

Fitness to Study Procedure

1.0 INTRODUCTION

- 1.1 West Nottinghamshire College recognises that it has a duty of care for its students, and its staff and takes a positive approach to supporting students' health and wellbeing in relation to their learning, academic achievement and wider student experience. The overarching approach of this Procedure is to promote a safe, health and supportive environment in which to learn, study and work. This procedure links with other policies and procedures of the college and in particular our Disability Policy, Equality Scheme, Student Code of Conduct and Disciplinary Procedure and Safeguarding policy and procedures.
- 1.2 Fitness to study relates to a student's capacity to participate fully and satisfactorily as a student in relation to their academic studies and student life generally at the College in the context of their health or wellbeing.
- 1.3 The purpose of this procedure is to help the College to take a fair and consistent approach in circumstances where students are unable to meet course requirements, including in terms of attendance, participation in class or completion of work, or the expectations of the College's code of conduct due to their health and wellbeing. This process is intended to allow the College to manage concerns fairly and transparently, in cooperation with students where possible, under a published process and as an alternative to other College processes.
- 1.4 This Procedure will apply in situations where a student's health or wellbeing will have or is having 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. those relating to students' academic performance, fitness to practise or the Student Code of Conduct) are considered to be less appropriate or have already been exhausted.

2. SCOPE

- 2.1 This Procedure applies to all applicants and students enrolled in studies, for all modes of study including on and off campus delivery, undergraduate (HE) and professional courses, full-time and part-time, as well as work based learning and also applies to College/study related activities away from the College e.g. field trips, placements and study abroad/exchange.
- 2.2 This Procedure is applicable to all students throughout their period of enrolment with the College, including those who are seeking a return to study and whose enrolment has previously been suspended under this Policy.
- 2.3 The College may in its absolute discretion implement alternative procedures e.g. the Student Code of Conduct, or a course-specific fitness to practise procedure instead of, or in addition to, taking action under this Procedure.

3. WHEN THIS PROCEDURE SHOULD BE USED

3.1 This Procedure should be used in circumstances where a student's fitness to study gives cause for concern and other procedures are not considered appropriate at that time or have already been exhausted. Exclusion or suspension under the auspices of this fitness to study policy will be a last resort and will only be considered after all mechanisms for support have been exhausted. Examples of such situations include (but are not limited to) those in which:

- a student's support needs are beyond the type or level of support which the College can reasonably be expected to provide;
- a student's behaviour is adversely affecting the activities of the College or a placement provider and the student's disposition is such that it indicates that there may be an underlying mental health issue, including but not limited to where a student has displayed mood swings or unusual behaviour, shown signs of depression, become withdrawn, aggressive, stressed, irritable or is becoming intimidating towards others;
- a student is perceived to pose a risk to his/her own (or others') health, safety or wellbeing;
- a student's behaviour is adversely affecting their own academic progression and/or that of others and the teaching, learning and/or experience of other students;
- serious concerns about the student emerge from a third party (friend, colleague, placement provider, member of the public, employer, multi-agency partner, parent) which indicates there is a need to address Fitness to Study;
- a student has told a member of the College's staff that they have a problem and/or provided information which indicates that there is a need to address their Fitness to Study;
- there is evidence of significant non-engagement by the student with his/her studies, which has not been satisfactorily addressed through other interventions and processes.

3.2 In taking action under this Procedure, the College will be mindful of the sensitive and confidential nature of fitness to study matters and its obligations under the Data Protection Act 1998 and Equality Act 2010.

4. GENERAL PRINCIPLES

4.1 Students are encouraged to seek appropriate practical and specialist support to manage and where possible, mitigate the matters which give rise to concerns actioned under this procedure.

4.2 All matters considered under this procedure will be dealt with according to the individual circumstances. Whilst seeking to ensure consistency of approach and application, the College reserves the right in exceptional cases to vary from the prescribed Procedure where it deems it necessary to do so in the interests of fairness and/or health and safety.

4.3 When a student is asked to attend a meeting which has been called to discuss or consider his/her fitness to study, he/she is entitled to be accompanied or represented by another person, e.g. a friend, relative, additional learning support member of staff, a health professional or personal disability assistant. The College does generally not permit students to be legally represented at such meetings.

