

<b>Policy Name</b>	Fitness to Study Procedure
<b>Department</b>	Student Services
<b>Created by (Job Title)</b>	Director of Student Services
<b>Date Reviewed</b>	May 2020
<b>Date of Next Review</b>	May 2022
<b>Equality Impact Assessment</b>	This policy has been reviewed in line with the Equality Act 2010 which recognises the following categories as Protected Characteristics: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender) and Sexual orientation. We will continue to monitor this policy to ensure that it provides equal access and does not discriminate against anyone, especially any person/s listed under any protected characteristic.

## **1. Purpose**

- 1.1 The Bedford College Group is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his or her academic progression. This procedure outlines the process and procedures to be following when a student's health, wellbeing and/or behaviour affects their ability to cope at College, to study or progress on their course or when their health, wellbeing or behaviour poses a risk to the health and safety of self and/or others.

## **2. Scope**

- 2.1 The College is committed to support student wellbeing and recognises that a positive approach to the management of physical and mental health and behavioural issues is critical to 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.

## **3. Procedure for Students who Inform the College about their Health Needs and Wellbeing Support Requirements**

- 3.1 Students may inform staff of their health needs at any time during their course or during the application process. The procedure remains the same at whatever point the student informs the College if their Fitness to Study is called into question. Staff may also have concerns during their interaction with a student.

It should be made clear to the student that the Fitness to Study procedures are supportive, rather than disciplinary. The College reserves the right to invoke the disciplinary procedure if subsequently deemed appropriate.

It should be made clear to the student that whilst the College has a duty to support students with ill-health, it is the student's personal responsibility to take appropriate steps to manage their own health, wellbeing and ability to study.

Members of staff must at all times take account of (and, where appropriate, seek advice in relation to) data protection laws and students' general rights and expectations of confidentiality.

The procedure has three stages. The student would enter the process at a stage appropriate to the level of concern. However, the College has the right to suspend a student if there are serious concerns pending a Fitness to Study meeting.

The students' Next of Kin should be included in any meetings held, if they are under the age of 19, at the start of their course, unless consent has been withdrawn by the student.

The Support Management Plan is to be used where reasonable adjustments need to be made for the student. Whereas, the Health and Needs Assessment should be used for Risk Assessment purposes. These documents can either be standalone or in conjunction with each other.

Where appropriate, medical evidence should be sought however, this may not always be possible if a student has not been medically diagnosed. In these situations, it will imperative that the student is encouraged to visit their GP for a formal diagnosis.

## 3.2 Stage 1 - Emerging Concerns

3.2.1 When concerns have been identified by a member of staff regarding a deterioration in health, appearance, attendance, attitude or behaviour, or students have informed a member of staff of their health needs, then that member of staff, usually the Personal Achievement Tutor, should arrange a meeting, in private, to talk to the student indicating that there are concerns about the student's health, wellbeing and ability to study. Staff should:

- Clearly identify the nature of the concerns and the possible implications for the course of study.
- Complete a Support Management Plan (Appendix 2) / Student Health & Needs Assessment (Appendix 3), stating issues discussed, referrals made and date for review
- Provide information to the student about the support available in and out of the College

3.2.2 The staff who support the student will explore how their health condition affects their learning (e.g. difficulties with performance, completion of coursework, memory, concentration, side effects of medication etc.). They will explore how the student perceives their health condition which may affect them in continuing or completing their chosen course.

3.2.3 If concerns are raised during the application process, depending upon the issue raised, the member of staff from the appropriate team will contact the applicant and arrange an exploratory meeting.

3.2.4 Information, that the staff who support the student gain from this exploration, will be kept confidential with the students Safeguarding file and with an explicit agreement that relevant information may be used on a need to know basis only, in circumstances where safety or continuing attendance may be compromised if such information was withheld from those making decisions.

3.2.5 There may be exceptional circumstances when breaking confidentiality without the student's permission, is appropriate. Examples of circumstances would include, but not limited to:

- When the student poses a serious high risk of harm to self or others
- When the student is at risk of abuse or exploitation
- When the student's behaviour is adversely affecting the rights and safety of others
- A serious breach of the law
- If a student is working on dangerous equipment and their level of concentration is deemed to be affected.

In these situations a further support/risk assessment will be undertaken.

