

College Manual/Share Point Section:	e.g. Student Services , Human Resources, Quality, Health & Safety etc.			
Responsibility:	Sarah Howes	Date doc. created:	August 2013	
E&D Impact Assessment date:	August 2013	Review date of doc	March 2020	
FITNESS TO STUDY Policy				

1. Context

- 1.1** What is fitness to study? Fitness to study relates to a person’s capacity to fully participate, satisfactorily as a student, in relation to academic studies and college life in general. New College is committed to supporting student’s wellbeing and recognises that a positive approach to the management of physical and mental health is essential to a student’s learning and academic achievement.
- 1.2** This policy is intended to be used as an alternative to any disciplinary procedure where there is sufficient concern that a student’s behaviour resulting in a possible disciplinary response could be as a result of disability, ill health or have an impact on the health & safety of the student or other people. Any decisions made on a student’s fitness to study, health or safety will be made through a collective process of consideration of the ability to study, learn and achieve. Lecturing and support staff may initiate use of the policy if concern for the student is sufficient. It is important that all those concerned with the student are kept fully informed of the outcome of these processes, whilst keeping in mind the legitimate concerns around confidentiality, data protection and professional guidelines¹.
- 1.2** The College recognises that there may be circumstances when a student is unable to recognise that he or she is placing unreasonable demands on staff, interrupting the learning of other students or endangering themselves or others.

Consultation with the Curriculum Manager is required.

- 1.3** Concerns with regards to a prospective student’s fitness to study will be considered by the Admissions Panel.
- 1.4** Staff should be aware of other support services in the College to which students may be signposted in advance of any policy/procedure being initiated, if it is felt this may be of benefit :
- Wellbeing team; additionalssupport@newcollege.ac.uk
 - The Student Counselling Service; counselling@newcollege.ac.uk
 - Skills Development Centre; additionalssupport@newcollege.ac.uk
 - College Nurse; wellbeing@newcollege.ac.uk
 - Chaplaincy; chaplaincy@newcollege.ac.uk
 - Financial Support: studentservicesenquiries@newcollege.ac.uk

¹ For further information refer to Student Disclosure – Passing on Information and Confidentiality Policy

- 1.5** The policy has three levels based on the perceived severity of the risk to the health and safety of the student or others, due to the student's ill health or disability. The cause for concern can result in entering the policy at any of the three levels.
- 1.6** Staff who have any level of concern about a student's health or behaviour should consider use of this policy. If there is a concern of this nature, it is appropriate to explore the student's behaviour / health and agree supportive action rather than enter into a disciplinary process. If staff are unsure about whether to implement this policy, they can seek advice and discuss their concerns anonymously and in general terms with the Curriculum Manager, Student Services Manager or the Additional Support Manager.
- 1.7** Concerns about a student's health/behaviour should be acted on promptly. If there is any level of concern, staff should discuss this with the Curriculum Manager or the Additional Support Manager and consider implementing Level 1 of the policy. Early intervention in student health/behaviour and recommendations for support can avoid a crisis situation.
- 1.8** Instances where it may be appropriate to use Fitness to Study include, but are not limited to the following:
- a) There may be a number of adverse third party reports about a student, from departments in the College or from friends of the student.
 - b) A student has not engaged with study for a period of time without a reason being given. Absence can be an indication that there may be a cause for concern for the wellbeing of a student.
 - c) There is concern about how well a student may manage their learning experience on a placement or field trip. The student may have been receiving support and staff may have significant concern as to how well a student may cope in an unusual environment even when support issues have been addressed.
 - d) It has become apparent through the disciplinary process that the concerns are regarding a student's 'fitness to study'.

2. Level 1 – personal Tutor supported by Tutorial Coordinator and/or ALS Manager, College Nurse

- 2.1** Emerging concerns about a student's health and safety and ability to study e.g. significant deterioration in health, appearance, attitude and/or behaviour might require a response from the College.
- 2.2** A member of staff with primary responsibility e.g. Personal Tutor, should in the first instance approach the student in a sympathetic and understanding way and indicate that there are concerns about fitness to study and that a concern has been recorded by use of this policy.
- 2.3** The nature of the concerns should be clearly identified and, if appropriate, information should be provided about sources of professional support and advice available within the College. It should be made clear to the student that it is his/her responsibility to be fit to study and that there is a recognised concern about this within the College.