4.4 In the event that a student is unwilling or unable to attend a meeting or participate in any other aspect of the procedure, the College may still follow the procedure and/or reach decisions in connection with the student's fitness to study where it is reasonable to do so and having taken account of the student's reason for non-engagement. The College may also deal with issues on the basis of written reports and/or statements in the absence of the student and/or his/her representative.

5. PROCEDURE

Overview

- 5.1 The Procedure set out below comprises three distinct stages. It also includes provisions for temporary suspension in situations that require immediate action (see section 15) and a process for appeal against decisions.
- 5.2 At all stages, a member of College staff will act as Case Officer. The Case Officer will be appointed by the relevant Assistant Principal, and wherever possible will be a person who knows the student (e.g. Programme Area Leader or Head of Department).
- 5.3 Stage 1 will be utilised pre-entry based either on student disclosure or staff concerns arising during the application process.
- 5.4 Stage 2 will typically be utilised in response to initial (non-critical) concerns about a student's fitness to study, with the intention of seeking a successful resolution of the matter at that Stage through largely low-key/informal interaction with the student and the provision of additional support where this is felt appropriate and is considered to have an impact.
- 5.5 Stage 3 will in most cases follow a formal Stage 2 meeting if there are on-going serious concerns about a student's fitness to study or if a resolution has not been found or agreed at Stage 2.
- 5.6 However, depending on the nature/severity of the concerns and the student's own response to the situation, the Procedure may be initiated directly at Stage 3 without any requirement for Stage 2 to have been commenced or exhausted.
- 5.7 This Procedure will be undertaken in a transparent manner. The student will be advised of the identity of the staff member dealing with the case (the Case Officer) and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom the College consults about the case. Consent will be sought by the college from the student to gain access to information about them from third party professionals.
- 5.8 Prior to implementing this Procedure, College staff are expected to consult with the Vice Principal or the ALS Manager to ensure that the student's immediate support needs are adequately considered and to confirm the appropriateness of invoking this Procedure.
- 5.9 The student should be encouraged to engage with the support services offered by the College and (where appropriate) external providers.
- 5.10 When commencing action under this Procedure, the Case Officer should ensure that the student is provided with a copy of this Policy and Procedure for reference, and if necessary, make arrangements to have it explained to them.

6. PROCEDURE – STAGE 1 – PRE ENTRY

- 6.1 Prospective students are encouraged to disclose any additional learning needs related to their mental or physical health at application point. This information does not normally adversely affect any offer of a place.
- 6.2 We will ask for specific, normally professional, information on the student's disability/medical condition rather than accept any generalised information on a disability/medical Condition (anorexia nervosa, psychosis etc.). This information will be used primarily to establish the best programme of study and to make any reasonable adjustments required which may include putting additional support requirements in place.
- 6.3 Where a disclosure is the subject of an Education Health and Care Plan, the College will consult with the Local Authority to discuss how and whether it can reasonably meet its obligations under such a plan.
- 6.4 As an example, in a case of Anorexia Nervosa, information to be considered may include: body mass index; weight; ability to eat; any request for unsupervised access to the gym or sport centre etc.
- 6.5 We will take into account our duty of care towards all students and staff, health and safety considerations and what can reasonably be expected of teaching staff or support staff.
- 6.6 Wherever possible, we aim to include health professionals and other external experts in discussions and in all cases medical or other professional evidence will be required to inform the support plan agreed.
- 6.7 Generally in the case of a disability or learning difficulty, the College will conduct an assessment of need with the individual and will support transition to College as fully as possible; please refer to the College's SEND policy for further information and guidance. Where appropriate, we will draw up a risk assessment before an offer of a place can be made.
- 6.8 Consent will be sought to share information we hold with all relevant staff members.

7. PROCEDURE - Stage 2: Emerging Concerns

- 7.1 When concerns are raised about a student's fitness to study, the Assistant Principal will appoint a Case Officer (see 5.2)
- 7.2 The Case Officer may consult with other College staff, external professionals and other persons, as appropriate, to gather relevant information about the matter and confirm that this Fitness to Study Procedure is the most appropriate means of dealing with the matter.
- 7.3 The Case Officer will contact the student to advise him/her of the concern about his/her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Stage 2 under the provisions of this Procedure.