3.2.6 The staff who support the student will liaise with each other regarding the student with specific medical, health and well-being needs. Appropriate staff will be advised of the adaptations needed to ensure successful completion and achievement.

3.2.7 The student should be informed that the procedure will move on to Stage 2 if the actions taken do not address the concerns (i.e. there are continuing concerns) or go directly to Stage 3 if significant concerns arise.

### 3.3 Stage 2 - Continuing concerns

3.3.1 When the concerns identified by a member of staff are continuing or the review date has come and the student is still experiencing difficulties or has not accessed help or done what was agreed in the Initial Action Plan then that member of staff should bring this student to the attention of the Head of Department.

3.3.2 The Head of Department will assume the lead on resolving the Fitness to Study issue and it's monitoring throughout the whole process relating to that student. The Head of Department will call a meeting of the staff involved and any information from external agencies to help make a decision concerning the student.

Please note that the student may choose to be accompanied by a friend, advocate or parent at this stage.

3.3.3 An Extended Action Plan/Support Management Plan/Health Needs Assessment will be completed and the Head of Department will discuss the options / decision made with the student. Where the course is still within the student's capability and their support needs are within the College's capability, review meetings must be put in place which involve the student, their tutor/Personal Achievement Tutor and other agency or College support staff as applicable and appropriate.

- 3.3.4 Where the course is not within the student's capability and the conclusion of the exploration is that the impact of the condition is sufficiently serious to warrant a period of required non-attendance at the College (i.e. part time study, the suspension of a student's studies for an indefinite period or temporary exclusion from the College for a defined period) this should be noted on the Extended Action Plan and discussed with the student.
- 3.3.5 If a decision is taken to require a student to take a period of required non-attendance, or be suspended from studies, the student must be informed of this decision and the reasons for that decision immediately, and then followed up in writing within **5 working days**. The student must also be informed of the procedure for return to study if appropriate.

#### 3.4 Stage 3 - Significant concerns

- 3.4.1 When the concerns identified by a member of staff are significant, the student's behaviour is putting health and safety, well-being or academic progress of self or others at risk then the Director of Student Services must be informed immediately and procedures followed as above 3.3.1 – 3.3.5 however, with the Director of that department.
- 3.4.2 The Director of Student Services may request that a case conference is held by the Director of that department to look at whether it is appropriate for the student to continue their studies.
- 3.4.3 The case conference will be chaired by the Director of the department and will look at all of the evidence presented by the Head, Personal Achievement Tutor and others, where appropriate. The student may be invited to attend part of the meeting to present their own case.
- The meeting will conclude with forward actions and these will be circulated to all attendees, including the student, their Next of Kin and any external agencies involved, where appropriate.
- 3.4.4 Where it has been deemed that the student is not fit to study on their current programme, the attendees must look at future actions for the student. This could be via distance learning, a break in study or another curriculum area.
- 3.4.5 See section 6 for detail regarding appeals if return to study is not deemed to be an option and the student wishes to challenge this.
- 3.4.6 If the student is not satisfied with the outcome of the Fitness to Study process, including when safeguarding procedures have been invoked, he/she may appeal to the Principal **within 10 working days**.

## **4 Returning to Study**

- 4.1 Students should be informed of the procedures to be followed for returning to study as soon as possible.
- 4.2 Each student's case will vary depending upon the context and specific circumstances out of which the original concern arose. In all cases, returning 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.
- 4.3 The decision to allow return to study will be made by the Director of the department in consultation with appropriate professional colleagues from the student's department. The Director must be assured of fitness to study, compliance with any conditions imposed, regulatory requirements, and the availability of support upon return.
- 4.4 Regular review meetings should be arranged with the student's department so that progress can be monitored and support modified if necessary.

## **5 Consent, Confidentiality and Data Protection**

### **5.1 Data protection**

- 5.1.1 All College staff are governed by the requirements of the Data Protection Act 2018. Under these acts, all data relating to a person's physical or mental health is regarded as sensitive, personal data. In general, all personal data of a sensitive nature given to a member of staff by a student should be treated as confidential and should only be disclosed with the student's consent. Sensitive data, for the purpose of this policy, is deemed to be information given in confidence concerning, for example, a student's ill-health or disability, including mental health issues.

### **5.2 Confidentiality**

- 5.2.1 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). Once consent has been obtained, it is the responsibility of the person passing on the information to ensure it is done on the terms agreed with the student.

