



# **Fitness to Study Policy and Procedures**

Date: February 2024

## Key Details

<b>Policy Title:</b>	<b>Fitness to Study Policy and Procedures</b>
<b>Created By:</b>	<b>Stephen Rodger Assistant Principal-Student Services (DSL)</b>
<b>Approved By:</b>	<b>SLT</b>
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<b>Responsible Manager:</b>	<b>Assistant Principal Student Services</b>
<b>Policy Category:</b>	<b>Student</b>
<b>Related Policies:</b>	<b>Safeguarding and Child Protection, Positive Behaviour Management, College Admissions, HE Mitigating Circumstances</b>
<b>Policy Location:</b>	<b>Policy Hub, College Website</b>

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## **Aims**

New College Swindon is committed to supporting students and promoting learning through our core values, collaboration, ambition respect, and success. We will achieve this by creating an inclusive learning environment that develops the skills and behaviours that prepare students for progression to higher education and further training, apprenticeships, or employment.

We recognise the importance of a student's health and well-being and how this impacts their ability to successfully study, at college, and/or attend their work placement and we are committed to supporting them to do so safely.

## **Policy Objectives**

This policy and procedure outline the steps to be followed when a student's disability, learning difficulty, physical health, mental health, and wellbeing affects their ability to study, progress on their course or work placement, at college and/or when this detrimentally impacts on the health and safety of others.

## **Scope**

This policy and procedure apply to all students enrolled at New College Swindon and includes apprentices, Higher Education, adult, and 14-16 students whom we support. It does not cover the pre-enrolment stage where the Admissions Policy applies. This policy covers all students regardless of their background or protected characteristics which are: age, disability, gender reassignment, marital or partnership status, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## **General Statement of Policy**

New College Swindon recognises that students may face a variation of difficulties and challenges impacting their health, well-being or behaviour which influence the likelihood of success and progression, or their capability to safely attend our college or work placement. The purpose of this policy and procedure is to ensure that New College Swindon staff respond to these situations in a responsive and sensitive way with the needs of the student and all other students and staff at the core of the process.

This policy and procedure also aims to offer an appropriate response in situations where it is not fitting to apply the Positive Behaviour Management policy. This may arise when a student's actions and conduct require considered and sensitive management, because of

mental health, well-being, and disability issues, rather than disciplinary sanction. We aim to engage our best actions to provide additional support and make reasonable adjustments so that barriers are removed to allow academic success.

## **Procedure**

The Fitness to Study process may be suitable in the following situations:

- A student's ill health or wellbeing means they are unable to continue with their education or placement.
- They pose a risk to their own health, safety, and/or wellbeing or that of others.
- A student is or is at risk of harmfully affecting the teaching, education, and experience of themselves or others by preventing them from engaging with their education or work placement for continuous periods of time.
- A student requires support at a level that has extended well beyond that which can reasonably be expected of New College Swindon.

It is important to note that concerns about a student's health or well-being do not prevent them from being required to adhere to New College Swindon's code of conduct and from action being taken against them under the Positive Behaviour Management policy. There may be circumstances where it is still appropriate to implement disciplinary procedures despite concerns about a student's health or well-being. This will be decided on a case-by-case basis by the Curriculum Manager, Assistant Principal of that area, in conjunction with the Safeguarding and Wellbeing Team Managers.

## **Initial response**

New College Swindon seeks to encourage early intervention therefore concerns regarding a student's health or wellbeing ought to be shared with staff at the earliest opportunity. Concerns about a student may be raised by a variety of people for example, the student in person, parent/carer, staff, work placement, provider, other students if appropriate, and external agencies such as health or social care professionals.

If staff have concerns regarding a student's health, wellbeing, or behaviour, and there is no indication of harm to them or others, staff should raise their concern with the student and their parent/carer (if under 18 or 25 with an EHCP the Head of ALS should be involved). If the student is over 18 and does not have an EHCP staff should gain permission from the

student prior to any discussion with their parent / carer. However, in circumstances where there is a risk of serious harm and a potential risk to life there needs to be a decision to contact next of kin or the police. In this circumstance the duty to safeguard the adult will dictate the appropriate response. This decision should be made by the college Designated Safeguarding Lead (DSL) or in their absence a Deputy Designated Safeguarding Lead (DDSL) in consultation with a member of the Executive team. These staff can be contacted via the safeguarding phone or the [safe@newcollege.ac.uk](mailto:safe@newcollege.ac.uk) email address. Staff should offer and agree appropriate support for the student to enable them to continue accessing their education, and placements, and any actions agreed upon should be clearly recorded on ProMonitor.