- 7.4 The Case Officer will arrange a Stage 2 meeting with the student, giving at least three working days' notice, in order to:
- explain the concern;
 - discuss its perceived impact/implications and the student's perception of the matter;
 - allow the student opportunity to respond to the concern;
 - identify any related support needs the student may have; and
 - allow the Case Officer to reach an informed decision on the matter.
- 7.5 The Case Officer may, where he/she considers it appropriate, consult relevant staff from the College's Student Support Service to consider whether their attendance at the Stage 2 meeting with the student is appropriate, and must notify the student of any such attendee in advance of the Stage 2 meeting.
- 7.6 The Case Officer should remind the student that he/she is entitled to be accompanied at the Stage 2 meeting, and ask the student to confirm 24 hours in advance whether or not he/she will be attending and the identity and role of any person who will be accompanying and/or representing him/her at the Stage 2 meeting. For avoidance of doubt, the Case Officer may continue with the Procedure, including holding any meeting or reaching a decision in absence of the student in the event that the student is unable or unwilling to participate.
- 7.7 After taking account of the advice and input received from others, including any comments/representations made by the student, the Case Officer will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. Such actions may include one or more of the following:
- No further action is required and the concerns have been addressed;
 - The student is signposted to appropriate College or external service or sources of support;
 - Implementation of appropriate support arrangements and/or reasonable adjustments for the student;
 - A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed including any obligations on the part of the student (e.g. in respect of his/her conduct, engagement with studies, or support that he/she should seek);
 - Other action commensurate with the objective of resolving the matter at Stage 2;
 - Referral to other procedures (i.e. Student Code of Conduct).
- 7.8 The Case Officer will make recommendations to the appropriate Assistant Principal and the Assistant Principal will communicate their decision within five working days from the date of the meeting. Where an action plan has been agreed, the written notification may also set out who will monitor the action plan and how frequently as well as the consequences of failing to comply with that action plan including consideration at the next stage of this procedure.
- 7.9 Notes of the Stage 2 meeting with the student will be recorded and retained on the student's record for the duration of their course. The college reserves the right to share the action plan with appropriate members of staff in the interests of providing additional support as identified. The college will gain the consent of the student prior to the details of action plans being shared.
- 7.10 The student has the right to appeal against the decision. The Appeal process is set out in section 11 (Right of Appeal).

8. Stage 3 – Serious and/or continuing concerns

- 8.1 **Note:** Stage 3 of the Procedure can be used where, in the opinion of the College, action already taken at Stage 2 has not resulted in a satisfactory outcome, or the concern is sufficiently serious or persistent as to require the Procedure to be initiated directly at Stage 3.
- 8.2 A member of staff of suitable seniority and experience appropriate to the case, nominated by the Assistant Principal, will take on the role of Case Officer.
- 8.3 The Case Officer may consult with other College staff, external professionals and other persons (as appropriate) to gather relevant information about the matter at any point during this Stage 3 of the Procedure, including seeking medical advice where appropriate. This consultation may, at the Case Officer's discretion, be undertaken by way of a case review meeting attended as relevant by representatives of the College, external professional and others as may be appropriate.
- 8.4 The Case Officer will contact the student to advise him/her of the concerns about his/her fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Stage 3 of this Procedure.
- 8.5 The Case Officer will recommend that a Stage 3 Panel is convened, giving at least five working days' notice. The Stage 3 Panel will be chaired by the Vice Principal: Communication, Engagement and Student Experience, and attended by the support coach coordinator, ALS Manager, and, depending on the circumstances, the safeguarding officer, members of curriculum staff. External representatives may be present e.g. social care, CAMHS probation. The role of each attendee will be made clear to the student in advance and they will be allowed to put forward individuals who may be present to advocate on their behalf. Students and their representatives will be invited to attend the meeting.
- 8.6 The Case Officer will notify the student of the date, time and place of the Stage 3 Panel hearing, giving at least 5 working days' notice and confirming the identity of the panel members and name and role of any other attendees. The student should be reminded that he/she is entitled to be accompanied at the meeting, and asked to confirm in advance whether or not he/she will be attending the Stage 3 Panel and the identity and role of any person who will be accompanying and/or representing him/her at the meeting. For avoidance of doubt, the chair of the Stage 3 Panel is at liberty to continue with the Procedure in the event that the student is unable or unwilling to participate.
- 8.7 The purpose of the Stage 3 Panel is to:
- explain the concerns;
 - discuss its perceived impact/implications and the student's perception of the matter;
 - allow the student opportunity to respond to the concerns;
 - identify any related support needs the student may have;
 - where relevant, consider any action taken to support the student and their effectiveness including the student's engagement with the support offered or provided; and
 - allow the panel to reach an informed decision on the matter.