- 2.4** The student and the member of staff involved will agree on a date when they will meet to review the situation and discuss what is being done to address the concern about fitness to study and determine possible outcomes, which may include requesting the student to,
- seek support from the Wellbeing team, which includes the use of the Wellbeing room and access to the Student Mentors and College Nurses,
 - make an appointment with their GP or health professional,
 - complete required assessments which might include a referral for a Diagnostic Interview with the Additional Support Team to determine whether or not there are any underlying, unknown learning differences and/or disabilities,
 - attend all timetabled lessons and support classes,
 - avoid areas of the college and/or people identified as being a source of the concern or contributing factor. This may require the student to be required to be on college site during timetabled lessons only.

This discussion **MUST** be recorded on ProMonitor and be visible to the student and if appropriate, the parent/carer.

- 2.5** The student should be informed that continuation of the same or any additional cause for concern could result in their fitness to study being more widely considered by moving to the next level, Level 2.

NOTE: A letter to the student **MUST** be sent within two days of the meeting and if appropriate a copy of the letter is to be sent to the student's parent/carer confirming the agreed actions and requesting that relevant information is shared with the College.

3. Level 2 – Meeting with a Curriculum Manager

- 3.1** Continued/initial concern about an individual's health and safety and ability to study alongside significant deterioration in health, appearance, attitude and/or behaviour might require a further/initial response from the College and should be seen as a Level 2 case under the policy.
- 3.2** The student will be invited to attend a meeting with the Curriculum Manager and/or the Additional Support Manager. The student will be informed by letter of the meeting and will have at least 48 hours' notice of the meeting. The student must be informed of the purpose of the meeting and advised of any documents they may need to bring i.e. Doctor or Consultant letter confirming ill health, medical appointments etc. The student may be accompanied at the meeting by a member of the NCExec or a member of college staff acting in a supportive capacity. Disabled students may also be accompanied by a member of the additional support team (e.g. sign language interpreter, Student Mentor or College Nurse) as appropriate to their needs.
- 3.3** The purpose of the meeting will be to ascertain the student's perception of the issue/s identified.
- 3.4** During the meeting, it is important to identify and agree with the student SMART targets to improve attendance. The consequences, if any, (a) of not keeping to the agreed SMART targets, or (b) continuation of the causes for concern, must be clearly outlined to the student. A record of the meeting, recording the agreed SMART targets, must be made on ProMonitor and visible to the student no more than 5 days after the meeting. If appropriate, timely, regular review meetings with

the student should be arranged with a Personal Tutor to ensure that support for continued study is effective.

- 3.5** During the meeting it may be decided that a renewed ABC contract would be appropriate to support the agreed SMART targets. As part of this process a 'triangle' of commitment may be agreed with all parties involved, the student, parent/carer and the College.

4. Level 3 – Cross College Case Conference

- 4.1** A case conference will be called by the Curriculum Manager to discuss the most appropriate course of action if,
- a) Serious or persistent concerns about a student's health and safety and ability to study, personal circumstances or behaviour that have not been resolved via level 2 (causing level 3 to be initiated).
 - b) It has become apparent during the disciplinary process that there is sufficient concern that the student's behaviour is as a result of a disability, physical or mental ill health.
 - c) Initial concerns that a student's behaviour, caused by physical or mental ill-health or disability, may pose a significant threat to the health and safety of the student or others can lead to Level 3 being initiated without reference to levels 1 & 2.
- 4.2** The case conference, chaired by the Curriculum Manager, will include the student, a note taker, the Personal Tutor, and if necessary any of the following Student Services & Safeguarding Manager, Additional Support Manager, a NExec representative and if appropriate a Student Counsellor, Student Mentor or College Nurse. If the student has an Education, Health & Care Plan (EHCP) then either the Student Mentor or Additional Support Manager **must** attend the meeting.
- 4.3** Invitations to the case conference should be delivered at least 48 hours in advance of the meeting and include a notification to the parents/carers if the student is aged 16 – 18 (or up to age 25 if the student has a Learning Difference or Disability).
- 4.4** The contribution of representatives will be subject to General Data Protection Regulation and/or professional codes of confidentiality (e.g. for medical/counselling staff).
- 4.5** The case conference may consider various options, including part-time study with support, a period of rest from the College or a recommendation for withdrawal of the student.
- 4.6** If the agreed period of notice has been given and the student is not in attendance, then the meeting may go ahead in their absence. Any written representations made by the student or someone acting on his/her behalf will be made to the chair of the meeting.
- 4.7** The actions arising out of the conference will be agreed, documented and circulated to all in attendance and to the student, if not in attendance. All actions should have specific timeframes where appropriate and adherence to such timeframes will be a condition of any re-entry to programmes of study. These will be reviewed by the Faculty Manager and may involve the Admissions Panel.