Actions may include:

- Flagging or referring the student to appropriate college support, for example, the mental health and wellbeing team, ALS, financial support, progress coaches, or safeguarding team.
- Flagging the apprentice to appropriate workplace support, for example, HR in their setting or relevant career advice.
- Flagging the student to appropriate external sources of support e.g., to their GP
- Referring the student to the risk panel in college.
- Putting in place SMART targets for the student to work towards and setting a review date.
- Referring to other New College Swindon procedures, for example, the Positive Behaviour Management policy.
- Putting in place reasonable adjustments for the student, including extenuating circumstances in line with awarding body guidelines.

Reasonable adjustments are actions that New College Swindon may take to ensure that students are not placed at a significant disadvantage due to their disability, difficulty, or additional need. All reasonable adjustments should be financially reasonable and practical for all parties and should not compromise the academic standards, health and safety regulations, or the interest, achievement, and well-being of others.

## Initiating the Fitness to Study Procedure

In the opinion of New College Swindon staff, this does not adequately resolve the concerns, or if the concerns worsen or the concern is sufficiently serious, staff should initiate the Fitness to Study procedure (appendix 1).

Where the concerns indicate there is a potential for risk of harm to the student or others, or there is evidence of external agency involvement (for example, health professionals, social care, mental health services), staff must raise this with the Wellbeing and Mental Health or Safeguarding Teams. The Wellbeing and Mental Health or Safeguarding Teams will ensure active collaboration between staff, the student, and external agencies to provide a consistent and coordinated approach to ensure education or work placement continues to remain accessible. This will include working with the curriculum manager and curriculum team in updating a student's support plan, risk assessment or Personal Emergency Evacuation Plan (PEEP.) In the case of an HE student this will include the Individual Support Plan (ISP) which takes into consideration the Disabled Student Allowance (DSA) report referring to their needs.

In the event, it is believed that there is a significant or imminent risk to self or others, it may be appropriate for the student to be suspended, temporarily, until further information is gathered and a Fitness to Study meeting can take place. This will be decided on a case-by-case basis by the Mental Health and Wellbeing Team, The Safeguarding Team, Curriculum staff and in the case of an HE student the HE office.

A Fitness to Study meeting will be arranged by the Curriculum Manager, Assistant Principal of the Area via the curriculum administrator, and attended by the student, their parent/carer if under the age of 18 or 25 with an EHCP, and a representative of the Mental Health and Wellbeing Team or the Safeguarding Team. All student are welcome to bring along an Advocate of their choice. Students may also wish to have support from external agencies or professionals supporting them or wish to bring evidence of their fitness to study/work from a recognised professional for example, a GP, or mental health specialist.

This meeting is an opportunity to assess whether the student is considered fit to study or attend work placement. For a student to be considered fit to study or attend work placement the following must apply:

- Student must be able to benefit from the programme of study/placement and for the required period, with a reasonable chance of achievement and progression. The diversity of our student community means that the pathways to success will be very different for many students. We will not limit unreasonably the range of behaviours within this description.

- Students must be able to function independently or with allocated support in college, work placement, and community settings.
- A student's mental or physical health needs should not unduly disrupt the education or work of others in the college community or workplace.

Staff will consider:

- A minimum level of attendance that may need to be sustained to allow the student to realistically achieve. The exact expectations regarding attendance will be set in each case depending on individual circumstances. It must be noted that generally academic success depends on engagement in classroom or placement activity. Long periods of complete absence or poor attendance can make a student's education or placement untenable.
- While on a temporary basis it may be reasonable for staff to be flexible with attendance due to poor physical or mental health, prolonged periods of absence may not be sustainable, as many courses cannot be taught long distance.
- There may be times when the nature of a student's ill health requires support beyond the expertise or capacity that a college or work placement can reasonably offer.
- Students must prepare for assessment through completion of homework, coursework, and exam preparation. If they fall significantly behind with their deadlines, despite extensions being offered, then there comes a point at their ability to catch up is not viable.
- Higher Education students who continuously fail to submit work to deadline, despite appropriate use of the Extenuating Circumstances process, may be considered at risk, and be referred to this policy.
- New College Swindon must meet awarding body regulations with regard to meeting coursework deadlines, specification requirements, and procedures for access arrangements.

## **Withdrawal of a Student**

There will be times when, having considered and exhausted all reasonable options, there is a decision made that the student cannot meet the expectations of being a New College Swindon student, or of meeting the requirements of the course or work placement, as their



physical, mental, emotional or psychological health is having an unacceptably deleterious impact upon themselves and other students, staff or visitors. This means that in rare circumstances it may not be possible for the student to remain at the college or in their work placement.