- 8.8 After taking account of the advice/information made available, including any comments/representations made by the student, the panel will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. In deciding on the actions to be taken the panel will have due regard for the implications they may have for the student's statutory financial support. Such actions may include, but are not limited to, one or more of the following:
- Implementation of appropriate support arrangements and/or reasonable adjustments for the student;
 - A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed and any obligations on the part of the student (e.g. in respect of his/her conduct, engagement with studies, or support that he/she should seek);
 - A decision to withdraw the student from any current placement, overseas study or other College related activity;
 - Imposing on the student a formal suspension of study for a stated period of time and/or exclusion from specified College facilities/activities, with or without conditions for any subsequent return to study or readmission to those facilities/activities. (See section 9);
 - Termination of the student's studies at the College. (See section 10).
- 8.9 The Stage 3 Panel may choose to communicate its decision orally in person to the student, particularly where circumstances indicate a need for prompt notification. Whether or not such verbal notification is given, the student will be notified in writing, normally within five working days of the panel meeting, with reasons for the decision and details of any actions to be taken.
- 8.10 Minutes will be taken of the meeting with the student and these minutes and the decision of the panel, including the rationale for that decision, will be recorded and retained by the student support team with a copy provided to the School of Learning, and to the HE Team where applicable, as part of the student's formal records.
- 8.11 The student has the right to appeal against the panel decision. The Appeal process is set out in section 11 (Right of Appeal).

9. FORMAL SUSPENSION (FOR A SPECIFIED PERIOD)

- 9.1 In the event that the panel considers that the student should be subject to a formal suspension from study (or exclusion from certain College facilities/activities) for a specific period of time, the proposed suspension must be communicated to the student's Assistant Principal. Where a student is employer sponsored, the employer will also be informed.
- 9.2 When the student is informed of the decision to suspend, he/she will also be provided with details of any conditions associated with eligibility to return to study or for readmission to the College facilities/activities from which the student is being excluded. An application to return to study will be considered in accordance with section 15 below.
- 9.3 The Assistant Principal of the student's department will liaise with relevant support staff and the relevant academic staff to ensure that a plan to support the student's return to study (where required) is devised and implemented.
- 9.4 The student has the right to appeal against such a Stage 3 outcome decision. The appeal process is set out in section 11 (Right of Appeal).

10. TERMINATION OF STUDIES

- 10.1 The Chair of the Panel will make the decision about the termination of studies and this will be communicated to the student taking account of all representations made at the panel hearing.
- 10.2 In the event that the decision to terminate the student's studies is approved in accordance with section 10.1 above, the student will be informed of the decision in writing together with reasons and any resulting consequences e.g. entitlement to partial qualification for studies completed and any refund of fees that the student may be eligible for.
- 10.3 The student has the right to appeal against such a Stage 3 outcome decision. The process is set out in section 11 (Right of Appeal).

11. RIGHT OF APPEAL

- 11.1 In notifying a student of the outcome decision in a Fitness to Study case at any Stage, the College will advise the student of his/her right to appeal against the decision and give the contact details for the person to whom any such Appeal should be submitted (the Appeal Officer).
- 11.2 The identity and seniority of the Appeal Officer will be influenced by the Level at which the outcome decision was made and the nature of the decision, as follows:

Decision Level/Type	Appeal Officer	Appeal considered by
Stage 1 outcome decision	Case Officer's line manager, or other staff member of equivalent seniority	Appeal Officer
Stage 2 outcome decision	Case Officer's line manager, or other staff member of equivalent seniority	Appeal Officer
Stage 3 outcome decision which does not include termination of studies	Deputy Principal	Appeal Officer
Stage 3 outcome decision resulting in termination of studies	Deputy Principal	Appeal Officer

12. SUBMISSION AND TIMING OF APPEALS

12.1 An appeal must be made in writing, and must be received by the Appeal Officer within the following timescales:

- a) In respect of a Stage 2 decision, within **five** working days of the date of the letter/communication notifying the student of the original outcome decision;
- b) In respect of a Stage 3 decision which does not include either formal suspension or termination of studies, within **five** working days of the date of the letter/communication notifying the student of the original outcome decision;
- c) In respect of a Stage 3 decision which resulted in either formal suspension or termination of studies, within **ten** working days of the date of the letter/communication notifying the student of the original outcome decision.