- 4.8 A letter will be written to the student by a Team Assistant within 48 hours of the meeting to confirm agreed outcomes/actions. The letter should be sent by registered mail to all addresses held by the College for the student.
- 4.9 If withdrawal is the outcome, it must be reported by the Faculty Manager to CIS.
- 4.10 Any interruption of study will be subject to review by the Faculty Manager.
- 4.11 Such a review may include consideration of medical evidence from the individual's medical practitioner, and/or assessment from a psychological service.
- 4.12 A letter outlining the decisions of the review with any targets to be met, should be written by the Faculty Manager and sent to the student by recorded delivery. A copy will be kept by the College.

5. Return to Study

- 5.1 Students should be informed of the purpose of the policy and the responsibilities on the part of the College and themselves on facilitating effective return to study.
- 5.2 Each student's case will depend upon the specific circumstances and context out of which the concern initially arose. In all cases return to study will be dependent upon satisfactory 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. Evidence submitted should be from a recognised professional who has sufficient knowledge of the student to be able to make an informed statement of wellbeing. Specific reference should be made to the student's renewed ability to manage the demands of studying at College.
- 5.3 The decision to permit return to study will be made by the Curriculum manager who will be satisfied of fitness to study, compliance with any conditions imposed, compliance with College regulations and availability of support upon return.
- 5.4 Fitness to Study is an ongoing responsibility of the College and the student and will be considered throughout the remaining period of study to ensure that students study with support to enable them to succeed and for staff to have an agreed context in which to work with the student. Regular review meetings with students should be arranged with a Personal Tutor to ensure that support for study is effective.

NOTE: Distance learning is not offered at New College, Swindon. Any student withdrawn from their current programme of study, following a 'fitness to study' conference and under the age of compulsory education; currently 18 years of age, will be referred to the appropriate team within their funding Local Education Authority (LEA) as being NEET (Not in Education, Employment, or Training) by their Personal Tutor. Any future applications to New College, Swindon that the student may make will be referred to the College's Admissions Panel.

6. Appeals

- 6.1** A student may appeal for a review of a level 3 decision. There are no other College review procedures beyond those stages detailed above. If in the opinion of a student an appeal remains unresolved after the exhaustion of the appropriate processes, appeal may be made to the Principal within one week.

NOTE: For an appeal to be considered, there must be clear and substantive evidence.

7. Crisis Intervention

- 7.1** The Swindon Intensive Services can only take a referral from a GP or A & E unless the person who is presenting as suicidal already has a mental health statement. If they can respond their response time could be up to 4 hours.
- 7.2** If a student informs you of their intent to commit suicide your first call should be to their GP, if their GP is unable to see them encourage the student to attend A & E.
- 7.3** A & E are required to see anyone who presents with a mental health emergency (threat of suicide is a mental health emergency).
- 7.4** If a person presents themselves to A & E between the hours of 08:00 and 16:30 they will be referred to Mental Health Liaison. If a person presents themselves outside of these times A & E will inform Swindon Intensive Services out of hour's team.
- 7.5** New College staff can contact Swindon Emergency Duty Team direct on (01793) 436699. This team is made up of mostly social workers who deal with safeguarding issues.
- 7.6** If a student who is within 6 months of their 18th birthday presents as suicidal a direct referral to Marlborough House can be made; (01793) 294646
- 7.7** If you are presented with a person who discloses suicide intent but refuses any help from their GP or A & E and you believe them to be a danger to themselves you can call the Police. It is not a crime to commit suicide, however the Police will do everything in their power to assist and preserve life under Section 136 Mental Health Act. The Police have powers for personal safety and can, under Section 136 Mental Health Act arrest the person and transport them to a hospital or place of safety.

8. Summary of the Fitness to Study Procedure

Stage	Likely Issues	Staff	Summary of Possible actions	Record
1 Informal concern	Emerging concerns with regards to a student's health, safety and ability to study which is impacting on their,	Personal tutor and/or subject lecturer should approach the student in a sympathetic and understanding way, sharing their concern	SMART targets are to be agreed and reviewed by the Personal Tutor/Lecturer.	Record the conversation on Pro Monitor under Manage Meetings

