

Fitness to Study Policy and Procedure

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Covid-19 Addendum
This policy applies during normal working and may be adapted during the Covid-19 pandemic

1. Introduction

1.1 RTSF College is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement.

1.2 Fitness to study relates to an individual's capacity to participate fully as a student, in relation to academic studies and life generally at college.

2. Purpose

2.1 The purpose of this policy is to provide a suitable, co-ordinated response by academic and support staff in circumstances where a student's fitness to study is a cause for concern.

3. Fitness to Study

3.1 A student's fitness to study may be a cause for concern as a result of a wide range of circumstances, including (but not restricted to) the following:

- Where a student is affected by medical conditions that require long periods of absence and treatment.
- Where there are doubts from staff regarding a student's fitness to study due to a pre-existing medical condition.
- Where participation in a programme related activity or assessment would jeopardise the long term health and wellbeing of a student due to a pre-existing medical condition.
- When there is a disruption to teaching, learning and support of other students or where unreasonable demands are being made on staff or students due to deterioration in the physical or mental health of a student.
- Where there is a potential risk to a student or others due to deterioration in the student's physical or mental health.
- Behaviour which would usually be dealt with as a disciplinary matter, which may be known to be or suspected to be the result of an underlying physical or mental health difficulty.
- The student's academic performance or personal conduct is not acceptable and may be known to be or suspected to be the result of an underlying physical or mental health problem.

3.2 This policy is intended for use where the situation is deemed to be serious and has not been resolved via the availability of the existing academic and student support resources within College and departments.

4. Scope

4.1 This policy applies to all students throughout the period of their registration with the College. It applies to students on work experience or representing the College in the wider community.

4.2 This policy is not intended for use during the interview or admissions process. The College's admissions policies provide for information, advice and guidance and the assessment of individual needs on application to study at the College. The admissions policies can be found on the College website at <https://www.richardtaunton.ac.uk/about-us/policies-documents/>

4.3 This policy has been developed to manage situations where, in light of concerns regarding a student's health or wellbeing, it is not considered appropriate to implement other student processes such as the student support procedure. There may, however, be situations where it is appropriate to implement alternative procedures and the College is not prevented from doing so, notwithstanding concerns regarding the student's health or wellbeing.

5. Overall responsibility

5.1 The Director of Student Support and Wellbeing, as designated safeguarding lead, has overall responsibility for this policy.

6. Equality and Diversity

6.1 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.

6.2 In implementing the procedure the College will ensure that it offers and encourages students to seek appropriate support from the outset for example by referring students to the Student Services.

6.3 When implementing this procedure, 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.

6.4 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.

PROCEDURE

7. General

7.1 Any member of staff who has a concern about a student's fitness to study, or has had a concern reported to them, should discuss those concerns with the student services team, remaining mindful of the confidential and sensitive nature of the matter being discussed.

7.2 All members of staff must ensure that they consider the college safeguarding procedures alongside this procedure. If an incident occurs where there is critical concern regarding immediate risk to self or others, the Designated Safeguarding Lead (or Deputy) must be informed, in accordance with the College safeguarding procedures and the appropriate Emergency Services should be notified.

7.3 Where there is no critical concern of immediate risk to self or others, this fitness to study procedure has 3 stages. The student would usually enter the process at stage 1. However, if the College considers the level of concern to be serious and immediate it may decide that the student needs to immediately enter the process at stage 2 or 3, as appropriate.

7.4 Where there is reference in the procedure to any named role, such references are to be read as including reference to their nominees.

8. Stage 1 – Initial Concern: Informal action within departments

8.1 Concerns at this stage may include deterioration in health, appearance, behaviour, attendance, or the ability to meet deadlines, succeed academically or participate in normal student life.

8.2 It is the responsibility of the student's tutor/Head of department to discuss initial concerns with the student using one to one tutorial support.

8.3 In providing support, the tutor/ Head of department should be liaising with other relevant parties such as teaching staff, parents or carers, student support and the learning support department, employers and external agencies, such as social workers and local authorities, as appropriate in relation to the student's age and individual circumstances.

