



1. Scope and Purpose

The overarching approach of this procedure is the recognition that each student is an individual, and will be treated with respect. Occasionally students face a personal, challenging situation and we will endeavour to take a fair and consistent approach in circumstances where students are unable to meet course requirements in terms of: attendance; participation in class or completion of work, or the expectations of the College's code of conduct due to:

- a) Aspects of the learner's personal life such as caring responsibilities
- b) Any additional learning needs such as a disability or medical condition
- c) A mental health difficulty or illness

For those learners who experience any of the above, it may be more appropriate to address concerns related to their attendance and behaviour **through an approach based on a consideration of their fitness to study rather than through other procedures, for example, the College's disciplinary procedures.**

The College acknowledges that as a result of implementing this procedure it will receive personal data of a confidential and sensitive nature and will ensure that all such data is handled, processed and stored accordingly to all data protection regulations.

In the main, sensitive personal data and confidential information will only be disclosed to third parties with the express, informed consent of the learner for the purposes of implementing this procedure. However, there may be occasions where the College is obliged to disclose personal data to a third party, notwithstanding that the learner has refused consent. Such circumstances include:

- a) Where the learner's behaviour threatens their safety or the safety of others
- b) Where the member of staff or the College would be liable to civil or criminal penalty for failing to disclose relevant information.

The College's commitment to equality is demonstrated through its determination that every student receives a high quality learning experience, which will enable them to fulfil their potential. The Fitness to Study Procedure will be implemented in a manner which maintains and supports each individual's attendance at college if at all possible.

Indicators of Concern

- a) 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 review their Fitness to Study.
- b) Information from a third party (friend, colleague, work experience placement provider, member of the public, employer, previous educational provider, multi-agency partner, and parent) which indicates there is a need to review Fitness to Study.

- c) The learner's disposition is such that it indicates there may be a need to address an underlying health issue. For example, if a learner has demonstrated mood swings or unusual behaviour, shown signs of depression and/or anxiety, become withdrawn, aggressive, stressed, and irritable or is becoming intimidating towards others.
- d) Behaviour, otherwise dealt with as a disciplinary matter, which may be as a result of an underlying physical or mental health problem.

In all instances a member of the Safeguarding team will be involved.

There are four stages to the Fitness to Study Procedures

- 1.1 Stage 1 – Admissions
- 1.2 Stage 2 – Emerging Concerns
- 1.3 Stage 3 – Continuing or Strong Initial Concerns
- 1.4 Stage 4 – Immediate Serious and/or No Progress Concerns

It is not necessary to implement each stage of the process in every case. Identification of the appropriate stage of the procedure to use will be determined following risk assessment by the appropriate member of staff (e.g. member of the safeguarding team, Student Support Managers) leading the procedure. Where a serious risk is identified, the procedure may be entered at Stage 3 or 4 depending on the level of risk. Should a student be unwilling to participate in the procedures, the process will continue in their absence with all options remaining available.

2. Responsibilities

- 2.1 Where a learner discloses an illness, learning need or disability prior to starting their study programme course or on their application form, this should be referred to the Study Centre Support Team and may be also passed on to the Senior Admissions Team and the Safeguarding Team.
- 2.2 If the disclosure is made during the course, the member of staff involved should inform the Safeguarding Team and/or appropriate Student Support Manager as soon as possible and a referral may also be made to the Study Centre Team.

3. Procedures

3.1 Stage 1 Admissions

Prospective students are encouraged to disclose any additional learning needs/ medical issues related to their mental or physical health at application point. This information does not normally adversely affect any offer of a place.

- 3.2 The College will ask for specific information on the students Disability/ Medical Condition (anorexia nervosa, psychosis etc.) rather than accept any generalised information on the Disability/Medical Condition. This information will be used primarily to establish the best programme of study and to put any additional support requirements in place where this is reasonable.
- 3.3 The College 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 and support staff.
- 3.4 Wherever possible, we aim to include health professionals and other external experts in discussions and in all cases medical evidence will be required to inform the support plan agreed.
- 3.5 Where appropriate, we will draw up a risk assessment before an offer of a place can be made.
- 3.6 The information will be shared with relevant staff members as appropriate.

