unlawful under the Equality Duty 2010 to discriminate against a student on the grounds of their disability.

1.4 'Fitness to study', as a term, relates to the entire student experience, encompassing ability to engage with studying, to work independently and harmoniously with others and not to have an adverse impact on those around them.

1.5 A student's fitness to study may be questioned if any of the following arise:

- Health problems disrupt a student's own study
- Health problems affect the study of other students
- Health problems place unreasonable demands on staff or other students

The College has a duty of care to its community and is bound by health and safety legislation which means it is obliged to take action if a student presents a risk to themselves or others.

## **2. Procedure**

2.1 The Fitness to Study Procedure detailed below has three levels. Depending upon the perceived severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three levels. The three stages reflect the seriousness of risk posed by the student and also their responsiveness to interventions from the College. If the student and/or parents/guardians fail to co-operate or absents themselves from engaging with the College at any point in the procedure, the College has the right to continue with the process in their absence.

2.2 A student will be given seven days' notice of any case review meeting and will have the right to be accompanied by parents/guardians at the case review outcome. They will also be provided with information considered by the case review group.

2.3 The College may enact the following outcomes:

- In the informal stages a student may be kept under review and expected to access the support provided.
- In the formal stage of the procedure the college may suspend, intercalate or remove the College place of the student.

2.4 A student will have the right of appeal against any decision to suspend, intercalate or remove their College place.

2.5 The College acknowledges that as a result of implementing this policy it will receive personal data of a confidential nature pertaining to the student and shall ensure that all data is handled processed and stored accordingly.

## **3. Return to Study**

3.1 Return to study after a period of intercalation will be subject to satisfactory outcome from a return to study case review.

*Please note: that whilst every effort will be made to follow this policy, circumstances may not always allow this or may render certain parts of the policy inappropriate. Individuals will be treated fairly and in line with legislation in all instances.*

## **Fitness to Study Procedures**

### **Stage 1 – Emerging Concerns**

At this stage concerns have been raised about an individual student's health, safety or mental wellbeing. Examples of this could include the following

- A member of staff notices signs of an individual student's behaviour changing in the academic situation.
- Friends of a student may have approached College staff to raise concerns about a student's behaviour.
- A student's academic performance has deteriorated suddenly and significantly.

At this stage the emphasis should be on approaching the student in a supportive manner. The Student Services Manager with primary safeguarding responsibility should approach the student for an informal interview. The nature of the concerns should be clearly identified to the student and she/he encouraged to discuss the issues. Information regarding sources of support both internally and external to the College may be discussed and the student encouraged to make use of. This may include access to the College counselling service. Information should be recorded following the College's Communication/Referral Policy.

The member of staff should informally review within a specified timeframe and monitor the student's response to the intervention in anticipation of modified behaviour – keeping the Tutor and other staff (as appropriate) informed throughout.

In light of the student not responding positively, the staff member involved in the initial consultation should discuss the situation with the Student Services Manager. At this point stage two of the procedure may be invoked.

At this initial stage if a student's behaviour gives cause for concern within a subject, which may relate to poor attendance, conduct, participation and unsatisfactory academic performance the Student Code of Conduct and Behaviour for Learning Policy may be used. Should the outcome of the review find the student's poor attendance, conduct, participation or performance to be related to their health, wellbeing or disability; the student will be managed through the Fitness to Study Policy.

### **Stage 2- Formal /Continuing Concerns**

At this stage continuing concerns about the student's health, safety or mental wellbeing will be raised more formally.

The student will be asked to meet formally with the Student Services Manager and a member of SMT (if deemed appropriate). The student may wish to be accompanied by a parent, guardian or carer. At this meeting it can be ascertained what the student's perception of the impact of their ill health, disability and/ or behaviour is having upon themselves or the general College community.

An action plan will be put in place to address the situation, which may involve reasonable adjustments to the physical environment in which the student works or reasonable adjustments to teaching, learning and assessment. This will be embedded in a support agreement and will specify expectations, actions, dates for review and consequences for non-engagement with the agreement.