8.4 The student should be encouraged to use one or more of the support services offered by the College, e.g. student services. Specific academic arrangements, or reasonable adjustments, should be considered and action plans agreed with the student.

8.5 The student's tutor/ Head of department must record the one to one support and the agreed actions, with a review date, on the student ILP record. The student can access this via the student portal, however the tutor/ Head of department should send a record of the discussion with the agreed actions and review date to the student within 5 working days of the discussion as good practice.

9. Stage 2 – Continuing Concern or Sudden Deterioration: Case Review Meeting

9.1 Stage 2 will be initiated where concerns are continuing or the review date agreed at the stage 1 discussion has passed and the student is still experiencing difficulties. It may also be

initiated when there is a significant initial concern which is felt to be too serious to be handled informally at Stage 1.

9.2 The Director of Learning must be informed of the continuing concern. It is their responsibility to ensure that Stage 2 of this procedure is followed.

9.3 The Director of Learning will arrange a Case Review meeting with the student's tutor and any other staff from the department and/or support services as is considered appropriate in the individual circumstances.

9.4 This meeting will usually include the student. The student should be made aware of the purpose of the meeting and that they may be accompanied at the meeting by a relative, friend, student representative or support worker (but not by a legal or other professional adviser unless the College otherwise agrees). In the event that the student is unable or unwilling to attend, the meeting may go ahead in his or her absence, if the College considers it reasonable to do so.

9.5 The Director of Learning must consider whether any others should also be informed and/or invited to attend based on their ability to best provide expert advice, or those who need to be there because of their relationship with the student. Depending on the circumstances this could include other members of the college staff, parents, carers, employees, social workers and local authorities.

9.6 In the case of a looked after student or a student with an Education, Health and Care Plan, the Case Review will be in consultation with the Local Authority and Learning Support Manager.

9.7 The Case Review may seek a medical assessment, usually from the student's GP or medical practitioner. The student will be encouraged to consent to the assessment.

9.8 The Case Review meeting will consider whether the student is able to participate as a student, in relation to academic studies and life generally at college and whether any support needs can be met by the College's support services.

9.9 If this is considered possible, an action plan will be agreed with the student detailing any steps the student will need to take and the support to be provided to the student. This action plan will normally detail different actions to any plan previously agreed as part of the informal action taken by the department. Regular review meetings will be arranged with the student and a nominated member of staff. The student should be made aware of what will happen if the action plan is breached, which will normally involve their case moving to stage 3.

9.10 If this is not considered possible, stage 3 of the procedure will be initiated.

9.11 The outcome of the Case Review meeting must be recorded on the student ILP and the outcome, with any agreed actions and timescale, sent to the student within 5 working days of the Case Review meeting (and if appropriate, his or her parent or carer and any external agencies, such as employers, social workers and local authorities).

10. Stage 3 – Serious, persistent and/or critical concerns: Fitness to Study Panel

10.1 The most serious level of concern can be reached either through progression from Stages 1 and 2 or directly if the concerns identified by a member of staff are serious,

persistent or have become critical i.e. the student's behaviour is putting health and safety, well-being or academic progression of self or others at risk.

10.2 In such cases the Director of Student Support & Wellbeing and the Vice Principal must be informed.

10.3 The Director of Learning will call a Stage 3 Fitness to Study Panel meeting. The Fitness to Study Panel will be chaired by the Director of Learning. At the discretion of the panel Chair, the panel may include relevant members of academic staff as well as support staff such as the Director of Student Support and Wellbeing and the Learning Support Manager or their nominees. The membership of the panel will be at the discretion of the Chair as is most appropriate taking into account the circumstances. A minute taker will also be present – usually the relevant Welfare Officer.

10.4 The Director of Learning must consider whether others should also be invited to attend based on their ability to best provide expert advice or those who need to be there because of their relationship with the student. Depending on the circumstances this could include other members of the college staff, the College safeguarding lead, parents, carers, employers, social workers or local authorities.

10.5 In the case of a looked after student or a student with an Education, Health and Care Plan, the Fitness to Study Panel will be in consultation with the Local Authority.