5.2.2 If the student chooses not to provide their consent this decision should be respected. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, 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:

- When the student's mental health has deteriorated to the extent of threatening his/her personal safety
- When the student is at risk of serious abuse or exploitation
- When the student's behaviour is adversely affecting the rights and safety of others
- 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).

5.2.3 Staff should consult with the Safeguarding Team if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

## 6 Appeals

6.1 All students who are the subject of a decision under the Fitness to Study procedures must be informed of the right to appeal that decision.

6.2 Appeals notification of any decision must be made **within ten working days** of the College response.

6.3 The reviewer must be a member of the Management Team who has had no involvement in the assessment of fitness to study at any stage, i.e. another Curriculum Director.

6.4 At any stage of appeal the student's request for review will be acknowledged within **five working days**.

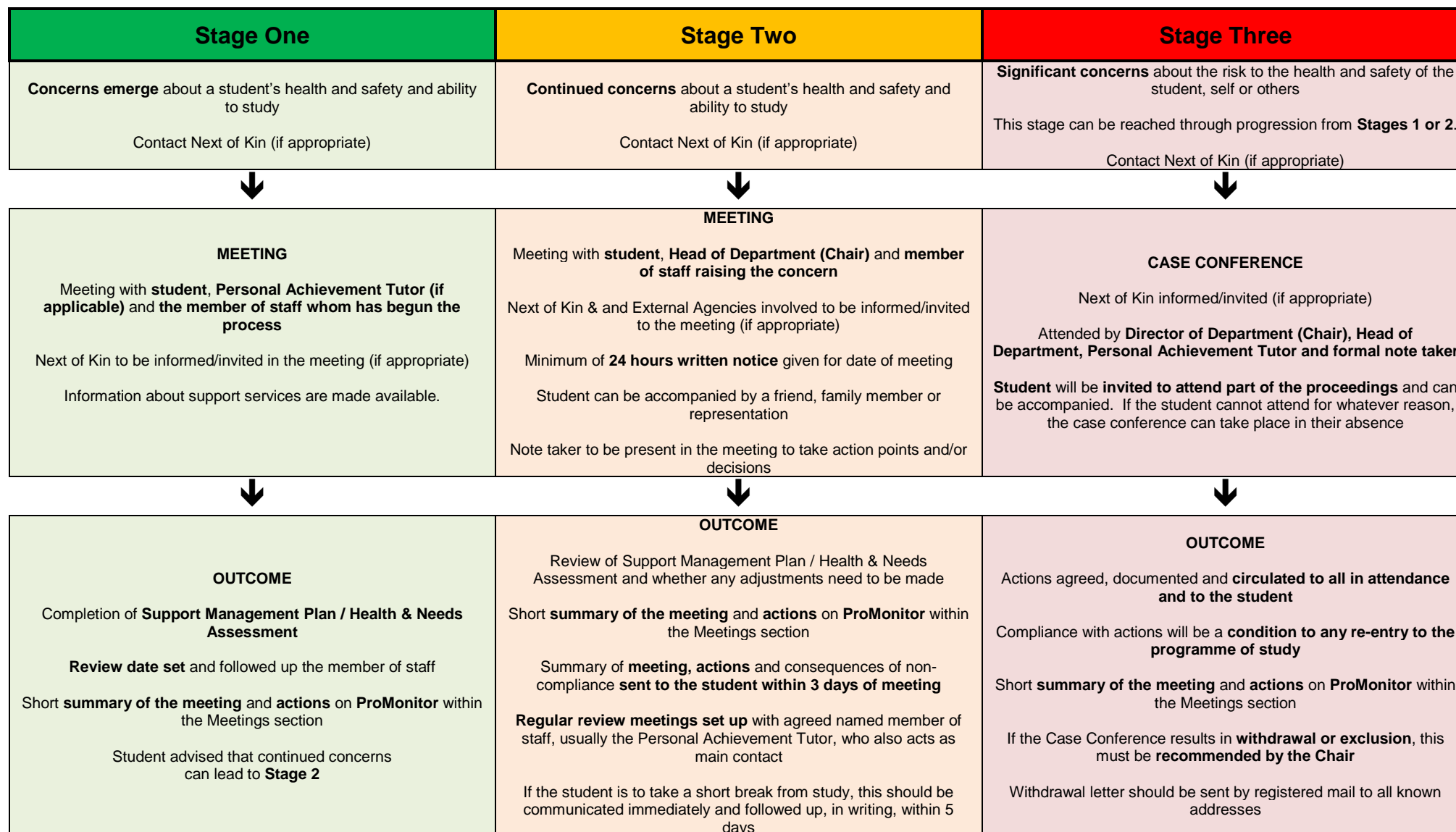
6.5 The Director will consider all aspects of the case for fitness to study and how it has been handled by the College.