13. GROUNDS FOR APPEAL

13.1 A student is entitled to submit an appeal on one or more of the following grounds:

- The College failed to correctly follow its own Procedure.
- The student has significant new information or evidence which was not reasonably available at an earlier time.
- The outcome is unreasonable

13.2 When submitting an appeal, the student must provide associated evidence/information in support of the ground(s) on which the Appeal is being made.

14. CONSIDERATION OF AN APPEAL

14.1 The appeal should be considered within five working days of its receipt or, where the appeal is to be considered by a Panel, within ten working days of receipt of the appeal. The appeal will be considered on paper unless the Appeal Officer decides by exception, that an appeal hearing should be held.

14.3 The Appeal Officer/Panel has the power to decide whether the original outcome decision should stand, be revoked or be amended.

14.4 In the event that the Appeal Officer (or Panel) decides to amend the original decision, they have the power to vary the nature and extent of any obligations imposed on the student by that original decision.

14.5 The outcome of the appeal will be notified to the student in writing together with reasons within five working days of determination of the appeal. The decision of the Appeal Officer/Panel is final. For HE students, the written notification of the appeal outcome will also represent a formal "Completion of Procedures" and will provide information on the student's right to seek independent external review via the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk). For further education students they have the right of external representation to the ESFA.

14.6 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. West Nottinghamshire College is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your appeal. You can find more

information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

- 14.7 You normally need to have completed the fitness to study procedure, including appeal, before you complain to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

15. RETURN TO STUDY

- 15.1 A student who wishes to return to study following an imposed or voluntary suspension resulting from actions taken under this Policy and Procedure must submit a formal written request to his/her Assistant Principal.
- 15.3 The Vice Principal: Communication, Engagement and Student Experience will determine whether to permit the student to return to study. In order to reach an appropriately informed decision, the Vice Principal may (among other things):
- consult with relevant College staff and/or external professionals;
 - require the student to meet with staff from the College's Student Support Services and (where deemed appropriate) other staff or external professionals for input/advice to assist the Assistant Principal to reach a decision on the request. This may include referral to external agencies for assessment of medical fitness to resume study, where necessary;
 - require the student to produce satisfactory medical and/or other evidence of his/her fitness to study from recognised professionals (e.g. a GP, qualified mental health specialist) who have sufficient knowledge of the student.
- 15.4. The decision of the Vice Principal: Communication, Engagement and Student Experience will be notified to the student in writing, normally within ten working days of the student's written request to return to study.
- 15.5. In the event of a decision to permit a return to study, the Vice Principal may impose conditions upon the student for example, relating to the student's conduct, any support he/she should seek or academic progress he/she is expected to make.
- 15.6. In the event that the student's request to return to study is declined, the notification letter will include the reasons, along with information on the process of re-application for a return to study. In the event that the student wishes to appeal against a decision to decline the request to return to study, he/she may do so by writing to the Deputy Principal within 5 working days of the date of the notification letter setting out the reasons for contesting the decision. The decision of the Deputy Principal is final.
- 15.7. At the direction/request of the Assistant Principal, Student Support Services (in consultation with appropriate staff in the student's School of Learning and other College services) will identify any support and/or reasonable adjustments which should be put in place for the student in connection with his/her return to study.
- 15.8. The College will work collaboratively with the student in respect of any support arrangements put in place for a return to study.
- 15.9. On or before his/her return, the student will be invited to attend a Return to Study Meeting with appropriate members of academic staff (e.g. the course leader or personal tutor) and Student Support

Services. At this Return to Study Meeting, an action plan will be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified in respect of the student's return. The student will be provided with a copy of the action plan.