A panel of staff (led by the Curriculum Manager, HE Manager (HE only) Assistant Principal of the area including a member of the Mental Health and Wellbeing Team or Safeguarding Team and in the case of SEND a member of the ALS Team, HE study support (HE only) will review each student's situation and may make a recommendation for withdrawal. If withdrawal is the outcome, the student would have the right of appeal as outlined in the Appeals section.

Students should not be withdrawn without first informing the Mental Health and Wellbeing Manager or the Safeguarding Team Manager, if there is a risk of harm, the student is or has been open to the Mental Health and Wellbeing Team or the Safeguarding Team, they are under the age of 18 and at risk of becoming Not in Education, Employment or Training (NEET), they have an EHCP, or they're 'cared for' by the Local Authority or a 'care leaver'. This information can be found on ProMonitor or by speaking to the Mental Health and Wellbeing Team, Safeguarding Team, and in the case of an EHCP or SEND the ALS Team.

## **Deferral**

In some situations, students may be advised to defer their studies or placement, until they are fit to study or attend work placement. If it is agreed that a restart in the following academic year is an option, a meeting with a panel of staff (led by the Curriculum Manager, Assistant Principal of the area including a member of the Mental Health and Wellbeing Team or Safeguarding Team and in the case of SEND a member of the ALS Team) needs to take place to ensure that there has been sufficient improvement in emotional or physical wellbeing to allow them to recommence. Any deferrals would be granted with the recommendation of external agencies involved, the agreement of the parent or carer if under 18, and an agreed support plan.