6.6 The findings of the review will be communicated to the complainant within **fifteen working days**. If the review is complex and likely to exceed this timescale the complainant **must be kept informed of progress**.

6.7 The Director's decision is final.

# Flow Chart for Health, Wellbeing and Fitness to Study Procedure

## Appendix One







## Support Management Plan

<b>Name of Person Completing this Form:</b>		<b>Date:</b>	
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<b>Name of Student:</b>	
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<b>Date of Birth:</b>	
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<b>School:</b>	
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<b>Course Code:</b>	
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<b>Meeting Attendees:</b>	
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<b>Distribution of Completed Plan to:</b> (Agree with all whom should receive a copy. A copy must be sent to the Safeguarding Team)	
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<b>Briefly describe the reason for completing</b>

	✓
<b>Risk to Themselves (The Student)</b>	
<b>Risk to Others</b>	
<b>Risk to the Environment</b>	

Please comment on risk to self, to and from others including children and / or Vulnerable Adults at Risk

Please comment on risk to self, to and from others including children and / or Vulnerable Adults at Risk	Action / Support Required	By Whom
<b>Details of previous incidents and the level of violence used</b> (Include any violent incidents)		
<b>Have any External Agencies been involved?</b> (Police / Social Services / Probation Officer)		
<b>Is medication used to control? Is the medication always taken on time?</b>		
<b>Description of Behaviour(s):</b>		
<b>Identify Triggers and Warning Signs:</b>		
<b>Proactive / Preventative Strategies:</b>  <i>Consider:</i> <ul style="list-style-type: none"> <li>• Reducing Stress</li> <li>• How is the work environment?</li> <li>• LSA</li> <li>• Support leading up to exams</li> <li>• Financial situation</li> <li>• Targets / Workload</li> <li>• Friendships</li> <li>• Coping with the course</li> <li>• 1:1 support</li> <li>• Tutorial support</li> </ul>		
<b>Reactive / Emergency Strategies:</b>  <ul style="list-style-type: none"> <li>• Coping strategies</li> <li>• Time out</li> <li>• Contact details of support e.g. NoK / Friend</li> <li>• Doctor Details</li> </ul>		

**Unmet Needs Identified**

Please include any difficulties encountered in applying any of the preventative or control mechanisms to address the stated risks in any of the settings in which the individual receives care

**Has this Risk Assessment been shared with the Student and / or Parent / Carer? If it has not been shared, please state the reasons why.**

**Emergency Contact Details** (Two contacts must be provided)

<b>Emergency Contact 1</b>		<b>Emergency Contact 2</b>	
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**Signatures**

<b>Director / Head of Department</b>	
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<b>Personal Achievement Tutor / Tutor</b>	
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<b>Date for Review</b>	
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**Confidential**

### Individual Student HS Health / Needs Assessment

<b>Student Name:</b>		<b>Assessment date:</b>	
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This assessment is intended to be used to the college help provide for the health, safety and welfare of a student it is pertaining too. The information contained within should only be released to others with the agreement of the student concerned and where it is deemed necessary in order to help protect their health, safety and welfare. The student should be involved in this the assessment process and any information obtained should only be on a voluntary basis and relevant to their learning experiences whilst at the College.

**1. Course / Learning Programme this Student has enrolled on:**

**2. Attendance and Student Information:**

Mon <input type="checkbox"/>	Tues <input type="checkbox"/>	Wed <input type="checkbox"/>	Thurs <input type="checkbox"/>	Fri <input type="checkbox"/>
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Residential <input type="checkbox"/>	Full time <input type="checkbox"/>	Part Time <input type="checkbox"/>	Evenings <input type="checkbox"/>	Professional <input type="checkbox"/>
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Child (<MSLA) <input type="checkbox"/>	Young Adult (Under 18) <input type="checkbox"/>	Adult Student (18+) <input type="checkbox"/>
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**3. Description of condition(s) or difficulty the student has Declared:**

#### 4. Assessment of needs linked to hazards and risks associated to the learning activities and environments

*Aim to identify;*

- A. What, if any, significant activities the student is likely to be involved in within their learning programme. i.e. use of chemicals, working with animals, height work/learning, lifting heavy items, working with machinery or hazardous sharp hand tools or engaging in visits and trips or work experience programmes etc...
- B. Foreseeable or known hazards associated to these activities which may have an adverse affect on this student's health or well being linked to their declared condition or difficulty.
- C. Any measures that may be needed to help further protect this student over and above existing measure already in place for students.