10.6 The Panel may request medical evidence. The student will be invited to attend the meeting and informed that he or she may be accompanied by a relative, friend, student representative, support worker (but not by a legal or other professional adviser unless the College otherwise agrees). In the event that the student is unable or unwilling to attend, the meeting may go ahead in his or her absence.

10.7 At the Fitness to Study Panel, the student's support needs will be discussed and various options considered including a break from study, study from home, a period of suspension or postponement or a recommendation for withdrawal or exclusion of the student.

10.8 In cases where a suspension or postponement of studies is agreed, a clear time frame must be given to the student. The provision of appropriate documentation/medical evidence within that time frame will be a condition of re-entry to the programme of study.

10.9 The decision made by the Fitness to Study Panel will be notified to the student within 5 working days of the meeting. The student will be advised of his/her right to appeal against the decision and informed how that appeal should be lodged and in what timescale.

10.10 Whilst it is envisaged that such cases will be exceptional, the College reserves the right, at any stage and level of this procedure, to vary the process it follows in the interests of fairness and/or health and safety (for example, where there are concerns that the attendance of the student at a meeting or the provision of information to the student could have a detrimental effect on the student e.g. if the student is self-harming or the student is in hospital).

10.11 Should a student be unwilling or unable to take part at any stage of the procedure or to attend a meeting, the College may nonetheless follow the procedure where it is

reasonable to do so. In addition, the College will consider any request from the student to proceed with a meeting in his or her absence on the basis of written reports and/or a written statement from the student.

11. Right of appeal

11.1 The student may appeal against a decision of the Fitness to Study Panel on the following grounds:

- The college has failed to follow its own procedure
- The decision is unreasonable
- There is further material evidence which could not reasonably have been expected to have been submitted for consideration by the panel.

11.2 Any request for an appeal should set out the grounds for appeal and be submitted within 10 working days of notification in writing to the Head of College. An appeal hearing with the Head of College or his nominee will be arranged to take place normally within 21 working days of receiving notice of the request for an appeal. The student will normally be given at least 5 working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing).

11.3 At the appeal hearing the student or companion will explain his or her case and any special circumstances which may exist. The hearing will review the case, taking into account the original fitness to study decision and the student's representations from the appeal hearing.

11.4 The decision by the Head of College or his nominee will be confirmed in writing to the student normally within 5 working days

11.5 The right of appeal in the case of a looked after student or a student with an Education, Health and Care Plan will be in consultation with the Local Authority.

11.6 If the student is unhappy with the appeal decision they can follow the complaints procedure.

12. Return to study

12.1 In all circumstances, when a suspension or postponement of studies has been recommended or agreed, the process for considering a return to study should be made clear to the student at the time of suspension. The particular process to be followed will be at the discretion of the Director of Learning or the Vice Principal and will depend upon the context and specific circumstances of the original concern.

12.2 In all cases, return to study will depend on evidence of fitness to study. The precise nature of the evidence required from the student will depend on the individual circumstances of each case, but in all cases it is expected that this will involve a report from a recognised independent health professional with sufficient knowledge about the health and wellbeing of the student during the period of suspension and, specifically, the student's capacity to return to study. The College may require a second medical opinion.

12.3 The decision to allow a student to return will be made by the Director of Learning or the Vice Principal, in compliance with academic regulations and availability of support upon return. Their decision is final and will be communicated in writing to the student prior to his or her return, clarifying any necessary requirements and special arrangements.

12.4 On the student's return, the College may decide that there should 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. If so, the student is expected to take personal responsibility for fully engaging with this support.

13. Equality impact and monitoring the policy and procedure

13.1 The impact of the policy and procedure will be measured by review of the number of times it is invoked, the actions taken in response and any concerns raised or complaints received. It will be reviewed annually. In monitoring the impact of this procedure, the College will have due regard to the College's Equality and Diversity Policy and its general Single Equality Duty.

14. Publication of the procedure

14.1 This procedure is published on the staff hub and the College website.

15. Linked policies and guidelines

15.1 This procedure is linked to the following policies:

Safeguarding Policy

Health and Safety Policy

Equality and Diversity Policy

Student Support Policy

Admissions Policy

Admissions Policy

Mental Health Policy

Flow Chart