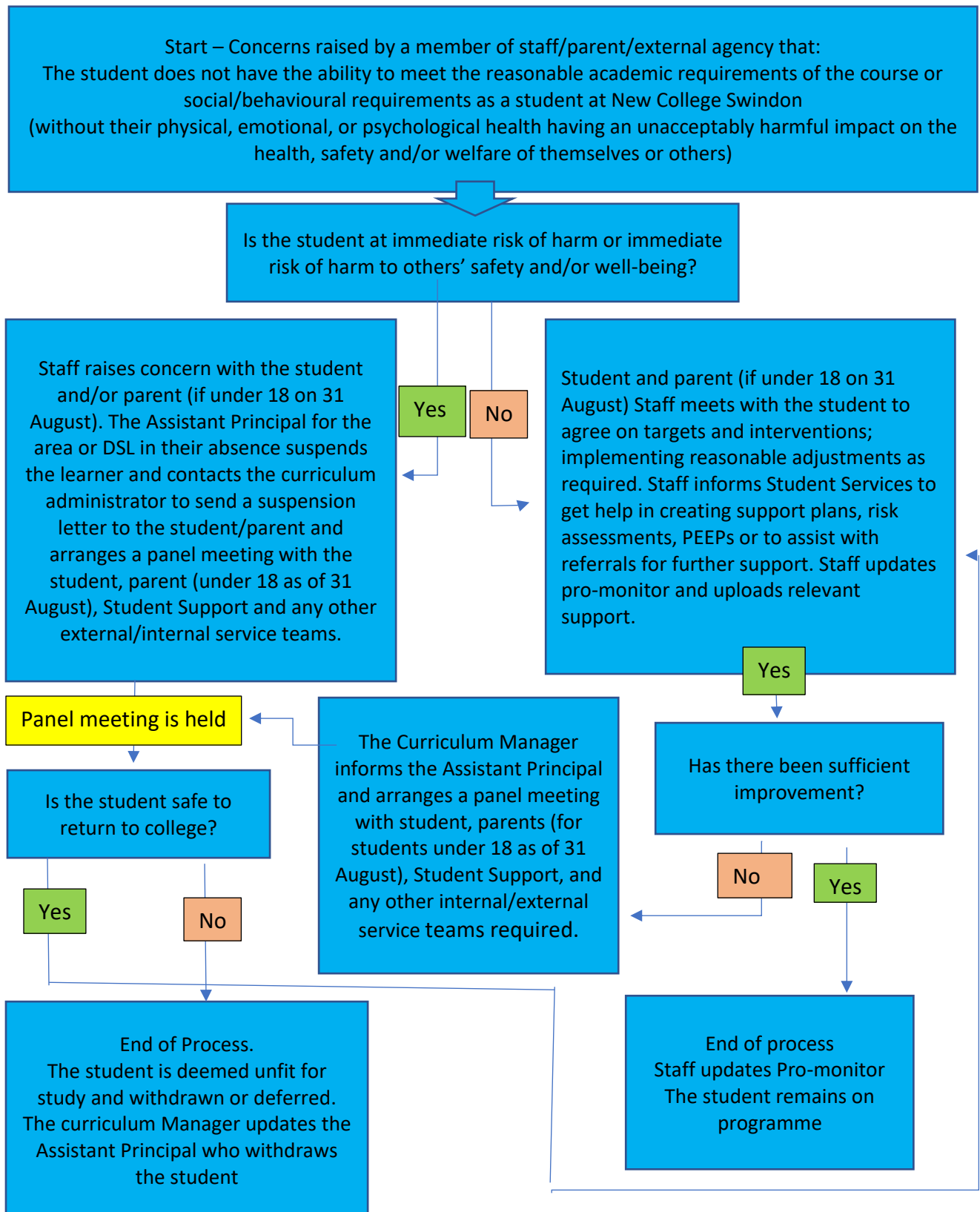
## **Appeals**

All appeals must be submitted in writing to the Assistant Principal of the area or the Curriculum Manager within 10 days of receipt of confirmation of the decision to withdraw or defer the student under the fitness to study criteria. Appeals should include the following information:

- The student can demonstrate a serious breach in the handling of this fitness-to-study process.

- The student has substantial, relevant evidence that was not available to consider at the panel review.
- New information or support is available that would enable the student to access education, mitigating risk to themselves or others whilst studying or working. Appeals should be sent to [feedback@newcollege.ac.uk](mailto:feedback@newcollege.ac.uk)

## Process Flow Diagram



## **Arrangements for Health and Safety**

This policy and its contents are compliant with and compliment the college Health and Safety Policies and practices.

## **Legislation**

Students with mental and physical health conditions are entitled to reasonable adjustments and appropriate support in relation to relevant legislation for example, the Health and Safety at Work Act 1974, the Equality Act, 2010, Keeping Children Safe in Education 2023, and the Children and Families Act 2014.

All personal and sensitive information will be managed in accordance with GDPR legislation and the confidentiality clause in our Safeguarding and Child Protection policy.

There may be occasions where New College Swindon is obliged to disclose information, notwithstanding that the student has refused consent:

- Where the student's behaviour threatens the safety or safety of others.
- Where New College Swindon would be liable to civil or criminal liability for failure to disclose.
- Where failure to share information could result in a child or adult at risk being put at an increased risk of harm.

## **Monitoring, Reviewing, and Auditing**

This policy is to be fully reviewed on a bi-annual basis by the Assistant Principal-Student Services (DSL) and Senior Leadership Team to ensure that it remains current and is informed by best practice and up to date legislative guidance. This policy sits alongside the safeguarding and child protection policy and college positive behaviour management policy.

## Version Control

### Document Location

This document if printed can only be considered up to date on the day that it was printed. For a current version of this document please see the Policy Hub on the Staff Portal and College Website.

### Revision History

**Date of creation:** January 2024

**Date of next Revision:** January 2026

Version	Date	Author	Change Description
1.0	12-01-2024	Stephen Rodger	Creation
1.1			
1.2			
1.3			
1.4			

### Approvals

This document requires the following approvals:

Committee/Principalship	Date
SLT and Principalship	6 February 2024

### Distribution

This document has been distributed to:

Title/External Organisation/All Staff	Date of Issue	Version
All Staff		

## Equality Impact Assessment

**Policy Title:** Fitness to Study Policy and Procedures

	Judgement	Explanatory Note if required
Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?		
Age	No	14 to 16 to adult/HE covered
Disability/Difficulty	partially	If due to medical grounds, it may be appropriate for the College nurse to be present at the meeting.
Gender Reassignment	No	
Marriage and Civil Partnership	No	
Pregnancy/Maternity	Partially	Again, it may be appropriate for the College nurse to be present at the meeting.
Race	No	
Religion or Belief	No	
Sex	No	
Sexual Orientation	No	
EIA 3 – Does the proposed policy/processes contain any language/terms/references/phrasing that could cause offence to any specific groups of people or individuals?	No	Although Mental Health is mentioned multiple times, it is proportional
EIA 4 – Does the policy/process discriminate or victimise any groups of people, or individuals?	No	
EIA 5 – Does this policy/process positively discriminate against any group of people, or individuals?	No	
EIA 5 – Does this policy/process include any positive action to support underrepresented groups of people, or individuals?		Support identified for those going through the process, flow chart shows options
EIA 6 – How do you know that the above is correct?		Through reading and assessing for ED characteristics
GDPR Compliant?	Yes with 1 suggestion	Remove staff name at the start of the Policy, only use Job Titles. The Policy includes the following: Personal and Sensitive information will be managed in accordance with GDPR legislation.

**Date Approved by the EDISC Committee:** 4<sup>th</sup> March