(A) Activity(s)	(B) Hazard(s)	(C) Protective Measures

(d) Are there any specific activities this student should not do or be involved in? Yes  / No  If yes identify what these are:

#### 5. Medicines

Does this student take regular medication for their condition that the College needs to be aware of? Yes  / No  If yes, identify what these are.

If Yes, what is it?	How and when is it to be administered?	By Whom?

*(N.B. Only in extreme cases will the College consent to administer medicines and then only by specifically trained and authorised members of staff).*

## 6. Physical Capabilities:

Does this condition or difficulty restrict mobility and or access to and or within facilities and learning areas? Yes  / No

If Yes Identify nature of restriction(s)	Locations encountered	How will this be overcome?

## 7. Emergency Support & Assistance:

Will this student be able to identify and safely respond to emergency situation without additional supervision and or support?

**(A) Fire Evacuation** Yes  / No

If No, Identify difficulty

*(A Personal Emergency Evacuation Plan (PEEP) will need to be completed.)*

**(B) First Aid Emergency** Yes  / No

If No, Identify difficulty

**C) Is there a required first aid treatment / response needed?** Yes  / No

If yes identify what this is

*(Liaise with Additional Support and the Health & Safety Manager over the preparation of a Support Plan and an Emergency First Aid Treatment Sheet)*

## 8. Agreed Plan

Areas considered	Details	By Whom	By When	Effective
Activities				
Supervision				
Environments (access)				
Medicines				
First aid				
Evacuation				
Other				

## 9. Student/Parent/Carer Responsibilities

- *To advise tutors of any change in condition or difficulty which may have an impact on this assessment.*
- *To work with the personal achievement tutor and external agencies to ensure that their health and safety needs are supported and protected as appropriate.*
- *To observe and follow agreed protective measures whilst at the College and or engaged in learning activities.*

### Other agreed responsibilities

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## 10. Review

This personal assessment will need to be reviewed in the event of:

1. Reported or suspected changes to the students condition or difficulty which may require further protection measures:
2. Reported significant changes to course programme, activities or environments or any other risks identified:
3. Following any reports that controls put in place have not been effective:

**Planned review date is?**

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### Assessor Acknowledgement

Signed by; \_\_\_\_\_

Position: \_\_\_\_\_

Date \_\_\_\_\_

### Line / Course Manager's Acknowledgement

Signed by: \_\_\_\_\_

Position: \_\_\_\_\_

Date \_\_\_\_\_

### Reason for review

- To determine that the student is comfortable with the arrangements put in place
- To determine that risks to this student are effectively managed
- To determine whether emergency plans have been effective
- To determine that information within the risk assessment is accurate and up to date.

Date Reviewed	Changes to Controls / Arrangements	By Whom?	By When?	Effective?



## Invite Letter to Fitness to Study Meeting

## Appendix Four

NAME  
ADDRESS1  
ADDRESS2  
TOWN  
COUNTY  
POSTCODE

DATE

Dear NAME

### **Fitness to Study Meeting**

The College is committed to support student wellbeing and recognises that a positive approach to the management of physical and mental health and behavioural issues is critical to academic achievement.

We would like to invite you to a Fitness to Study meeting where we will discuss our concerns regarding your wellbeing at College.

The meeting will be held with **MEMBER OF STAFF**.

You are welcome to bring a friend, family member or representative from the Students' Union to attend with you.

The meeting is scheduled:

**Date:** ???  
**Time:** ???  
**Place:** ???

Please come to **LOCATION/VENUE** and we will meet you there.

If you have any concerns about this matter or are unable to attend, please do not hesitate to contact me on **TELEPHONE NUMBER**.

Yours sincerely

???  
Title

Copy to: Parent/Guardian (If under 18 / appropriate)