3.7 Stage 2 - Emerging Concerns

This applies where emerging concerns about a learner's health, safety or well-being are raised.

3.8 A meeting/ discussion will be arranged involving relevant staff. If it is considered that there is an immediate risk to the student or to others the student will be asked to leave college and remain at home until appropriate medical evidence can be obtained which support the student's ability to return to study. In these cases parents/guardians will be contacted to collect the student from college.

3.9 As a result of the meeting the following action will be taken:

- A meeting will be arranged with the student. In all cases involving students aged 18 or younger, a parent or guardian should be involved. If the student is over 18 years of age they are entitled to support but may decide this is not necessary.
- An action plan/risk assessment with monitoring targets to address the issues discussed will be completed. This may involve referral to external agencies.
- Information will be shared with relevant staff as appropriate.
- All outcomes will be recorded.

3.10 Stage 3 – Continuing Concerns

This applies when continuing or serious concerns about a learner's health, safety or wellbeing are raised.

3.11 A meeting/ discussion will be arranged involving relevant staff. If it is considered that there is an immediate risk to the student or to others the student will be asked to leave college and remain at home until appropriate medical evidence can be obtained which support the student's ability to return to study. In these cases parents/guardians will be contacted to collect the student from college.

3.12 Discussions will involve establishing whether further reasonable adjustments or support can be put in place to enable the student to continue their studies safely and effectively.

3.13 As a result of the meeting the following action will be taken:

- A meeting will be arranged with the student. In all cases involving students age 18 or younger, a parent or guardian should be involved. If the student is over 18 years of age they are entitled to support but may decide this is not necessary.
- The student may be withdrawn from their programme of study (or have a revision of their programme of study) with a consideration of re-enrolling at a future date. This may or may not be the same programme of study dependent on the nature of the concerns. If a learner is asked to withdraw from their study programme they will be asked to do this voluntarily. If the student refuses to enter into this agreement voluntarily, the case will be referred to the Vice Principal for a decision on whether the Behaviour/ Disciplinary Policy and procedures are implemented or whether exclusion is recommended.
- The student may be transferred to an alternative programme of study if the time period could allow this.

3.14 Stage 4 – Immediate and Serious and/or No Progress Concerns

This applies when there are immediate and serious issues or where no progress from previous concerns has been made and where a student's actions or behaviour are putting the health, safety, wellbeing or academic progress of themselves or other individuals at significant risk and /or are likely to adversely affect the reputation of the College.

- 3.15** The learner may be suspended until a meeting can be arranged. If the situation is considered to be of a serious nature the Vice Principal may decide to permanently exclude the student.
- 3.16** In the case of suspension the students' parents/ carers will be informed and the student will be asked to leave the premises. They will take a letter with them outlining the reason for the suspension.
- 3.17** Following this a meeting will be held with relevant staff / parents/students to discuss the case.

The following outcomes may be considered:

- Continuing at the College on a discipline contract.
- Recommendation for exclusion from College. This action is for the consideration of the Deputy Principal or Vice Principal.
- Completion of the programme of study as a distance learning package if time to completion is a consideration.

4. Appeals

The student has a right of appeal where the decision has been made to exclude. All appeals should be made in writing to the Principal within 10 College days of the decision.

The Principal's decision will be final.

Exclusion will preclude a student applying for another course at the College until the following academic year or for a period of 6 months depending on when the exclusion occurred. Should the student wish to apply for further study at a future date, the College will require evidence from an external professional that they are fit to return to study with reasonable adjustments if required and will convene a meeting with the student and external agency prior to attending an advice and guidance interview.

5. Related Documents

Student Code of Conduct
Safeguarding Policy
Health and Safety Policy
Behaviour/ Disciplinary Policy Quality Handbook