This will not affect the ability of Heads of Department to determine appropriate standards for the academic performance of the individual student and if necessary call a case review. Any details from this stage of the Fitness to Study process can be offered as evidence for these meetings.

A record of this meeting and the agreed action plan will be made with copies provided to the student, parents/guardians, and appropriate members of the College staff.

Should the student not respond positively to the action plan and continuing difficulties occur; the Student Services Manager along with the designated member of SMT will hold a case review as in stage 3.

### **Stage 3 – Formal Case Review**

If significant or persistent concerns are raised about an individual student's actions or behaviours that put the health, safety wellbeing or academic progress of his/herself or other members of the College community at significant risk, the Student Services Manager and a member of SMT will convene a Fitness to Study Case Review. The case review will assess the student's fitness to study. The panel will consist of some or all of the following:

- SMT member responsible for safeguarding (or nominee)
- Student Services Manager
- Other relevant staff members, if appropriate and within reason

The student and parents, guardians or carers will be invited to meet with the Case Review Panel to discuss the recommended actions from the Fitness to Study Case Review. The student is entitled to be represented by a parent, guardian or carer in their absence or bring such a representative with them if they capable of attending the meeting.

This panel may request medical evidence from the student that they are fit to study. The Fitness to Study Case Review panel will determine the following:

1. Whether to agree an enhanced action plan to support the student with agreed review dates
2. Whether to recommend a temporary suspension of the student's studies
3. To terminate study
4. That no further action is required

In light of a recommendation to suspend, intercalate or withdraw the student's College place, this decision will be reported to the Principal. The student and parents/guardians will be informed in writing of the panel's decision.

### **Appeal Process**

The student will have the right of appeal against the outcome of the Fitness to Study Case Review. They must submit this appeal in writing to the Principal within ten working days of the decision. The normal processes for handling an appeal will apply at this stage.

## **Return to Study**

Any suspension of studies/intercalation will be subject to periodic review in the light of further developments or improvements in the student's mental state and their ability to feel ready to undertake academic study again.

When there is a possibility of a student returning from intercalation, a further case review will be convened to determine whether or not the student is fit to return to study. The panel will include:

- SMT member responsible for safeguarding (or nominee)
- Student Services Manager
- Other relevant staff members, if appropriate and within reason

Medical evidence may be required to verify that they are fit to study in accordance with the 'Return to Study' section of the Fitness to Study Policy.

Should the panel decide the student is not fit to return to study this will be reported to the Principal to approve the decision to terminate the student's study.

## Fitness to Study Procedures

### Stage 1 – Emerging Concerns

Initial / moderate concern about a student's health, wellbeing or behaviour:

- Student approached by Student Services
- Concerns outlined and student asked for an explanation
- Student asked to seek help and/or moderate behaviour
- Student given information re. relevant available specialist support

Student responds positively:

- Co-operates
- Accesses support
- Changes behaviour

Student doesn't respond positively or co-operate

Discuss with Student Services Manager

### Stage 2 – Continuing Concerns

Ongoing concerns about a student's health, wellbeing, disability or behaviour:

- Student and parents/guardians/carers invited to meeting with the Student Services Manager and a member of SMT to discuss concerns; student's perception of impact assessed.
- Action Plan agreed to outline support and/or adjustment options as well as expectations for student to follow
- Action Plan agreed for Learning Development
- Clear consequence highlighted for lack of adherence to Action Plan

### Stage 3 – Persistent Concerns

Continuing or significant concerns about a student's health, wellbeing or behaviour:

- Student's behaviour putting health and safety, wellbeing or academic progress of self or others at serious risk

### Fitness to Study Case Review

Attendees to include:

- SMT member responsible for safeguarding (or nominee)
- Student Services Manager
- Other relevant staff members if appropriate (e.g. Head of Department or Tutor)
- Other relevant agency if appropriate

Outcomes:

- Enhanced Action Plan
- Suspension of studies

The Group meets with student, Parents/ Guardians to share outcome

Outcome submitted to Principal who will confirm final decision

Student's right to appeal to the Principal. Appeals must be made in writing within ten working days