	Attendance, Behaviour, Commitment.	with regards to the students' fitness to study.		→ Fitness to Study → Level 1
2 Continuing concern/ emerging significant concern	Persistent and ongoing concern with regards to a student's fitness to study. Significant concern about a student's deterioration in health, appearance, attitude and/or behaviour.	The Personal Tutor with primary responsibility should in the first instance approach the student in a sympathetic and understanding way indicating that they are significantly concerned about their fitness to study.	SMART targets are to be agreed and reviewed by the Personal Tutor/Lecturer. The Personal Tutor should provide the student with sources of information, advice and/or support available in College. Make it clear to the student that it is their responsibility to be fit to study. The Personal Tutor will confirm agreed actions in a letter to the student and if appropriate the parent/carer.*	Upload copy of letter onto ProMonitor under Manage Meetings → Fitness to Study → level 2. An alert on EBS may be required to inform future applications
3 Cross College Case Conference	Serious or persistent concerns about a student's health, safety and ability to study, personal circumstances or behaviour that have not been resolved via level 2. A serious concern expressed for the first time which has potential for significant risk to the student or other students/staff	The Personal Tutor must ensure that invitations to the Case Conference** should be delivered at least 48 hours in advance of the meeting, including a copy to parent/carer*. The student may be required to take a break from College until the Case Conference. CIS must be advised of an Authorised Absence until the date of the conference.	The letter will outline the serious nature of the concerns and will ask for any information that should be made available to allow the conference to make an informed decision. Any of the following may result from the conference, <ul style="list-style-type: none"> • part-time study with support, • a period of rest from the college • recommendation for immediate withdrawal. 	Upload copy of minutes onto ProMonitor under Manage Meetings → Fitness to Study → level 3. An alert on EBS will be required to inform future applications If the student is aged 18 or below, the funding Local Education Authority should be informed that the student is now NEET. The referral must be recorded on Promonitor with a copy of the referral saved in Key Documents.

*** Tutor may decide not to send letter to parent/carer if extenuating circumstances exist and may provide reasoning to overturn/mitigate fitness to study decision**

**** Case Conference** Will be chaired by the Curriculum Manager and will include the student, a note-taker, Personal Tutor, and any or all of the following Student Services Manager & Safeguarding Manager, Additional Support Manager and Student rep. If the student has an Education, Health & Care Plan then either the Student Mentor or Additional Support Manager **must** attend the meeting.

9. MONITORING AND EVALUATION

- 9.1** It is the responsibility of the staff involved in the fitness to study process to make recommendations to improve the policy on the basis of their experience in using it as well as any feedback they receive from students and their parent/carer. The Additional Support Manager will be responsible for making adjustments to the Policy in accordance with any recommendations received.

Any changes to the policy will be:

- Publicised via all staff email
- Placed on the Staff Portal under Policies as well as on the Student Virtual Learning Environment (VLE)

The review of the Fitness to Study Policy, as with other College policies and procedures, is in line with the College's adherence to the principles of continuous improvement.

10. Legislation

- 10.1** Students with mental and physical health conditions are entitled to reasonable adjustments and appropriate support in relation to relevant legislation e.g. the Health and Safety at Work Act 1974, the Equality Act, 2010, Keeping Children Safe in Education 2014 and the SEN Code of Practice. All personal and sensitive information will be managed in accordance with the General Data Protection Regulations 2018 and the common law of confidentiality.

There may be occasion where the College is obliged to disclose information, notwithstanding that the learner has refused consent.

- Where the learner's behaviour threatens their safety or safety of others
- Where the College would be liable to civil or criminal liability for failure to disclose

Linked Policies:	<ul style="list-style-type: none"> • Student Behaviour Support and Disciplinary Policy • Student Disclosure – Passing on Information and Confidentiality Policy • Additional Support Policy • Child Missing Education (CME) Policy
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NEW COLLEGE EQUALITY IMPACT ANALYSIS	DATE: August 2013
Function: Enter the topic of the policy, procedure or plan	
This policy, plan, procedure, process has been examined for equality impact, i.e., the impact that this function will have on different groups of actual and potential learners, service users and staff taking account of the protected characteristics of the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).	
1. If Equality Impact Analysis is not relevant to this function, give reasons and proceed to section 5 below.	
2. In what ways could this function have a negative impact on any of the groups above? What actions have been taken to eliminate these? None	
3. In what ways could this function have a positive impact on any of the groups above? How will this function be used to eliminate discrimination, advance equality of opportunity and foster good relations between different groups? Are there plans for the future which will further advance equality? The guidance to staff in this policy is intended to ensure that staff are aware of their roles and responsibilities in ensuring equality of opportunity and to help support students with mental ill health.	
4. What evidence supports your judgment e.g. consultations, observations, expert opinions, quantitative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored? This document has been shared with other agencies, CAMHS, TAMHS, Adult Mental Health, Swindon Borough Council; Social Care and Swindon College	
5. Name and job title of manager responsible: Sarah Howes: Additional Support Manager	